

ILLINOIS

Illinois Compiled Statutes

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720 ILCS — Criminal Offenses

720 ILCS 5/ Criminal Code of 2012.

720 ILCS 5/1-1 — Short title

Sec. 1-1. Short title. This Act may be cited as the Criminal Code of 2012.

720 ILCS 5/1-2 — General purposes

Sec. 1-2. General purposes. The provisions of this Code shall be construed in accordance with the general purposes hereof, to:

- (a) Forbid and prevent the commission of offenses;
- (b) Define adequately the act and mental state which constitute each offense, and limit the condemnation of conduct as criminal when it is without fault;
- (c) Prescribe penalties which are proportionate to the seriousness of offenses and which permit recognition of differences in rehabilitation possibilities among individual offenders;
- (d) Prevent arbitrary or oppressive treatment of persons accused or convicted of offenses.

720 ILCS 5/1-3 — Applicability of common law

Sec. 1-3. Applicability of common law. No conduct constitutes an offense unless it is described as an offense in this Code or in another statute of this State. However, this provision does not affect the power of a court to punish for contempt or to employ any sanction authorized by law for the enforcement of an order or civil judgment.

720 ILCS 5/1-4 — Civil remedies preserved

Sec. 1-4. Civil remedies preserved. This Code does not bar, suspend, or otherwise affect any right or liability to damages, penalty, forfeiture, or other remedy authorized by law to be recovered or enforced in a civil action, for any conduct which this Code makes punishable; and the civil injury is not merged in the offense.

720 ILCS 5/1-5 — State criminal jurisdiction

Sec. 1-5. State criminal jurisdiction.

- (a) A person is subject to prosecution in this State for an offense which he commits, while either within or outside the State, by his own conduct or that of another for which he is legally accountable, if:
 - (1) the offense is committed either wholly or partly within the State; or
 - (2) the conduct outside the State constitutes an attempt to commit an offense within the State; or
 - (3) the conduct outside the State constitutes a conspiracy to commit an offense within the State, and an act in furtherance of the conspiracy occurs in the State; or
 - (4) the conduct within the State constitutes an attempt, solicitation or conspiracy to commit in another jurisdiction an offense under the laws of both this State and such other jurisdiction.
- (b) An offense is committed partly within this State, if either the conduct which is an element of the offense, or the result which is such an element, occurs within the State. In a prosecution pursuant to paragraph
- (3) of subsection
 - (a) of Section 9-1, the attempt or commission of a forcible felony other than second degree murder within this State is conduct which is an element of the offense for which a person is subject to prosecution in this State. In homicide, the "result" is either the physical contact which causes death, or the death itself; and if the body of a homicide victim is found within the State, the death is presumed to have occurred within the State.
 - (c) An offense which is based on an omission to perform a duty imposed by the law of this State is committed within the State, regardless of the location of the offender at the time of the omission.

720 ILCS 5/1-6 — Place of trial

Sec. 1-6. Place of trial.

(a) Generally. Criminal actions shall be tried in the county where the offense was committed, except as otherwise provided by law. The State is not required to prove during trial that the alleged offense occurred in any particular county in this State. When a defendant contests the place of trial under this Section, all proceedings regarding this issue shall be conducted under Section 114-1 of the Code of Criminal Procedure of 1963. All objections of improper place of trial are waived by a defendant unless made before trial.

(b) Assailant and Victim in Different Counties. If a person committing an offense upon the person of another is located in one county and his victim is located in another county at the time of the commission of the offense, trial may be had in either of said counties.

(c) Death and Cause of Death in Different Places or Undetermined. If cause of death is inflicted in one county and death ensues in another county, the offender may be tried in either county. If neither the county in which the cause of death was inflicted nor the county in which death ensued are known before trial, the offender may be tried in the county where the body was found.

(d) Offense Commenced Outside the State. If the commission of an offense commenced outside the State is consummated within this State, the offender shall be tried in the county where the offense is consummated.

(e) Offenses Committed in Bordering Navigable Waters. If an offense is committed on any of the navigable waters bordering on this State, the offender may be tried in any county adjacent to such navigable water.

(f) Offenses Committed while in Transit. If an offense is committed upon any railroad car, vehicle, watercraft or aircraft passing within this State, and it cannot readily be determined in which county the offense was committed, the offender may be tried in any county through which such railroad car, vehicle, watercraft or aircraft has passed.

(g) Theft. A person who commits theft of property may be tried in any county in which he exerted control over such property.

(h) Bigamy. A person who commits the offense of bigamy may be tried in any county where the bigamous marriage or bigamous cohabitation has occurred.

(i) Kidnaping. A person who commits the offense of kidnaping may be tried in any county in which his victim has traveled or has been confined during the course of the offense.

(j) Pandering. A person who commits the offense of pandering as set forth in subdivision (a)(2)(A) or (a)(2)(B) of Section 11-14.3 may be tried in any county in which the prostitution was practiced or in any county in which any act in furtherance of the offense shall have been committed.

(k) Treason. A person who commits the offense of treason may be tried in any county.

(l) Criminal Defamation. If criminal defamation is spoken, printed or written in one county and is received or circulated in another or other counties, the offender shall be tried in the county where the defamation is spoken, printed or written. If the defamation is spoken, printed or written outside this state, or the offender resides outside this state, the offender may be tried in any county in this state in which the defamation was circulated or received.

(m) Inchoate Offenses. A person who commits an inchoate offense may be tried in any county in which any act which is an element of the offense, including the agreement in conspiracy, is committed.

(n) Accountability for Conduct of Another. Where a person in one county solicits, aids, abets, agrees, or attempts to aid another in the planning or commission of an offense in another county, he may be tried for the offense in either county.

(o) Child Abduction. A person who commits the offense of child abduction may be tried in any county in which his victim has traveled, been detained, concealed or removed to during the course of the offense. Notwithstanding the foregoing, unless for good cause shown, the preferred place of trial shall be the county of the residence of the lawful custodian.

(p) A person who commits the offense of narcotics racketeering may be tried in any county where cannabis or a controlled substance which is the basis for the charge of narcotics racketeering was used; acquired; transferred or distributed to, from or through; or any county where any act was performed to further the use; acquisition, transfer or distribution of said cannabis or controlled substance; any money, property, property interest, or any other asset generated by narcotics activities was acquired, used, sold, transferred or distributed to, from or through; or, any enterprise interest obtained as a result of narcotics racketeering was acquired, used, transferred or distributed to, from or through, or where any activity was conducted by the enterprise or any conduct to further the interests of such an enterprise.

(q) A person who commits the offense of money laundering may be tried in any county where any part of a financial transaction in criminally derived property took place or in any county where any money or monetary instrument which is

the basis for the offense was acquired, used, sold, transferred or distributed to, from or through.

(r) A person who commits the offense of cannabis trafficking or controlled substance trafficking may be tried in any county.

(s) A person who commits the offense of online sale of stolen property, online theft by deception, or electronic fencing may be tried in any county where any one or more elements of the offense took place, regardless of whether the element of the offense was the result of acts by the accused, the victim or by another person, and regardless of whether the defendant was ever physically present within the boundaries of the county.

(t) A person who commits the offense of identity theft or aggravated identity theft may be tried in any one of the following counties in which:

- (1) the offense occurred;
- (2) the information used to commit the offense was illegally used; or
- (3) the victim resides.

(u) A person who commits the offense of financial exploitation of an elderly person or a person with a disability may be tried in any one of the following counties in which:

- (1) any part of the offense occurred; or
- (2) the victim or one of the victims reside. If a person is charged with more than one violation of identity theft or aggravated identity theft and those violations may be tried in more than one county, any of those counties is a proper venue for all of the violations.

(v) A person who commits the offense of non-consensual dissemination of private sexual images may be tried in any one of the following counties in which:

- (1) the offense occurred; or
- (2) the victim resides.

720 ILCS 5/1-8 — Order of protection; status

Sec. 1-8. Order of protection; status. Whenever relief sought under this Code is based on allegations of domestic violence, as defined in the Illinois Domestic Violence Act of 1986, the court, before granting relief, shall determine whether any order of protection has previously been entered in the instant proceeding or any other proceeding in which any party, or a child of any party, or both, if relevant, has been designated as either a respondent or a protected person.

720 ILCS 5/2-0.5 — Definitions

Sec. 2-0.5. Definitions. For the purposes of this Code, the words and phrases described in this Article have the meanings designated in this Article, except when a particular context clearly requires a different meaning.

720 ILCS 5/2-1 — "Acquittal"

Sec. 2-1. "Acquittal". "Acquittal" means a verdict or finding of not guilty of an offense, rendered by a legally constituted jury or by a court of competent jurisdiction authorized to try the case without a jury.

720 ILCS 5/2-2 — "Act"

Sec. 2-2. "Act". "Act" includes a failure or omission to take action.

720 ILCS 5/2-3 — "Another"

Sec. 2-3. "Another". "Another" means a person or persons as defined in this Code other than the offender.

720 ILCS 5/2-3.5

Sec. 2-3.5. "Community policing volunteer" means a person who is summoned or directed by a peace officer or any person actively participating in a community policing program and who is engaged in lawful conduct intended to assist any unit of government in enforcing any criminal or civil law. For the purpose of this Section, "community policing program" means any plan, system or strategy established by and conducted under the auspices of a law enforcement agency in which citizens participate with and are guided by the law enforcement agency and work with members of that agency to reduce or prevent crime within a defined geographic area.

720 ILCS 5/2-3.6 — "Armed with a firearm"

Sec. 2-3.6. "Armed with a firearm". Except as otherwise provided in a specific Section, a person is considered "armed with a firearm" when he or she carries on or about his or her person or is otherwise armed with a firearm.

720 ILCS 5/2-4 — "Conduct"

Sec. 2-4. "Conduct". "Conduct" means an act or a series of acts, and the accompanying mental state.

720 ILCS 5/2-5 — "Conviction"

Sec. 2-5. "Conviction". "Conviction" means a judgment of conviction or sentence entered upon a plea of guilty or upon a verdict or finding of guilty of an offense, rendered by a legally constituted jury or by a court of competent jurisdiction authorized to try the case without a jury. If judgment is withheld, the plea, verdict, or finding of guilty is not a conviction under Illinois law unless and until judgment is entered.

720 ILCS 5/2-5.1 — Day care center

Sec. 2-5.1. Day care center. "Day care center" has the meaning ascribed to it in Section 2.09 of the Child Care Act of 1969.

720 ILCS 5/2-5.2 — Day care home

Sec. 2-5.2. Day care home. "Day care home" has the meaning ascribed to it in Section 2.18 of the Child Care Act of 1969.

720 ILCS 5/2-6 — "Dwelling"

Sec. 2-6. "Dwelling".

(a) Except as otherwise provided in subsection

(b) of this Section, "dwelling" means a building or portion thereof, a tent, a vehicle, or other enclosed space which is used or intended for use as a human habitation, home or residence.

(b) For the purposes of Section 19-3 of this Code, "dwelling" means a house, apartment, mobile home, trailer, or other living quarters in which at the time of the alleged offense the owners or occupants actually reside or in their absence intend within a reasonable period of time to reside.

720 ILCS 5/2-6.5 — Emergency medical technician

Sec. 2-6.5. Emergency medical technician. "Emergency medical technician-ambulance", "emergency medical technician-intermediate", and "emergency medical technician-paramedic" have the meanings ascribed to them in the Emergency Medical Services (EMS) Systems Act.

720 ILCS 5/2-6.6 — Emergency management worker

Sec. 2-6.6. Emergency management worker. "Emergency management worker" shall include the following:

(a) any person, paid or unpaid, who is a member of a local or county emergency services and disaster agency as defined by the Illinois Emergency Management Agency Act, or who is an employee of the Illinois Emergency Management Agency or the Federal Emergency Management Agency;

(b) any employee or volunteer of the American Red Cross;

(c) any employee of a federal, State, county, or local government agency assisting an emergency services and disaster agency, the Illinois Emergency Management Agency, or the Federal Emergency Management Agency through mutual aid or as otherwise requested or directed in time of disaster or emergency; and

(d) any person volunteering or directed to assist an emergency services and disaster agency, the Illinois Emergency Management Agency, or the Federal Emergency Management Agency.

720 ILCS 5/2-7 — "Felony"

Sec. 2-7. "Felony". "Felony" means an offense for which a sentence to a term of imprisonment in a penitentiary for one year or more is provided.

720 ILCS 5/2-7.1 — "Firearm" and "firearm ammunition"

Sec. 2-7.1. "Firearm" and "firearm ammunition". "Firearm" and "firearm ammunition" have the meanings ascribed to them in Section 1.1 of the Firearm Owners Identification Card Act.

720 ILCS 5/2-7.5 — "Firearm"

Sec. 2-7.5. "Firearm". Except as otherwise provided in a specific Section, "firearm" has the meaning ascribed to it in Section 1.1 of the Firearm Owners Identification Card Act.

720 ILCS 5/2-8 — "Forcible felony"

Sec. 2-8. "Forcible felony". "Forcible felony" means treason, first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, robbery, burglary, residential burglary, aggravated arson, arson, aggravated kidnaping, kidnaping, aggravated battery resulting in great bodily harm or permanent disability or disfigurement and any other felony which involves the use or threat of physical force or violence against any individual.

720 ILCS 5/2-8.1 — Group day care home

Sec. 2-8.1. Group day care home. "Group day care home" has the meaning ascribed to it in Section 2.20 of the Child Care Act of 1969.

720 ILCS 5/2-9 — "Included offense"

Sec. 2-9. "Included offense". "Included offense" means an offense which

- (a) Is established by proof of the same or less than all of the facts or a less culpable mental state (or both), than that which is required to establish the commission of the offense charged, or
- (b) Consists of an attempt to commit the offense charged or an offense included therein.

720 ILCS 5/2-10 — "Includes"

Sec. 2-10. "Includes". "Includes" or "including" means comprehending among other particulars, without limiting the generality of the foregoing word or phrase.

720 ILCS 5/2-10.1

Sec. 2-10.1. "Person with a severe or profound intellectual disability" means a person

(i) whose intelligence quotient does not exceed 40 or (ii) whose intelligence quotient does not exceed 55 and who suffers from significant mental illness to the extent that the person's ability to exercise rational judgment is impaired. In any proceeding in which the defendant is charged with committing a violation of Section 10-2, 10-5, 11-1.30, 11-1.60, 11-14.4, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-4.3, 12-14, or 12-16, or subdivision (b)(1) of Section 12-3.05, of this Code against a victim who is alleged to be a person with a severe or profound intellectual disability, any findings concerning the victim's status as a person with a severe or profound intellectual disability, made by a court after a judicial admission hearing concerning the victim under Articles V and VI of Chapter IV of the Mental Health and Developmental Disabilities Code shall be admissible.

720 ILCS 5/2-10.2 — Laser or laser device

Sec. 2-10.2. Laser or laser device. "Laser" or "laser device" means any small or hand-held battery powered device which converts incident electromagnetic radiation of mixed frequencies to one or more discrete frequencies of highly amplified and coherent visible radiation or light. Proof that a particular device casts a small red dot or other similar small and discrete image or small and discrete visual signal upon a target surface at least 15 feet away creates a rebuttable presumption that the device is a laser. Flashlights and similar lamps, lanterns, lights, and penlights are not laser devices.

720 ILCS 5/2-10.3 — Laser gunsight

Sec. 2-10.3. Laser gunsight. "Laser gunsight" means any battery powered laser device manufactured to function as a firearm aiming device or sold as a firearm aiming device.

720 ILCS 5/2-11 — "Misdemeanor"

Sec. 2-11. "Misdemeanor". "Misdemeanor" means any offense for which a sentence to a term of imprisonment in other than a penitentiary for less than one year may be imposed.

720 ILCS 5/2-11.1 — "Motor vehicle"

Sec. 2-11.1. "Motor vehicle". "Motor vehicle" has the meaning ascribed to it in the Illinois Vehicle Code.

720 ILCS 5/2-12 — "Offense"

Sec. 2-12. "Offense". "Offense" means a violation of any penal statute of this State.

720 ILCS 5/2-12.1 — Part day child care facility

Sec. 2-12.1. Part day child care facility. "Part day child care facility" has the meaning ascribed to it in Section 2.10 of the Child Care Act of 1969.

720 ILCS 5/2-13 — "Peace officer"

Sec. 2-13. "Peace officer". "Peace officer" means

(i) any person who by virtue of the person's office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses, or (ii) any person who, by statute, is granted and authorized to exercise powers similar to those conferred upon any peace officer employed by a law enforcement agency of this State. For purposes of Sections concerning unlawful possession of weapons, for the purposes of assisting an Illinois peace officer in an arrest, or when the commission of any offense under Illinois law is directly observed by the person, and statutes involving the false personation of a peace officer, false personation of a peace officer while carrying a deadly weapon, false personation of a peace officer in attempting or committing a felony, and false personation of a peace officer in attempting or committing a forcible felony, then officers, agents, or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered "peace officers" under this Code, including, but not limited to, all criminal investigators of:

- (1) the United States Department of Justice, the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco, Firearms and Explosives, and the Drug Enforcement Administration and all United States Marshals or Deputy United States Marshals whose duties involve the enforcement of federal criminal laws; (1.5) the United States Department of Homeland Security, United States Citizenship and Immigration Services, United States Coast Guard, United States Customs and Border Protection, and United States Immigration and Customs Enforcement;
- (2) the United States Department of the Treasury, the Alcohol and Tobacco Tax and Trade Bureau, and the United States Secret Service;
- (3) the United States Internal Revenue Service;
- (4) the United States General Services Administration;
- (5) the United States Postal Service;
- (6) (blank); and
- (7) the United States Department of Defense.

720 ILCS 5/2-14 — "Penal institution"

Sec. 2-14. "Penal institution". "Penal institution" means a penitentiary, state farm, reformatory, prison, jail, house of correction, or other institution for the incarceration or custody of persons under sentence for offenses or awaiting trial or sentence for offenses.

720 ILCS 5/2-15 — "Person"

Sec. 2-15. "Person". "Person" means an individual, natural person, public or private corporation, government, partnership, unincorporated association, or other entity.

720 ILCS 5/2-15.5 — "Personally discharged a firearm"

Sec. 2-15.5. "Personally discharged a firearm". A person is considered to have "personally discharged a firearm" when he or she, while armed with a firearm, knowingly and intentionally fires a firearm causing the ammunition projectile to be forcefully expelled from the firearm.

720 ILCS 5/2-15a — "Person with a physical disability"

Sec. 2-15a. "Person with a physical disability". "Person with a physical disability" means a person who suffers from a permanent and disabling physical characteristic, resulting from disease, injury, functional disorder, or congenital condition.

720 ILCS 5/2-15b

Sec. 2-15b. "Place of worship" means a church, synagogue, mosque, temple, or other building, structure, or place used primarily for religious worship and includes the grounds of a place of worship.

720 ILCS 5/2-16 — "Prosecution"

Sec. 2-16. "Prosecution". "Prosecution" means all legal proceedings by which a person's liability for an offense is determined, commencing with the return of the indictment or the issuance of the information, and including the final disposition of the case upon appeal.

720 ILCS 5/2-17 — "Public employee"

Sec. 2-17. "Public employee". "Public employee" means a person, other than a public officer, who is authorized to perform any official function on behalf of, and is paid by, the State or any of its political subdivisions.

720 ILCS 5/2-18 — "Public officer"

Sec. 2-18. "Public officer". "Public officer" means a person who is elected to office pursuant to statute, or who is appointed to an office which is established, and the qualifications and duties of which are prescribed, by statute, to discharge a public duty for the State or any of its political subdivisions.

720 ILCS 5/2-19 — "Reasonable belief"

Sec. 2-19. "Reasonable belief". "Reasonable belief" or "reasonably believes" means that the person concerned, acting as a reasonable man, believes that the described facts exist.

720 ILCS 5/2-19.5

Sec. 2-19.5. "School" means a public, private, or parochial elementary or secondary school, community college, college, or university and includes the grounds of a school.

720 ILCS 5/2-20 — "Solicit"

Sec. 2-20. "Solicit". "Solicit" or "solicitation" means to command, authorize, urge, incite, request, or advise another to commit an offense.

720 ILCS 5/2-21 — "State"

Sec. 2-21. "State". "State" or "this State" means the State of Illinois, and all land and water in respect to which the State of Illinois has either exclusive or concurrent jurisdiction, and the air space above such land and water. "Other state" means any state or territory of the United States, the District of Columbia and the Commonwealth of Puerto Rico.

720 ILCS 5/2-22 — "Statute"

Sec. 2-22. "Statute". "Statute" means the Constitution or an Act of the General Assembly of this State.

720 ILCS 5/3-1 — Presumption of innocence and proof of guilt

Sec. 3-1. Presumption of innocence and proof of guilt. Every person is presumed innocent until proved guilty. No person shall be convicted of any offense unless his guilt thereof is proved beyond a reasonable doubt.

720 ILCS 5/3-2 — Affirmative defense

Sec. 3-2. Affirmative defense.

(a) "Affirmative defense" means that unless the State's evidence raises the issue involving the alleged defense, the defendant, to raise the issue, must present some evidence thereon.

(b) If the issue involved in an affirmative defense, other than insanity, is raised then the State must sustain the burden of proving the defendant guilty beyond a reasonable doubt as to that issue together with all the other elements of the offense. If the affirmative defense of insanity is raised, the defendant bears the burden of proving by clear and convincing evidence his insanity at the time of the offense.

720 ILCS 5/3-3 — Multiple prosecutions for same act

Sec. 3-3. Multiple prosecutions for same act.

- (a) When the same conduct of a defendant may establish the commission of more than one offense, the defendant may be prosecuted for each such offense.
- (b) If the several offenses are known to the proper prosecuting officer at the time of commencing the prosecution and are within the jurisdiction of a single court, they must be prosecuted in a single prosecution, except as provided in Subsection (c), if they are based on the same act.
- (c) When 2 or more offenses are charged as required by Subsection (b), the court in the interest of justice may order that one or more of such charges shall be tried separately.

720 ILCS 5/3-4 — Effect of former prosecution

Sec. 3-4. Effect of former prosecution.

- (a) A prosecution is barred if the defendant was formerly prosecuted for the same offense, based upon the same facts, if that former prosecution:
 - (1) resulted in either a conviction or an acquittal or in a determination that the evidence was insufficient to warrant a conviction;
 - (2) was terminated by a final order or judgment, even if entered before trial, that required a determination inconsistent with any fact or legal proposition necessary to a conviction in the subsequent prosecution; or
 - (3) was terminated improperly after the jury was impaneled and sworn or, in a trial before a court without a jury, after the first witness was sworn but before findings were rendered by the trier of facts, or after a plea of guilty was accepted by the court. A conviction of an included offense, other than through a plea of guilty, is an acquittal of the offense charged.
- (b) A prosecution is barred if the defendant was formerly prosecuted for a different offense, or for the same offense based upon different facts, if that former prosecution:
 - (1) resulted in either a conviction or an acquittal, and the subsequent prosecution is for an offense of which the defendant could have been convicted on the former prosecution; or was for an offense with which the defendant should have been charged on the former prosecution, as provided in Section 3-3 of this Code (unless the court ordered a separate trial of that charge); or was for an offense that involves the same conduct, unless each prosecution requires proof of a fact not required on the other prosecution, or the offense was not consummated when the former trial began;
 - (2) was terminated by a final order or judgment, even if entered before trial, that required a determination inconsistent with any fact necessary to a conviction in the subsequent prosecution; or
 - (3) was terminated improperly under the circumstances stated in subsection (a), and the subsequent prosecution is for an offense of which the defendant could have been convicted if the former prosecution had not been terminated improperly.
- (c) A prosecution is barred if the defendant was formerly prosecuted in a District Court of the United States or in a sister state for an offense that is within the concurrent jurisdiction of this State, if that former prosecution:
 - (1) resulted in either a conviction or an acquittal, and the subsequent prosecution is for the same conduct, unless each prosecution requires proof of a fact not required in the other prosecution, or the offense was not consummated when the former trial began; or
 - (2) was terminated by a final order or judgment, even if entered before trial, that required a determination inconsistent with any fact necessary to a conviction in the prosecution in this State.
- (d) A prosecution is not barred within the meaning of this Section 3-4, however, if the former prosecution:
 - (1) was before a court that lacked jurisdiction over the defendant or the offense; or
 - (2) was procured by the defendant without the knowledge of the proper prosecuting officer, and with the purpose of avoiding the sentence that otherwise might be imposed; or if subsequent proceedings resulted in the invalidation, setting aside, reversal, or vacating of the conviction, unless the defendant was thereby adjudged not guilty.

720 ILCS 5/3-5 — General limitations

Sec. 3-5. General limitations.

- (a) A prosecution for:

(1) first degree murder, attempt to commit first degree murder, second degree murder, involuntary manslaughter, reckless homicide, a violation of subparagraph (F) of paragraph

(1) of subsection

(d) of Section 11-501 of the Illinois Vehicle Code for the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof when the violation was a proximate cause of a death, leaving the scene of a motor vehicle crash involving death or personal injuries under Section 11-401 of the Illinois Vehicle Code, failing to give information and render aid under Section 11-403 of the Illinois Vehicle Code, concealment of homicidal death, treason, arson, residential arson, aggravated arson, forgery, child sexual abuse material or child pornography under paragraph

(1) of subsection

(a) of Section 11-20.1, or aggravated child pornography under paragraph

(1) of subsection

(a) of Section 11-20.1B, or

(2) any offense involving sexual conduct or sexual penetration, as defined by Section 11-0.1 of this Code may be commenced at any time. (a-5) A prosecution for theft of property exceeding \$100,000 in value under Section 16-1, identity theft under subsection

(a) of Section 16-30, aggravated identity theft under subsection

(b) of Section 16-30, financial exploitation of an elderly person or a person with a disability under Section 17-56; theft by deception of a victim 60 years of age or older or a person with a disability under Section 16-1; or any offense set forth in Article 16H or Section 17-10.6 may be commenced within 7 years of the last act committed in furtherance of the crime.

(b) Unless the statute describing the offense provides otherwise, or the period of limitation is extended by Section 3-6, a prosecution for any offense not designated in subsection

(a) or (a-5) must be commenced within 3 years after the commission of the offense if it is a felony, or within one year and 6 months after its commission if it is a misdemeanor.

720 ILCS 5/3-6 — Extended limitations

Sec. 3-6. Extended limitations. The period within which a prosecution must be commenced under the provisions of Section 3-5 or other applicable statute is extended under the following conditions:

(a) A prosecution for theft involving a breach of a fiduciary obligation to the aggrieved person may be commenced as follows:

(1) If the aggrieved person is a minor or a person under legal disability, then during the minority or legal disability or within one year after the termination thereof.

(2) In any other instance, within one year after the discovery of the offense by an aggrieved person, or by a person who has legal capacity to represent an aggrieved person or has a legal duty to report the offense, and is not himself or herself a party to the offense; or in the absence of such discovery, within one year after the proper prosecuting officer becomes aware of the offense. However, in no such case is the period of limitation so extended more than 3 years beyond the expiration of the period otherwise applicable.

(b) A prosecution for any offense based upon misconduct in office by a public officer or employee may be commenced within one year after discovery of the offense by a person having a legal duty to report such offense, or in the absence of such discovery, within one year after the proper prosecuting officer becomes aware of the offense. However, in no such case is the period of limitation so extended more than 3 years beyond the expiration of the period otherwise applicable.

(b-5) When the victim is under 18 years of age at the time of the offense, a prosecution for involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons and related offenses under Section 10-9 of this Code may be commenced within 25 years of the victim attaining the age of 18 years. (b-6) When the victim is 18 years of age or over at the time of the offense, a prosecution for involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons and related offenses under Section 10-9 of this Code may be commenced within 25 years after the commission of the offense. (b-7) When the victim is under 18 years of age at the time of the offense, a prosecution for female genital mutilation may be commenced at any time.

(c) (Blank).

(d) A prosecution for child pornography, aggravated child pornography, indecent solicitation of a child, soliciting for a sexually exploited child, juvenile pimping, exploitation of a child, or promoting commercial sexual exploitation of a child except for keeping a place of commercial sexual exploitation of a child may be commenced within one year of the victim attaining the age of 18 years. However, in no such case shall the time period for prosecution expire sooner than 3 years after the commission of the offense.

(e) Except as otherwise provided in subdivision (j), a prosecution for any offense involving sexual conduct or sexual penetration, as defined in Section 11-0.1 of this Code, where the defendant was within a professional or fiduciary relationship or a purported professional or fiduciary relationship with the victim at the time of the commission of the offense may be commenced within one year after the discovery of the offense by the victim.

(f) A prosecution for any offense set forth in Section 44 of the Environmental Protection Act may be commenced within 5 years after the discovery of such an offense by a person or agency having the legal duty to report the offense or in the absence of such discovery, within 5 years after the proper prosecuting officer becomes aware of the offense. (f-5) A prosecution for any offense set forth in Section 16-30 of this Code may be commenced within 5 years after the discovery of the offense by the victim of that offense.

(g) (Blank).

(h) (Blank).

(i) Except as otherwise provided in subdivision (j), a prosecution for criminal sexual assault, aggravated criminal sexual assault, or aggravated criminal sexual abuse may be commenced at any time. If the victim consented to the collection of evidence using an Illinois State Police Sexual Assault Evidence Collection Kit under the Sexual Assault Survivors Emergency Treatment Act, it shall constitute reporting for purposes of this Section. Nothing in this subdivision

(i) shall be construed to shorten a period within which a prosecution must be commenced under any other provision of this Section. (i-5) A prosecution for armed robbery, home invasion, kidnapping, or aggravated kidnapping may be commenced within 10 years of the commission of the offense if it arises out of the same course of conduct and meets the criteria under one of the offenses in subsection

(i) of this Section.

(j)

(1) When the victim is under 18 years of age at the time of the offense, a prosecution for criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual abuse, felony criminal sexual abuse, or female genital mutilation may be commenced at any time.

(2) When in circumstances other than as described in paragraph

(1) of this subsection (j), when the victim is under 18 years of age at the time of the offense, a prosecution for failure of a person who is required to report an alleged or suspected commission of criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual abuse, or felony criminal sexual abuse under the Abused and Neglected Child Reporting Act may be commenced within 20 years after the child victim attains 18 years of age.

(3) When the victim is under 18 years of age at the time of the offense, a prosecution for misdemeanor criminal sexual abuse may be commenced within 10 years after the child victim attains 18 years of age.

(4) Nothing in this subdivision

(j) shall be construed to shorten a period within which a prosecution must be commenced under any other provision of this Section. (j-5) A prosecution for armed robbery, home invasion, kidnapping, or aggravated kidnapping may be commenced at any time if it arises out of the same course of conduct and meets the criteria under one of the offenses in subsection

(j) of this Section.

(k) (Blank).

(l) A prosecution for any offense set forth in Section 26-4 of this Code may be commenced within one year after the discovery of the offense by the victim of that offense. (l-5) A prosecution for any offense involving sexual conduct or sexual penetration, as defined in Section 11-0.1 of this Code, in which the victim was 18 years of age or older at the time of the offense, may be commenced within one year after the discovery of the offense by the victim when corroborating physical evidence is available. The charging document shall state that the statute of limitations is extended under this

subsection (l-5) and shall state the circumstances justifying the extension. Nothing in this subsection (l-5) shall be construed to shorten a period within which a prosecution must be commenced under any other provision of this Section or Section 3-5 of this Code.

(m) The prosecution shall not be required to prove at trial facts which extend the general limitations in Section 3-5 of this Code when the facts supporting extension of the period of general limitations are properly pled in the charging document. Any challenge relating to the extension of the general limitations period as defined in this Section shall be exclusively conducted under Section 114-1 of the Code of Criminal Procedure of 1963.

(n) A prosecution for any offense set forth in subsection (a), (b), or

(c) of Section 8A-3 or Section 8A-13 of the Illinois Public Aid Code, in which the total amount of money involved is \$5,000 or more, including the monetary value of food stamps and the value of commodities under Section 16-1 of this Code may be commenced within 5 years of the last act committed in furtherance of the offense.

(o) A prosecution for any offense based upon fraudulent activity connected to COVID-19-related relief programs, to include the Paycheck Protection Program, COVID-19 Economic Injury Disaster Loan Program, and the Unemployment Benefit Programs shall be commenced within 5 years after discovery of the offense by a person having a legal duty to report such offense, or in the absence of such discovery, within 5 years after the proper prosecuting officer becomes aware of the offense. However, in no such case is the period of limitation so extended more than 10 years beyond the expiration of the period otherwise applicable. (Text of Section from P.A. 104-241) Sec. 3-6. Extended limitations. The period within which a prosecution must be commenced under the provisions of Section 3-5 or other applicable statute is extended under the following conditions:

(a) A prosecution for theft involving a breach of a fiduciary obligation to the aggrieved person may be commenced as follows:

(1) If the aggrieved person is a minor or a person under legal disability, then during the minority or legal disability or within one year after the termination thereof.

(2) In any other instance, within one year after the discovery of the offense by an aggrieved person, or by a person who has legal capacity to represent an aggrieved person or has a legal duty to report the offense, and is not himself or herself a party to the offense; or in the absence of such discovery, within one year after the proper prosecuting officer becomes aware of the offense. However, in no such case is the period of limitation so extended more than 3 years beyond the expiration of the period otherwise applicable.

(b) A prosecution for any offense based upon misconduct in office by a public officer or employee may be commenced within one year after discovery of the offense by a person having a legal duty to report such offense, or in the absence of such discovery, within one year after the proper prosecuting officer becomes aware of the offense. However, in no such case is the period of limitation so extended more than 3 years beyond the expiration of the period otherwise applicable.

(b-5)(1) When the victim is under 18 years of age at the time of the offense, a prosecution for involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons and related offenses under Section 10-9 of this Code may be commenced within 25 years of the victim attaining the age of 18 years.

(2) When the victim is under 18 years of age at the time of the offense, a prosecution for involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons and related offenses under Section 10-9 of this Code may be commenced at any time. This paragraph

(2) applies to prosecutions for such conduct arising on or after the effective date of this amendatory Act of the 104th General Assembly. (b-6) When the victim is 18 years of age or over at the time of the offense, a prosecution for involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons and related offenses under Section 10-9 of this Code may be commenced within 25 years after the commission of the offense. (b-7) When the victim is under 18 years of age at the time of the offense, a prosecution for female genital mutilation may be commenced at any time.

(c) (Blank).

(d) A prosecution for child pornography, aggravated child pornography, indecent solicitation of a child, soliciting for a juvenile prostitute, juvenile pimping, exploitation of a child, or promoting juvenile prostitution except for keeping a place of juvenile prostitution may be commenced within one year of the victim attaining the age of 18 years. However, in no such case shall the time period for prosecution expire sooner than 3 years after the commission of the offense.

(e) Except as otherwise provided in subdivision (j), a prosecution for any offense involving sexual conduct or sexual penetration, as defined in Section 11-0.1 of this Code, where the defendant was within a professional or fiduciary relationship or a purported professional or fiduciary relationship with the victim at the time of the commission of the offense may be commenced within one year after the discovery of the offense by the victim.

(f) A prosecution for any offense set forth in Section 44 of the Environmental Protection Act may be commenced within 5 years after the discovery of such an offense by a person or agency having the legal duty to report the offense or in the absence of such discovery, within 5 years after the proper prosecuting officer becomes aware of the offense. (f-5) A prosecution for any offense set forth in Section 16-30 of this Code may be commenced within 5 years after the discovery of the offense by the victim of that offense.

(g) (Blank).

(h) (Blank).

(i) Except as otherwise provided in subdivision (j), a prosecution for criminal sexual assault, aggravated criminal sexual assault, or aggravated criminal sexual abuse may be commenced at any time. If the victim consented to the collection of evidence using an Illinois State Police Sexual Assault Evidence Collection Kit under the Sexual Assault Survivors Emergency Treatment Act, it shall constitute reporting for purposes of this Section. Nothing in this subdivision

(i) shall be construed to shorten a period within which a prosecution must be commenced under any other provision of this Section. (i-5) A prosecution for armed robbery, home invasion, kidnapping, or aggravated kidnaping may be commenced within 10 years of the commission of the offense if it arises out of the same course of conduct and meets the criteria under one of the offenses in subsection

(i) of this Section.

(j)

(1) When the victim is under 18 years of age at the time of the offense, a prosecution for criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual abuse, felony criminal sexual abuse, or female genital mutilation may be commenced at any time.

(2) When in circumstances other than as described in paragraph

(1) of this subsection (j), when the victim is under 18 years of age at the time of the offense, a prosecution for failure of a person who is required to report an alleged or suspected commission of criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual abuse, or felony criminal sexual abuse under the Abused and Neglected Child Reporting Act may be commenced within 20 years after the child victim attains 18 years of age.

(3) When the victim is under 18 years of age at the time of the offense, a prosecution for misdemeanor criminal sexual abuse may be commenced within 10 years after the child victim attains 18 years of age.

(4) Nothing in this subdivision

(j) shall be construed to shorten a period within which a prosecution must be commenced under any other provision of this Section. (j-5) A prosecution for armed robbery, home invasion, kidnapping, or aggravated kidnaping may be commenced at any time if it arises out of the same course of conduct and meets the criteria under one of the offenses in subsection

(j) of this Section.

(k) (Blank).

(l) A prosecution for any offense set forth in Section 26-4 of this Code may be commenced within one year after the discovery of the offense by the victim of that offense. (l-5) A prosecution for any offense involving sexual conduct or sexual penetration, as defined in Section 11-0.1 of this Code, in which the victim was 18 years of age or older at the time of the offense, may be commenced within one year after the discovery of the offense by the victim when corroborating physical evidence is available. The charging document shall state that the statute of limitations is extended under this subsection (l-5) and shall state the circumstances justifying the extension. Nothing in this subsection (l-5) shall be construed to shorten a period within which a prosecution must be commenced under any other provision of this Section or Section 3-5 of this Code.

(m) The prosecution shall not be required to prove at trial facts which extend the general limitations in Section 3-5 of this Code when the facts supporting extension of the period of general limitations are properly pled in the charging document.

Any challenge relating to the extension of the general limitations period as defined in this Section shall be exclusively conducted under Section 114-1 of the Code of Criminal Procedure of 1963.

(n) A prosecution for any offense set forth in subsection (a), (b), or

(c) of Section 8A-3 or Section 8A-13 of the Illinois Public Aid Code, in which the total amount of money involved is \$5,000 or more, including the monetary value of food stamps and the value of commodities under Section 16-1 of this Code may be commenced within 5 years of the last act committed in furtherance of the offense.

(o) A prosecution for any offense based upon fraudulent activity connected to COVID-19-related relief programs, to include the Paycheck Protection Program, COVID-19 Economic Injury Disaster Loan Program, and the Unemployment Benefit Programs shall be commenced within 5 years after discovery of the offense by a person having a legal duty to report such offense, or in the absence of such discovery, within 5 years after the proper prosecuting officer becomes aware of the offense. However, in no such case is the period of limitation so extended more than 10 years beyond the expiration of the period otherwise applicable. (Text of Section from P.A. 104-245) Sec. 3-6. Extended limitations. The period within which a prosecution must be commenced under the provisions of Section 3-5 or other applicable statute is extended under the following conditions:

(a) A prosecution for theft involving a breach of a fiduciary obligation to the aggrieved person may be commenced as follows:

(1) If the aggrieved person is a minor or a person under legal disability, then during the minority or legal disability or within one year after the termination thereof.

(2) In any other instance, within one year after the discovery of the offense by an aggrieved person, or by a person who has legal capacity to represent an aggrieved person or has a legal duty to report the offense, and is not himself or herself a party to the offense; or in the absence of such discovery, within one year after the proper prosecuting officer becomes aware of the offense. However, in no such case is the period of limitation so extended more than 3 years beyond the expiration of the period otherwise applicable.

(b) A prosecution for any offense based upon misconduct in office by a public officer or employee may be commenced within one year after discovery of the offense by a person having a legal duty to report such offense, or in the absence of such discovery, within one year after the proper prosecuting officer becomes aware of the offense. However, in no such case is the period of limitation so extended more than 3 years beyond the expiration of the period otherwise applicable.

(b-5) When the victim is under 18 years of age at the time of the offense, a prosecution for involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons and related offenses under Section 10-9 of this Code may be commenced within 25 years of the victim attaining the age of 18 years. (b-6) When the victim is 18 years of age or over at the time of the offense, a prosecution for involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons and related offenses under Section 10-9 of this Code may be commenced within 25 years after the commission of the offense. (b-7) When the victim is under 18 years of age at the time of the offense, a prosecution for female genital mutilation may be commenced at any time. (b-8) When the victim is under 17 years of age at the time of the offense, a prosecution for grooming may be commenced within 10 years after the victim attains 17 years of age.

(c) (Blank).

(d) A prosecution for child sexual abuse material or child pornography, aggravated child pornography, indecent solicitation of a child, soliciting for a juvenile prostitute, juvenile pimping, exploitation of a child, or promoting juvenile prostitution except for keeping a place of juvenile prostitution may be commenced within one year of the victim attaining the age of 18 years. However, in no such case shall the time period for prosecution expire sooner than 3 years after the commission of the offense.

(e) Except as otherwise provided in subdivision (j), a prosecution for any offense involving sexual conduct or sexual penetration, as defined in Section 11-0.1 of this Code, where the defendant was within a professional or fiduciary relationship or a purported professional or fiduciary relationship with the victim at the time of the commission of the offense may be commenced within one year after the discovery of the offense by the victim.

(f) A prosecution for any offense set forth in Section 44 of the Environmental Protection Act may be commenced within 5 years after the discovery of such an offense by a person or agency having the legal duty to report the offense or in the absence of such discovery, within 5 years after the proper prosecuting officer becomes aware of the offense. (f-5) A prosecution for any offense set forth in Section 16-30 of this Code may be commenced within 5 years after the discovery of the offense by the victim of that offense.

(g) (Blank).

(h) (Blank).

(i) Except as otherwise provided in subdivision (j), a prosecution for criminal sexual assault, aggravated criminal sexual assault, or aggravated criminal sexual abuse may be commenced at any time. If the victim consented to the collection of evidence using an Illinois State Police Sexual Assault Evidence Collection Kit under the Sexual Assault Survivors Emergency Treatment Act, it shall constitute reporting for purposes of this Section. Nothing in this subdivision

(i) shall be construed to shorten a period within which a prosecution must be commenced under any other provision of this Section. (i-5) A prosecution for armed robbery, home invasion, kidnapping, or aggravated kidnapping may be commenced within 10 years of the commission of the offense if it arises out of the same course of conduct and meets the criteria under one of the offenses in subsection

(i) of this Section.

(j)

(1) When the victim is under 18 years of age at the time of the offense, a prosecution for criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual abuse, felony criminal sexual abuse, or female genital mutilation may be commenced at any time.

(2) When in circumstances other than as described in paragraph

(1) of this subsection (j), when the victim is under 18 years of age at the time of the offense, a prosecution for failure of a person who is required to report an alleged or suspected commission of criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual abuse, or felony criminal sexual abuse under the Abused and Neglected Child Reporting Act may be commenced within 20 years after the child victim attains 18 years of age.

(3) When the victim is under 18 years of age at the time of the offense, a prosecution for misdemeanor criminal sexual abuse may be commenced within 10 years after the child victim attains 18 years of age.

(4) Nothing in this subdivision

(j) shall be construed to shorten a period within which a prosecution must be commenced under any other provision of this Section. (j-5) A prosecution for armed robbery, home invasion, kidnapping, or aggravated kidnapping may be commenced at any time if it arises out of the same course of conduct and meets the criteria under one of the offenses in subsection

(j) of this Section.

(k) (Blank).

(l) A prosecution for any offense set forth in Section 26-4 of this Code may be commenced within one year after the discovery of the offense by the victim of that offense. (l-5) A prosecution for any offense involving sexual conduct or sexual penetration, as defined in Section 11-0.1 of this Code, in which the victim was 18 years of age or older at the time of the offense, may be commenced within one year after the discovery of the offense by the victim when corroborating physical evidence is available. The charging document shall state that the statute of limitations is extended under this subsection (l-5) and shall state the circumstances justifying the extension. Nothing in this subsection (l-5) shall be construed to shorten a period within which a prosecution must be commenced under any other provision of this Section or Section 3-5 of this Code.

(m) The prosecution shall not be required to prove at trial facts which extend the general limitations in Section 3-5 of this Code when the facts supporting extension of the period of general limitations are properly pled in the charging document. Any challenge relating to the extension of the general limitations period as defined in this Section shall be exclusively conducted under Section 114-1 of the Code of Criminal Procedure of 1963.

(n) A prosecution for any offense set forth in subsection (a), (b), or

(c) of Section 8A-3 or Section 8A-13 of the Illinois Public Aid Code, in which the total amount of money involved is \$5,000 or more, including the monetary value of food stamps and the value of commodities under Section 16-1 of this Code may be commenced within 5 years of the last act committed in furtherance of the offense.

(o) A prosecution for any offense based upon fraudulent activity connected to COVID-19-related relief programs, to include the Paycheck Protection Program, COVID-19 Economic Injury Disaster Loan Program, and the Unemployment Benefit Programs shall be commenced within 5 years after discovery of the offense by a person having a legal duty to

report such offense, or in the absence of such discovery, within 5 years after the proper prosecuting officer becomes aware of the offense. However, in no such case is the period of limitation so extended more than 10 years beyond the expiration of the period otherwise applicable.

720 ILCS 5/3-7 — Periods excluded from limitation

Sec. 3-7. Periods excluded from limitation.

(a) The period within which a prosecution must be commenced does not include any period in which:

- (1) the defendant is not usually and publicly resident within this State; or
- (2) the defendant is a public officer and the offense charged is theft of public funds while in public office; or
- (3) a prosecution is pending against the defendant for the same conduct, even if the indictment or information which commences the prosecution is quashed or the proceedings thereon are set aside, or are reversed on appeal; or
- (4) a proceeding or an appeal from a proceeding relating to the quashing or enforcement of a Grand Jury subpoena issued in connection with an investigation of a violation of a criminal law of this State is pending. However, the period within which a prosecution must be commenced includes any period in which the State brings a proceeding or an appeal from a proceeding specified in this paragraph (4); or
- (5) a material witness is placed on active military duty or leave. In this paragraph (5), "material witness" includes, but is not limited to, the arresting officer, occurrence witness, or the alleged victim of the offense; or
- (6) the victim of unlawful force or threat of imminent bodily harm to obtain information or a confession is incarcerated, and the victim's incarceration, in whole or in part, is a consequence of the unlawful force or threats; or
- (7) the sexual assault evidence is collected and submitted to the Illinois State Police until the completion of the analysis of the submitted evidence. (a-5) The prosecution shall not be required to prove at trial facts establishing periods excluded from the general limitations in Section 3-5 of this Code when the facts supporting periods being excluded from the general limitations are properly pled in the charging document. Any challenge relating to periods of exclusion as defined in this Section shall be exclusively conducted under Section 114-1 of the Code of Criminal Procedure of 1963.

(b) For the purposes of this Section: "Completion of the analysis of the submitted evidence" means analysis of the collected evidence and conducting of laboratory tests and the comparison of the collected evidence with the genetic marker grouping analysis information maintained by the Illinois State Police under Section 5-4-3 of the Unified Code of Corrections and with the information contained in the Federal Bureau of Investigation's National DNA database. "Sexual assault" has the meaning ascribed to it in Section 1a of the Sexual Assault Survivors Emergency Treatment Act. "Sexual assault evidence" has the meaning ascribed to it in Section 5 of the Sexual Assault Evidence Submission Act.

720 ILCS 5/3-8 — Limitation on offense based on series of acts

Sec. 3-8. Limitation on offense based on series of acts. When an offense is based on a series of acts performed at different times, the period of limitation prescribed by this Article starts at the time when the last such act is committed.

720 ILCS 5/4-1 — Voluntary act

Sec. 4-1. Voluntary act. A material element of every offense is a voluntary act, which includes an omission to perform a duty which the law imposes on the offender and which he is physically capable of performing.

720 ILCS 5/4-2 — Possession as voluntary act

Sec. 4-2. Possession as voluntary act. Possession is a voluntary act if the offender knowingly procured or received the thing possessed, or was aware of his control thereof for a sufficient time to have been able to terminate his possession.

720 ILCS 5/4-3 — Mental state

Sec. 4-3. Mental state.

- (a) A person is not guilty of an offense, other than an offense which involves absolute liability, unless, with respect to each element described by the statute defining the offense, he acts while having one of the mental states described in Sections 4-4 through 4-7.
- (b) If the statute defining an offense prescribed a particular mental state with respect to the offense as a whole, without distinguishing among the elements thereof, the prescribed mental state applies to each such element. If the statute does not prescribe a particular mental state applicable to an element of an offense (other than an offense which involves

absolute liability), any mental state defined in Sections 4-4, 4-5 or 4-6 is applicable.

(c) Knowledge that certain conduct constitutes an offense, or knowledge of the existence, meaning, or application of the statute defining an offense, is not an element of the offense unless the statute clearly defines it as such.

720 ILCS 5/4-4 — Intent

Sec. 4-4. Intent. A person intends, or acts intentionally or with intent, to accomplish a result or engage in conduct described by the statute defining the offense, when his conscious objective or purpose is to accomplish that result or engage in that conduct.

720 ILCS 5/4-5 — Knowledge

Sec. 4-5. Knowledge. A person knows, or acts knowingly or with knowledge of:

(a) The nature or attendant circumstances of his or her conduct, described by the statute defining the offense, when he or she is consciously aware that his or her conduct is of that nature or that those circumstances exist. Knowledge of a material fact includes awareness of the substantial probability that the fact exists.

(b) The result of his or her conduct, described by the statute defining the offense, when he or she is consciously aware that that result is practically certain to be caused by his conduct. Conduct performed knowingly or with knowledge is performed wilfully, within the meaning of a statute using the term "wilfully", unless the statute clearly requires another meaning. When the law provides that acting knowingly suffices to establish an element of an offense, that element also is established if a person acts intentionally.

720 ILCS 5/4-6 — Recklessness

Sec. 4-6. Recklessness. A person is reckless or acts recklessly when that person consciously disregards a substantial and unjustifiable risk that circumstances exist or that a result will follow, described by the statute defining the offense, and that disregard constitutes a gross deviation from the standard of care that a reasonable person would exercise in the situation. An act performed recklessly is performed wantonly, within the meaning of a statute using the term "wantonly", unless the statute clearly requires another meaning.

720 ILCS 5/4-7 — Negligence

Sec. 4-7. Negligence. A person is negligent, or acts negligently, when that person fails to be aware of a substantial and unjustifiable risk that circumstances exist or a result will follow, described by the statute defining the offense, and that failure constitutes a substantial deviation from the standard of care that a reasonable person would exercise in the situation.

720 ILCS 5/4-8 — Ignorance or mistake

Sec. 4-8. Ignorance or mistake.

(a) A person's ignorance or mistake as to a matter of either fact or law, except as provided in Section 4-3(c) above, is a defense if it negates the existence of the mental state which the statute prescribes with respect to an element of the offense.

(b) A person's reasonable belief that his conduct does not constitute an offense is a defense if:

(1) the offense is defined by an administrative regulation or order which is not known to him and has not been published or otherwise made reasonably available to him, and he could not have acquired such knowledge by the exercise of due diligence pursuant to facts known to him; or

(2) he acts in reliance upon a statute which later is determined to be invalid; or

(3) he acts in reliance upon an order or opinion of an Illinois Appellate or Supreme Court, or a United States appellate court later overruled or reversed; or

(4) he acts in reliance upon an official interpretation of the statute, regulation or order defining the offense, made by a public officer or agency legally authorized to interpret such statute.

(c) Although a person's ignorance or mistake of fact or law, or reasonable belief, described in this Section 4-8 is a defense to the offense charged, he may be convicted of an included offense of which he would be guilty if the fact or law were as he believed it to be.

(d) A defense based upon this Section 4-8 is an affirmative defense.

720 ILCS 5/4-9 — Absolute liability

Sec. 4-9. Absolute liability. A person may be guilty of an offense without having, as to each element thereof, one of the mental states described in Sections 4-4 through 4-7 if the offense is a misdemeanor which is not punishable by incarceration or by a fine exceeding \$1,000, or the statute defining the offense clearly indicates a legislative purpose to impose absolute liability for the conduct described.

720 ILCS 5/5-1 — Accountability for conduct of another

Sec. 5-1. Accountability for conduct of another. A person is responsible for conduct which is an element of an offense if the conduct is either that of the person himself, or that of another and he is legally accountable for such conduct as provided in Section 5-2, or both.

720 ILCS 5/5-2 — When accountability exists

Sec. 5-2. When accountability exists. A person is legally accountable for the conduct of another when:

- (a) having a mental state described by the statute defining the offense, he or she causes another to perform the conduct, and the other person in fact or by reason of legal incapacity lacks such a mental state;
- (b) the statute defining the offense makes him or her so accountable; or
- (c) either before or during the commission of an offense, and with the intent to promote or facilitate that commission, he or she solicits, aids, abets, agrees, or attempts to aid that other person in the planning or commission of the offense. When 2 or more persons engage in a common criminal design or agreement, any acts in the furtherance of that common design committed by one party are considered to be the acts of all parties to the common design or agreement and all are equally responsible for the consequences of those further acts. Mere presence at the scene of a crime does not render a person accountable for an offense; a person's presence at the scene of a crime, however, may be considered with other circumstances by the trier of fact when determining accountability. A person is not so accountable, however, unless the statute defining the offense provides otherwise, if:
 - (1) he or she is a victim of the offense committed;
 - (2) the offense is so defined that his or her conduct was inevitably incident to its commission; or
 - (3) before the commission of the offense, he or she terminates his or her effort to promote or facilitate that commission and does one of the following:
 - (i) wholly deprives his or her prior efforts of effectiveness in that commission, (ii) gives timely warning to the proper law enforcement authorities, or (iii) otherwise makes proper effort to prevent the commission of the offense.

720 ILCS 5/5-3 — Separate conviction of person accountable

Sec. 5-3. Separate conviction of person accountable. A person who is legally accountable for the conduct of another which is an element of an offense may be convicted upon proof that the offense was committed and that he was so accountable, although the other person claimed to have committed the offense has not been prosecuted or convicted, or has been convicted of a different offense or degree of offense, or is not amenable to justice, or has been acquitted.

720 ILCS 5/5-4 — Responsibility of corporation

Sec. 5-4. Responsibility of corporation.

- (a) A corporation may be prosecuted for the commission of an offense if, but only if:
 - (1) The offense is a misdemeanor, or is defined by Sections 11-20, 11-20.1 or 24-1 of this Code, or Section 44 of the "Environmental Protection Act", approved June 29, 1970, as amended or is defined by another statute which clearly indicates a legislative purpose to impose liability on a corporation; and an agent of the corporation performs the conduct which is an element of the offense while acting within the scope of his or her office or employment and in behalf of the corporation, except that any limitation in the defining statute, concerning the corporation's accountability for certain agents or under certain circumstances, is applicable; or
 - (2) The commission of the offense is authorized, requested, commanded, or performed, by the board of directors or by a high managerial agent who is acting within the scope of his or her employment in behalf of the corporation.
- (b) A corporation's proof, by a preponderance of the evidence, that the high managerial agent having supervisory responsibility over the conduct which is the subject matter of the offense exercised due diligence to prevent the

commission of the offense, is a defense to a prosecution for any offense to which Subsection

(a)

(1) refers, other than an offense for which absolute liability is imposed. This Subsection is inapplicable if the legislative purpose of the statute defining the offense is inconsistent with the provisions of this Subsection.

(c) For the purpose of this Section:

(1) "Agent" means any director, officer, servant, employee, or other person who is authorized to act in behalf of the corporation.

(2) "High managerial agent" means an officer of the corporation, or any other agent who has a position of comparable authority for the formulation of corporate policy or the supervision of subordinate employees in a managerial capacity.

720 ILCS 5/5-5 — Accountability for conduct of corporation

Sec. 5-5. Accountability for conduct of corporation.

(a) A person is legally accountable for conduct which is an element of an offense and which, in the name or in behalf of a corporation, he performs or causes to be performed, to the same extent as if the conduct were performed in his own name or behalf.

(b) An individual who has been convicted of an offense by reason of his legal accountability for the conduct of a corporation is subject to the punishment authorized by law for an individual upon conviction of such offense, although only a lesser or different punishment is authorized for the corporation.

720 ILCS 5/6-1 — Infancy

Sec. 6-1. Infancy. No person shall be convicted of any offense unless he had attained his 13th birthday at the time the offense was committed.

720 ILCS 5/6-2 — Insanity

Sec. 6-2. Insanity.

(a) A person is not criminally responsible for conduct if at the time of such conduct, as a result of mental disease or mental defect, he lacks substantial capacity to appreciate the criminality of his conduct.

(b) The terms "mental disease or mental defect" do not include an abnormality manifested only by repeated criminal or otherwise antisocial conduct.

(c) A person who, at the time of the commission of a criminal offense, was not insane but was suffering from a mental illness, is not relieved of criminal responsibility for his conduct and may be found guilty but mentally ill.

(d) For purposes of this Section, "mental illness" or "mentally ill" means a substantial disorder of thought, mood, or behavior which afflicted a person at the time of the commission of the offense and which impaired that person's judgment, but not to the extent that he is unable to appreciate the wrongfulness of his behavior.

(e) When the defense of insanity has been presented during the trial, the burden of proof is on the defendant to prove by clear and convincing evidence that the defendant is not guilty by reason of insanity. However, the burden of proof remains on the State to prove beyond a reasonable doubt each of the elements of each of the offenses charged, and, in a jury trial where the insanity defense has been presented, the jury must be instructed that it may not consider whether the defendant has met his burden of proving that he is not guilty by reason of insanity until and unless it has first determined that the State has proven the defendant guilty beyond a reasonable doubt of the offense with which he is charged.

720 ILCS 5/6-3 — Intoxicated or drugged condition

Sec. 6-3. Intoxicated or drugged condition. A person who is in an intoxicated or drugged condition is criminally responsible for conduct unless such condition is involuntarily produced and deprives him of substantial capacity either to appreciate the criminality of his conduct or to conform his conduct to the requirements of law.

720 ILCS 5/6-4 — Affirmative Defense

Sec. 6-4. Affirmative Defense. A defense based upon any of the provisions of Article 6 is an affirmative defense except that mental illness is not an affirmative defense, but an alternative plea or finding that may be accepted, under appropriate evidence, when the affirmative defense of insanity is raised or the plea of guilty but mentally ill is made.

720 ILCS 5/7-1 — Use of force in defense of person

Sec. 7-1. Use of force in defense of person.

(a) A person is justified in the use of force against another when and to the extent that he reasonably believes that such conduct is necessary to defend himself or another against such other's imminent use of unlawful force. However, he is justified in the use of force which is intended or likely to cause death or great bodily harm only if he reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or another, or the commission of a forcible felony.

(b) In no case shall any act involving the use of force justified under this Section give rise to any claim or liability brought by or on behalf of any person acting within the definition of "aggressor" set forth in Section 7-4 of this Article, or the estate, spouse, or other family member of such a person, against the person or estate of the person using such justified force, unless the use of force involves willful or wanton misconduct.

720 ILCS 5/7-2 — Use of force in defense of dwelling

Sec. 7-2. Use of force in defense of dwelling.

(a) A person is justified in the use of force against another when and to the extent that he reasonably believes that such conduct is necessary to prevent or terminate such other's unlawful entry into or attack upon a dwelling. However, he is justified in the use of force which is intended or likely to cause death or great bodily harm only if:

(1) The entry is made or attempted in a violent, riotous, or tumultuous manner, and he reasonably believes that such force is necessary to prevent an assault upon, or offer of personal violence to, him or another then in the dwelling, or

(2) He reasonably believes that such force is necessary to prevent the commission of a felony in the dwelling.

(b) In no case shall any act involving the use of force justified under this Section give rise to any claim or liability brought by or on behalf of any person acting within the definition of "aggressor" set forth in Section 7-4 of this Article, or the estate, spouse, or other family member of such a person, against the person or estate of the person using such justified force, unless the use of force involves willful or wanton misconduct.

720 ILCS 5/7-3 — Use of force in defense of other property

Sec. 7-3. Use of force in defense of other property.

(a) A person is justified in the use of force against another when and to the extent that he reasonably believes that such conduct is necessary to prevent or terminate such other's trespass on or other tortious or criminal interference with either real property (other than a dwelling) or personal property, lawfully in his possession or in the possession of another who is a member of his immediate family or household or of a person whose property he has a legal duty to protect. However, he is justified in the use of force which is intended or likely to cause death or great bodily harm only if he reasonably believes that such force is necessary to prevent the commission of a forcible felony.

(b) In no case shall any act involving the use of force justified under this Section give rise to any claim or liability brought by or on behalf of any person acting within the definition of "aggressor" set forth in Section 7-4 of this Article, or the estate, spouse, or other family member of such a person, against the person or estate of the person using such justified force, unless the use of force involves willful or wanton misconduct.

720 ILCS 5/7-4 — Use of force by aggressor

Sec. 7-4. Use of force by aggressor. The justification described in the preceding Sections of this Article is not available to a person who:

(a) is attempting to commit, committing, or escaping after the commission of, a forcible felony; or

(b) initially provokes the use of force against himself, with the intent to use such force as an excuse to inflict bodily harm upon the assailant; or

(c) otherwise initially provokes the use of force against himself, unless:

(1) such force is so great that he reasonably believes that he is in imminent danger of death or great bodily harm, and that he has exhausted every reasonable means to escape such danger other than the use of force which is likely to cause death or great bodily harm to the assailant; or

(2) in good faith, he withdraws from physical contact with the assailant and indicates clearly to the assailant that he desires to withdraw and terminate the use of force, but the assailant continues or resumes the use of force.

720 ILCS 5/7-5 — Peace officer's use of force in making arrest

Sec. 7-5. Peace officer's use of force in making arrest.

(a) A peace officer, or any person whom he has summoned or directed to assist him, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He is justified in the use of any force which he reasonably believes, based on the totality of the circumstances, to be necessary to effect the arrest and of any force which he reasonably believes, based on the totality of the circumstances, to be necessary to defend himself or another from bodily harm while making the arrest. However, he is justified in using force likely to cause death or great bodily harm only when:

(i) he reasonably believes, based on the totality of the circumstances, that such force is necessary to prevent death or great bodily harm to himself or such other person; or (ii) when he reasonably believes, based on the totality of the circumstances, both that:

(1) Such force is necessary to prevent the arrest from being defeated by resistance or escape and the officer reasonably believes that the person to be arrested is likely to cause great bodily harm to another; and

(2) The person to be arrested committed or attempted a forcible felony which involves the infliction or threatened infliction of great bodily harm or is attempting to escape by use of a deadly weapon, or otherwise indicates that he will endanger human life or inflict great bodily harm unless arrested without delay. As used in this subsection, "retreat" does not mean tactical repositioning or other de-escalation tactics. A peace officer is not justified in using force likely to cause death or great bodily harm when there is no longer an imminent threat of great bodily harm to the officer or another. (a-5) Where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify himself or herself as a peace officer and to warn that deadly force may be used. (a-10) A peace officer shall not use deadly force against a person based on the danger that the person poses to himself or herself if a reasonable officer would believe the person does not pose an imminent threat of death or great bodily harm to the peace officer or to another person. (a-15) A peace officer shall not use deadly force against a person who is suspected of committing a property offense, unless that offense is terrorism or unless deadly force is otherwise authorized by law.

(b) A peace officer making an arrest pursuant to an invalid warrant is justified in the use of any force which he would be justified in using if the warrant were valid, unless he knows that the warrant is invalid.

(c) The authority to use physical force conferred on peace officers by this Article is a serious responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life.

(d) Peace officers shall use deadly force only when reasonably necessary in defense of human life. In determining whether deadly force is reasonably necessary, officers shall evaluate each situation in light of the totality of circumstances of each case, including, but not limited to, the proximity in time of the use of force to the commission of a forcible felony, and the reasonable feasibility of safely apprehending a subject at a later time, and shall use other available resources and techniques, if reasonably safe and feasible to a reasonable officer.

(e) The decision by a peace officer to use force shall be evaluated carefully and thoroughly, in a manner that reflects the gravity of that authority and the serious consequences of the use of force by peace officers, in order to ensure that officers use force consistent with law and agency policies.

(f) The decision by a peace officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time of the decision, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force.

(g) Law enforcement agencies are encouraged to adopt and develop policies designed to protect individuals with physical, mental health, developmental, or intellectual disabilities, or individuals who are significantly more likely to experience greater levels of physical force during police interactions, as these disabilities may affect the ability of a person to understand or comply with commands from peace officers.

(h) As used in this Section:

(1) "Deadly force" means any use of force that creates a substantial risk of causing death or great bodily harm, including, but not limited to, the discharge of a firearm.

(2) A threat of death or serious bodily injury is "imminent" when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to

immediately cause death or great bodily harm to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.

(3) "Totality of the circumstances" means all facts known to the peace officer at the time, or that would be known to a reasonable officer in the same situation, including the conduct of the officer and the subject leading up to the use of deadly force.

720 ILCS 5/7-5.5 — Prohibited use of force by a peace officer

Sec. 7-5.5. Prohibited use of force by a peace officer.

(a) A peace officer, or any other person acting under the color of law, shall not use a chokehold or restraint above the shoulders with risk of asphyxiation in the performance of his or her duties, unless deadly force is justified under this Article.

(b) A peace officer, or any other person acting under the color of law, shall not use a chokehold or restraint above the shoulders with risk of asphyxiation, or any lesser contact with the throat or neck area of another, in order to prevent the destruction of evidence by ingestion.

(c) As used in this Section, "chokehold" means applying any direct pressure to the throat, windpipe, or airway of another. "Chokehold" does not include any holding involving contact with the neck that is not intended to reduce the intake of air such as a headlock where the only pressure applied is to the head.

(d) As used in this Section, "restraint above the shoulders with risk of positional asphyxiation" means a use of a technique used to restrain a person above the shoulders, including the neck or head, in a position which interferes with the person's ability to breathe after the person no longer poses a threat to the officer or any other person.

(e) A peace officer, or any other person acting under the color of law, shall not:

(i) use force as punishment or retaliation; (ii) discharge kinetic impact projectiles and all other non-lethal or less-lethal projectiles in a manner that targets the head, neck, groin, anterior pelvis, or back; (iii) discharge conducted electrical weapons in a manner that targets the head, chest, neck, groin, or anterior pelvis; (iv) discharge firearms or kinetic impact projectiles indiscriminately into a crowd;

(v) use chemical agents or irritants for crowd control, including pepper spray and tear gas, prior to issuing an order to disperse in a sufficient manner to allow for the order to be heard and repeated if necessary, followed by sufficient time and space to allow compliance with the order unless providing such time and space would unduly place an officer or another person at risk of death or great bodily harm; or (vi) use chemical agents or irritants, including pepper spray and tear gas, prior to issuing an order in a sufficient manner to ensure the order is heard, and repeated if necessary, to allow compliance with the order unless providing such time and space would unduly place an officer or another person at risk of death or great bodily harm.

720 ILCS 5/7-6 — Private person's use of force in making arrest

Sec. 7-6. Private person's use of force in making arrest.

(a) A private person who makes, or assists another private person in making a lawful arrest is justified in the use of any force which he would be justified in using if he were summoned or directed by a peace officer to make such arrest, except that he is justified in the use of force likely to cause death or great bodily harm only when he reasonably believes that such force is necessary to prevent death or great bodily harm to himself or another.

(b) A private person who is summoned or directed by a peace officer to assist in making an arrest which is unlawful, is justified in the use of any force which he would be justified in using if the arrest were lawful, unless he knows that the arrest is unlawful.

720 ILCS 5/7-7 — Private person's use of force in resisting arrest

Sec. 7-7. Private person's use of force in resisting arrest. A person is not authorized to use force to resist an arrest which he knows is being made either by a peace officer or by a private person summoned and directed by a peace officer to make the arrest, even if he believes that the arrest is unlawful and the arrest in fact is unlawful.

720 ILCS 5/7-8 — Force likely to cause death or great bodily harm

Sec. 7-8. Force likely to cause death or great bodily harm.

(a) Force which is likely to cause death or great bodily harm, within the meaning of Sections 7-5 and 7-6 includes:

(1) The firing of a firearm in the direction of the person to be arrested, even though no intent exists to kill or inflict great bodily harm; and

(2) The firing of a firearm at a vehicle in which the person to be arrested is riding.

(b) A peace officer's discharge of a firearm using ammunition designed to disable or control an individual without creating the likelihood of death or great bodily harm shall not be considered force likely to cause death or great bodily harm within the meaning of Sections 7-5 and 7-6.

720 ILCS 5/7-9 — Use of force to prevent escape

Sec. 7-9. Use of force to prevent escape.

(a) A peace officer or other person who has an arrested person in his custody is justified in the use of force, except deadly force, to prevent the escape of the arrested person from custody as he would be justified in using if he were arresting such person.

(b) A guard or other peace officer is justified in the use of force which he reasonably believes to be necessary to prevent the escape from a penal institution of a person whom the officer reasonably believes to be lawfully detained in such institution under sentence for an offense or awaiting trial or commitment for an offense.

(c) Deadly force shall not be used to prevent escape under this Section unless, based on the totality of the circumstances, deadly force is necessary to prevent death or great bodily harm to himself or such other person.

720 ILCS 5/7-10 — Execution of death sentence

Sec. 7-10. Execution of death sentence. A public officer who, in the exercise of his official duty, puts a person to death pursuant to a sentence of a court of competent jurisdiction, is justified if he acts in accordance with the sentence pronounced and the law prescribing the procedure for execution of a death sentence.

720 ILCS 5/7-11 — Compulsion

Sec. 7-11. Compulsion.

(a) A person is not guilty of an offense, other than an offense punishable with death, by reason of conduct that he or she performs under the compulsion of threat or menace of the imminent infliction of death or great bodily harm, if he or she reasonably believes death or great bodily harm will be inflicted upon him or her, or upon his or her spouse or child, if he or she does not perform that conduct.

(b) A married woman is not entitled, by reason of the presence of her husband, to any presumption of compulsion or to any defense of compulsion, except that stated in subsection (a).

720 ILCS 5/7-12 — Entrapment

Sec. 7-12. Entrapment. A person is not guilty of an offense if his or her conduct is incited or induced by a public officer or employee, or agent of either, for the purpose of obtaining evidence for the prosecution of that person. However, this Section is inapplicable if the person was pre-disposed to commit the offense and the public officer or employee, or agent of either, merely affords to that person the opportunity or facility for committing an offense.

720 ILCS 5/7-13 — Necessity

Sec. 7-13. Necessity. Conduct which would otherwise be an offense is justifiable by reason of necessity if the accused was without blame in occasioning or developing the situation and reasonably believed such conduct was necessary to avoid a public or private injury greater than the injury which might reasonably result from his own conduct.

720 ILCS 5/7-14 — Affirmative defense

Sec. 7-14. Affirmative defense. A defense of justifiable use of force, or of exoneration, based on the provisions of this Article is an affirmative defense.

720 ILCS 5/7-15 — Duty to render aid

Sec. 7-15. Duty to render aid. It is the policy of the State of Illinois that all law enforcement officers must, as soon as reasonably practical, determine if a person is injured, whether as a result of a use of force or otherwise, and render medical aid and assistance consistent with training and request emergency medical assistance if necessary. "Render

medical aid and assistance" includes, but is not limited to,

(i) performing emergency life-saving procedures such as cardiopulmonary resuscitation or the administration of an automated external defibrillator; and (ii) the making of arrangements for the carrying of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that treatment is necessary, or if such carrying is requested by the injured person.

720 ILCS 5/7-16 — Duty to intervene

Sec. 7-16. Duty to intervene.

(a) A peace officer, or any other person acting under the color of law who has an opportunity to intervene, shall have an affirmative duty to intervene to prevent or stop another peace officer in his or her presence from using any unauthorized force or force that exceeds the degree of force permitted, if any, without regard for chain of command.

(b) A peace officer, or any other person acting under the color of law, who intervenes as required by this Section shall report the intervention to the person designated/identified by the law enforcement entity in a manner prescribed by the agency. The report required by this Section must include the date, time, and place of the occurrence; the identity, if known, and description of the participants; and a description of the intervention actions taken and whether they were successful. In no event shall the report be submitted more than 5 days after the incident.

(c) A member of a law enforcement agency shall not discipline nor retaliate in any way against a peace officer for intervening as required in this Section or for reporting unconstitutional or unlawful conduct, or for failing to follow what the officer reasonably believes is an unconstitutional or unlawful directive.

720 ILCS 5/8-1 — Solicitation and solicitation of murder

Sec. 8-1. Solicitation and solicitation of murder.

(a) Solicitation. A person commits the offense of solicitation when, with intent that an offense be committed, other than first degree murder, he or she commands, encourages, or requests another to commit that offense.

(b) Solicitation of murder. A person commits the offense of solicitation of murder when he or she commits solicitation with the intent that the offense of first degree murder be committed.

(c) Sentence. A person convicted of solicitation may be fined or imprisoned or both not to exceed the maximum provided for the offense solicited, except that the penalty shall not exceed the corresponding maximum limit provided by subparagraph

(c) of Section 8-4 of this Code. Solicitation of murder is a Class X felony, and a person convicted of solicitation of murder shall be sentenced to a term of imprisonment of not less than 15 years and not more than 30 years, except that a person convicted of solicitation of murder when the person solicited was a person under the age of 17 years shall be sentenced to a term of imprisonment of not less than 20 years and not more than 60 years.

720 ILCS 5/8-1.1

Sec. 8-1.1. (Repealed).

720 ILCS 5/8-1.2 — Solicitation of murder for hire

Sec. 8-1.2. Solicitation of murder for hire.

(a) A person commits the offense of solicitation of murder for hire when, with the intent that the offense of first degree murder be committed, he or she procures another to commit that offense pursuant to any contract, agreement, understanding, command, or request for money or anything of value.

(b) Sentence. Solicitation of murder for hire is a Class X felony, and a person convicted of solicitation of murder for hire shall be sentenced to a term of imprisonment of not less than 20 years and not more than 40 years, except that a person convicted of solicitation of murder for hire when the person solicited was a person under the age of 17 years shall be sentenced to a term of imprisonment of not less than 25 years and not more than 60 years.

720 ILCS 5/8-2 — Conspiracy

Sec. 8-2. Conspiracy.

(a) Elements of the offense. A person commits the offense of conspiracy when, with intent that an offense be committed, he or she agrees with another to the commission of that offense. No person may be convicted of conspiracy to commit an

offense unless an act in furtherance of that agreement is alleged and proved to have been committed by him or her or by a co-conspirator.

(b) Co-conspirators. It is not a defense to conspiracy that the person or persons with whom the accused is alleged to have conspired:

- (1) have not been prosecuted or convicted,
- (2) have been convicted of a different offense,
- (3) are not amenable to justice,
- (4) have been acquitted, or
- (5) lacked the capacity to commit an offense.

(c) Sentence.

(1) Except as otherwise provided in this subsection or Code, a person convicted of conspiracy to commit: (A) a Class X felony shall be sentenced for a Class 1 felony; (B) a Class 1 felony shall be sentenced for a Class 2 felony; (C) a Class 2 felony shall be sentenced for a Class 3 felony; (D) a Class 3 felony shall be sentenced for a Class 4 felony; (E) a Class 4 felony shall be sentenced for a Class 4 felony; and (F) a misdemeanor may be fined or imprisoned or both not to exceed the maximum provided for the offense that is the object of the conspiracy.

(2) A person convicted of conspiracy to commit any of the following offenses shall be sentenced for a Class X felony: (A) aggravated insurance fraud conspiracy when the person is an organizer of the conspiracy (720 ILCS 5/46-4); or (B) aggravated governmental entity insurance fraud conspiracy when the person is an organizer of the conspiracy (720 ILCS 5/46-4).

(3) A person convicted of conspiracy to commit any of the following offenses shall be sentenced for a Class 1 felony: (A) first degree murder (720 ILCS 5/9-1); or (B) aggravated insurance fraud (720 ILCS 5/46-3) or aggravated governmental insurance fraud (720 ILCS 5/46-3).

(4) A person convicted of conspiracy to commit insurance fraud (720 ILCS 5/46-3) or governmental entity insurance fraud (720 ILCS 5/46-3) shall be sentenced for a Class 2 felony.

(5) A person convicted of conspiracy to commit any of the following offenses shall be sentenced for a Class 3 felony: (A) soliciting for a prostitute (720 ILCS 5/11-14.3(a)(1)); (B) pandering (720 ILCS 5/11-14.3(a)(2)(A) or 5/11-14.3(a)(2)(B)); (C) keeping a place of prostitution (720 ILCS 5/11-14.3(a)(1)); (D) pimping (720 ILCS 5/11-14.3(a)(2)(C)); (E) unlawful possession of weapons under Section 24-1(a)(1) (720 ILCS 5/24-1(a)(1)); (F) unlawful possession of weapons under Section 24-1(a)(7) (720 ILCS 5/24-1(a)(7)); (G) gambling (720 ILCS 5/28-1); (H) keeping a gambling place (720 ILCS 5/28-3); (I) registration of federal gambling stamps violation (720 ILCS 5/28-4); (J) look-alike substances violation (720 ILCS 570/404); (K) miscellaneous controlled substance violation under Section 406(b) (720 ILCS 570/406(b)); or (L) an inchoate offense related to any of the principal offenses set forth in this item (5). (Text of Section from P.A. 103-1071) Sec. 8-2. Conspiracy.

(a) Elements of the offense. A person commits the offense of conspiracy when, with intent that an offense be committed, he or she agrees with another to the commission of that offense. No person may be convicted of conspiracy to commit an offense unless an act in furtherance of that agreement is alleged and proved to have been committed by him or her or by a co-conspirator.

(b) Co-conspirators. It is not a defense to conspiracy that the person or persons with whom the accused is alleged to have conspired:

- (1) have not been prosecuted or convicted,
- (2) have been convicted of a different offense,
- (3) are not amenable to justice,
- (4) have been acquitted, or
- (5) lacked the capacity to commit an offense.

(c) Sentence.

(1) Except as otherwise provided in this subsection or Code, a person convicted of conspiracy to commit: (A) a Class X felony shall be sentenced for a Class 1 felony; (B) a Class 1 felony shall be sentenced for a Class 2 felony; (C) a Class 2

felony shall be sentenced for a Class 3 felony; (D) a Class 3 felony shall be sentenced for a Class 4 felony; (E) a Class 4 felony shall be sentenced for a Class 4 felony; and (F) a misdemeanor may be fined or imprisoned or both not to exceed the maximum provided for the offense that is the object of the conspiracy.

(2) A person convicted of conspiracy to commit any of the following offenses shall be sentenced for a Class X felony: (A) aggravated insurance fraud conspiracy when the person is an organizer of the conspiracy (720 ILCS 5/46-4); or (B) aggravated governmental entity insurance fraud conspiracy when the person is an organizer of the conspiracy (720 ILCS 5/46-4).

(3) A person convicted of conspiracy to commit any of the following offenses shall be sentenced for a Class 1 felony: (A) first degree murder (720 ILCS 5/9-1); or (B) aggravated insurance fraud (720 ILCS 5/46-3) or aggravated governmental insurance fraud (720 ILCS 5/46-3).

(4) A person convicted of conspiracy to commit insurance fraud (720 ILCS 5/46-3) or governmental entity insurance fraud (720 ILCS 5/46-3) shall be sentenced for a Class 2 felony.

(5) A person convicted of conspiracy to commit any of the following offenses shall be sentenced for a Class 3 felony: (A) soliciting for a person engaged in the sex trade (720 ILCS 5/11-14.3(a)(1)); (B) pandering (720 ILCS 5/11-14.3(a)(2)(A) or 5/11-14.3(a)(2)(B)); (C) keeping a place of prostitution (720 ILCS 5/11-14.3(a)(1)); (D) pimping (720 ILCS 5/11-14.3(a)(2)(C)); (E) unlawful use of weapons under Section 24-1(a)(1) (720 ILCS 5/24-1(a)(1)); (F) unlawful use of weapons under Section 24-1(a)(7) (720 ILCS 5/24-1(a)(7)); (G) gambling (720 ILCS 5/28-1); (H) keeping a gambling place (720 ILCS 5/28-3); (I) registration of federal gambling stamps violation (720 ILCS 5/28-4); (J) look-alike substances violation (720 ILCS 5/70-404); (K) miscellaneous controlled substance violation under Section 406(b) (720 ILCS 5/70-406(b)); or (L) an inchoate offense related to any of the principal offenses set forth in this item (5).

720 ILCS 5/46-3

or governmental entity insurance fraud (720 ILCS 5/46-3) shall be sentenced for a Class 2 felony.

720 ILCS 5/8-2.1 — Conspiracy against civil rights

Sec. 8-2.1. Conspiracy against civil rights.

(a) Offense. A person commits conspiracy against civil rights when, without legal justification, he or she, with the intent to interfere with the free exercise of any right or privilege secured by the Constitution of the United States, the Constitution of the State of Illinois, the laws of the United States, or the laws of the State of Illinois by any person or persons, agrees with another to inflict physical harm on any other person or the threat of physical harm on any other person and either the accused or a co-conspirator has committed any act in furtherance of that agreement.

(b) Co-conspirators. It shall not be a defense to conspiracy against civil rights that a person or persons with whom the accused is alleged to have conspired:

- (1) has not been prosecuted or convicted; or
- (2) has been convicted of a different offense; or
- (3) is not amenable to justice; or
- (4) has been acquitted; or
- (5) lacked the capacity to commit an offense.

(c) Sentence. Conspiracy against civil rights is a Class 4 felony for a first offense and a Class 2 felony for a second or subsequent offense.

720 ILCS 5/8-3 — Defense

Sec. 8-3. Defense. It is a defense to a charge of solicitation or conspiracy that if the criminal object were achieved the accused would not be guilty of an offense.

720 ILCS 5/8-4 — Attempt

Sec. 8-4. Attempt.

(a) Elements of the offense. A person commits the offense of attempt when, with intent to commit a specific offense, he or she does any act that constitutes a substantial step toward the commission of that offense.

(b) Impossibility. It is not a defense to a charge of attempt that because of a misapprehension of the circumstances it would have been impossible for the accused to commit the offense attempted.

(c) Sentence. A person convicted of attempt may be fined or imprisoned or both not to exceed the maximum provided for the offense attempted but, except for an attempt to commit the offense defined in Section 33A-2 of this Code:

(1) the sentence for attempt to commit first degree murder is the sentence for a Class X felony, except that (A) an attempt to commit first degree murder when at least one of the aggravating factors specified in clauses (iii), (iv), and

(v) of subsection (a)(1)(c) of Section 5-8-1 of the Unified Code of Corrections is present is a Class X felony for which the sentence shall be a term of imprisonment of not less than 20 years and not more than 80 years; (B) an attempt to commit first degree murder while armed with a firearm is a Class X felony for which 15 years shall be added to the term of imprisonment imposed by the court; (C) an attempt to commit first degree murder during which the person personally discharged a firearm is a Class X felony for which 20 years shall be added to the term of imprisonment imposed by the court; (D) an attempt to commit first degree murder during which the person personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to another person is a Class X felony for which 25 years or up to a term of natural life shall be added to the term of imprisonment imposed by the court; and (E) if the defendant proves by a preponderance of the evidence at sentencing that, at the time of the attempted murder, he or she was acting under a sudden and intense passion resulting from serious provocation by the individual whom the defendant endeavored to kill, or another, and, had the individual the defendant endeavored to kill died, the defendant would have negligently or accidentally caused that death, then the sentence for the attempted murder is the sentence for a Class 1 felony;

(2) the sentence for attempt to commit a Class X felony is the sentence for a Class 1 felony;

(3) the sentence for attempt to commit a Class 1 felony is the sentence for a Class 2 felony;

(4) the sentence for attempt to commit a Class 2 felony is the sentence for a Class 3 felony; and

(5) the sentence for attempt to commit any felony other than those specified in items (1), (2), (3), and

(4) of this subsection

(c) is the sentence for a Class A misdemeanor.

720 ILCS 5/8-5 — Multiple convictions

Sec. 8-5. Multiple convictions. No person shall be convicted of both the inchoate and the principal offense.

720 ILCS 5/8-6 — Offense

Sec. 8-6. Offense. For the purposes of this Article, "offense" shall include conduct which if performed in another State would be criminal by the laws of that State and which conduct if performed in this State would be an offense under the laws of this State.

720 ILCS 5/9-1 — First degree murder

Sec. 9-1. First degree murder.

(a) A person who kills an individual without lawful justification commits first degree murder if, in performing the acts which cause the death:

(1) he or she either intends to kill or do great bodily harm to that individual or another, or knows that such acts will cause death to that individual or another; or

(2) he or she knows that such acts create a strong probability of death or great bodily harm to that individual or another; or

(3) he or she, acting alone or with one or more participants, commits or attempts to commit a forcible felony other than second degree murder, and in the course of or in furtherance of such crime or flight therefrom, he or she or another participant causes the death of a person.

(b) (Blank). (b-5) (Blank).

(c) (Blank).

(d) (Blank).

(e) (Blank).

(f) (Blank).

- (g) (Blank).
- (h) (Blank). (h-5) (Blank).
- (i) (Blank).
- (j) (Blank).
- (k) (Blank).

720 ILCS 5/9-1.2 — Intentional homicide of an unborn child

Sec. 9-1.2. Intentional homicide of an unborn child.

(a) A person commits the offense of intentional homicide of an unborn child if, in performing acts which cause the death of an unborn child, he without lawful justification:

- (1) either intended to cause the death of or do great bodily harm to the pregnant individual or unborn child or knew that such acts would cause death or great bodily harm to the pregnant individual or unborn child; or
- (2) knew that his acts created a strong probability of death or great bodily harm to the pregnant individual or unborn child; and
- (3) knew that the individual was pregnant.

(b) For purposes of this Section,

- (1) "unborn child" shall mean any individual of the human species from the implantation of an embryo until birth, and
- (2) "person" shall not include the pregnant woman whose unborn child is killed.

(c) This Section shall not apply to acts which cause the death of an unborn child if those acts were committed during any abortion, as defined in Section 1-10 of the Reproductive Health Act, to which the pregnant individual has consented. This Section shall not apply to acts which were committed pursuant to usual and customary standards of medical practice during diagnostic testing or therapeutic treatment.

(d) Penalty. The sentence for intentional homicide of an unborn child shall be the same as for first degree murder, except that:

- (1) (blank);
- (2) if the person committed the offense while armed with a firearm, 15 years shall be added to the term of imprisonment imposed by the court;
- (3) if, during the commission of the offense, the person personally discharged a firearm, 20 years shall be added to the term of imprisonment imposed by the court;
- (4) if, during the commission of the offense, the person personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to another person, 25 years or up to a term of natural life shall be added to the term of imprisonment imposed by the court.
- (e) The provisions of this Act shall not be construed to prohibit the prosecution of any person under any other provision of law.

720 ILCS 5/9-2 — Second degree murder

Sec. 9-2. Second degree murder.

(a) A person commits the offense of second degree murder when he or she commits the offense of first degree murder as defined in paragraph

- (1) or
- (2) of subsection

(a) of Section 9-1 of this Code and either of the following mitigating factors are present:

- (1) at the time of the killing he or she is acting under a sudden and intense passion resulting from serious provocation by the individual killed or another whom the offender endeavors to kill, but he or she negligently or accidentally causes the death of the individual killed; or
- (2) at the time of the killing he or she believes the circumstances to be such that, if they existed, would justify or exonerate the killing under the principles stated in Article 7 of this Code, but his or her belief is unreasonable.

(b) Serious provocation is conduct sufficient to excite an intense passion in a reasonable person provided, however, that an action that does not otherwise constitute serious provocation cannot qualify as serious provocation because of the discovery, knowledge, or disclosure of the victim's sexual orientation as defined in Section 1-103 of the Illinois Human Rights Act.

(c) When evidence of either of the mitigating factors defined in subsection

(a) of this Section has been presented, the burden of proof is on the defendant to prove either mitigating factor by a preponderance of the evidence before the defendant can be found guilty of second degree murder. The burden of proof, however, remains on the State to prove beyond a reasonable doubt each of the elements of first degree murder and, when appropriately raised, the absence of circumstances at the time of the killing that would justify or exonerate the killing under the principles stated in Article 7 of this Code.

(d) Sentence. Second degree murder is a Class 1 felony.

720 ILCS 5/9-2.1 — Voluntary manslaughter of an unborn child

Sec. 9-2.1. Voluntary manslaughter of an unborn child.

(a) A person who kills an unborn child without lawful justification commits voluntary manslaughter of an unborn child if at the time of the killing he is acting under a sudden and intense passion resulting from serious provocation by another whom the offender endeavors to kill, but he negligently or accidentally causes the death of the unborn child. Serious provocation is conduct sufficient to excite an intense passion in a reasonable person.

(b) A person who intentionally or knowingly kills an unborn child commits voluntary manslaughter of an unborn child if at the time of the killing he believes the circumstances to be such that, if they existed, would justify or exonerate the killing under the principles stated in Article 7 of this Code, but his belief is unreasonable.

(c) Sentence. Voluntary manslaughter of an unborn child is a Class 1 felony.

(d) For purposes of this Section,

(1) "unborn child" shall mean any individual of the human species from the implantation of an embryo until birth, and

(2) "person" shall not include the pregnant individual whose unborn child is killed.

(e) This Section shall not apply to acts which cause the death of an unborn child if those acts were committed during any abortion, as defined in Section 1-10 of the Reproductive Health Act, to which the pregnant individual has consented. This Section shall not apply to acts which were committed pursuant to usual and customary standards of medical practice during diagnostic testing or therapeutic treatment.

720 ILCS 5/9-3 — Involuntary Manslaughter and Reckless Homicide

Sec. 9-3. Involuntary Manslaughter and Reckless Homicide.

(a) A person who unintentionally kills an individual without lawful justification commits involuntary manslaughter if his acts whether lawful or unlawful which cause the death are such as are likely to cause death or great bodily harm to some individual, and he performs them recklessly, except in cases in which the cause of the death consists of the driving of a motor vehicle or operating a snowmobile, all-terrain vehicle, or watercraft, in which case the person commits reckless homicide. A person commits reckless homicide if he or she unintentionally kills an individual while driving a vehicle and using an incline in a roadway, such as a railroad crossing, bridge approach, or hill, to cause the vehicle to become airborne.

(b) (Blank).

(c) (Blank).

(d) Sentence.

(1) Involuntary manslaughter is a Class 3 felony.

(2) Reckless homicide is a Class 3 felony.

(e) (Blank). (e-2) Except as provided in subsection (e-3), in cases involving reckless homicide in which the offense is committed upon a public thoroughfare where children pass going to and from school when a school crossing guard is performing official duties, the penalty is a Class 2 felony, for which a person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 3 years and not more than 14 years. (e-3) In cases involving reckless homicide in which

(i) the offense is committed upon a public thoroughfare where children pass going to and from school when a school crossing guard is performing official duties and (ii) the defendant causes the deaths of 2 or more persons as part of a single course of conduct, the penalty is a Class 2 felony, for which a person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 6 years and not more than 28 years. (e-5) (Blank). (e-7) Except as otherwise provided in subsection (e-8), in cases involving reckless homicide in which the defendant:

(1) was driving in a construction or maintenance zone, as defined in Section 11-605.1 of the Illinois Vehicle Code, or

(2) was operating a vehicle while failing or refusing to comply with any lawful order or direction of any authorized police officer or traffic control aide engaged in traffic control, the penalty is a Class 2 felony, for which a person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 3 years and not more than 14 years. (e-8) In cases involving reckless homicide in which the defendant caused the deaths of 2 or more persons as part of a single course of conduct and:

(1) was driving in a construction or maintenance zone, as defined in Section 11-605.1 of the Illinois Vehicle Code, or

(2) was operating a vehicle while failing or refusing to comply with any lawful order or direction of any authorized police officer or traffic control aide engaged in traffic control, the penalty is a Class 2 felony, for which a person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 6 years and not more than 28 years. (e-9) In cases involving reckless homicide in which the defendant drove a vehicle and used an incline in a roadway, such as a railroad crossing, bridge approach, or hill, to cause the vehicle to become airborne, and caused the deaths of 2 or more persons as part of a single course of conduct, the penalty is a Class 2 felony. (e-10) In cases involving involuntary manslaughter or reckless homicide resulting in the death of a peace officer killed in the performance of his or her duties as a peace officer, the penalty is a Class 2 felony. (e-11) In cases involving reckless homicide in which the defendant unintentionally kills an individual while driving in a posted school zone, as defined in Section 11-605 of the Illinois Vehicle Code, while children are present or in a construction or maintenance zone, as defined in Section 11-605.1 of the Illinois Vehicle Code, when construction or maintenance workers are present the trier of fact may infer that the defendant's actions were performed recklessly where he or she was also either driving at a speed of more than 20 miles per hour in excess of the posted speed limit or violating Section 11-501 of the Illinois Vehicle Code. (e-12) Except as otherwise provided in subsection (e-13), in cases involving reckless homicide in which the offense was committed as result of a violation of subsection

(c) of Section 11-907 of the Illinois Vehicle Code, the penalty is a Class 2 felony, for which a person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 3 years and not more than 14 years. (e-13) In cases involving reckless homicide in which the offense was committed as result of a violation of subsection

(c) of Section 11-907 of the Illinois Vehicle Code and the defendant caused the deaths of 2 or more persons as part of a single course of conduct, the penalty is a Class 2 felony, for which a person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 6 years and not more than 28 years. (e-14) In cases involving reckless homicide in which the defendant unintentionally kills an individual, the trier of fact may infer that the defendant's actions were performed recklessly where he or she was also violating subsection

(c) of Section 11-907 of the Illinois Vehicle Code. The penalty for a reckless homicide in which the driver also violated subsection

(c) of Section 11-907 of the Illinois Vehicle Code is a Class 2 felony, for which a person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 3 years and not more than 14 years. (e-15) In cases involving reckless homicide in which the defendant was operating a vehicle while failing or refusing to comply with subsection

(c) of Section 11-907 of the Illinois Vehicle Code resulting in the death of a firefighter or emergency medical services personnel in the performance of his or her official duties, the penalty is a Class 2 felony.

(f) In cases involving involuntary manslaughter in which the victim was a family or household member as defined in paragraph

(3) of Section 112A-3 of the Code of Criminal Procedure of 1963, the penalty shall be a Class 2 felony, for which a person if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 3 years and not more than 14 years.

720 ILCS 5/9-3.1

Sec. 9-3.1. (Renumbered).

720 ILCS 5/9-3.1.5

Sec. 9-3-1.5. (Renumbered as Section 9-3.5).

720 ILCS 5/9-3.2 — Involuntary manslaughter and reckless homicide of an unborn child

Sec. 9-3.2. Involuntary manslaughter and reckless homicide of an unborn child.

(a) A person who unintentionally kills an unborn child without lawful justification commits involuntary manslaughter of an unborn child if his acts whether lawful or unlawful which cause the death are such as are likely to cause death or great bodily harm to some individual, and he performs them recklessly, except in cases in which the cause of death consists of the driving of a motor vehicle, in which case the person commits reckless homicide of an unborn child.

(b) Sentence.

(1) Involuntary manslaughter of an unborn child is a Class 3 felony.

(2) Reckless homicide of an unborn child is a Class 3 felony.

(c) For purposes of this Section,

(1) "unborn child" shall mean any individual of the human species from the implantation of an embryo until birth, and

(2) "person" shall not include the pregnant individual whose unborn child is killed.

(d) This Section shall not apply to acts which cause the death of an unborn child if those acts were committed during any abortion, as defined in Section 1-10 of the Reproductive Health Act, to which the pregnant individual has consented. This Section shall not apply to acts which were committed pursuant to usual and customary standards of medical practice during diagnostic testing or therapeutic treatment.

(e) The provisions of this Section shall not be construed to prohibit the prosecution of any person under any other provision of law, nor shall it be construed to preclude any civil cause of action.

720 ILCS 5/9-3.3 — Drug-induced homicide

Sec. 9-3.3. Drug-induced homicide.

(a) A person commits drug-induced homicide when he or she violates Section 401 of the Illinois Controlled Substances Act or Section 55 of the Methamphetamine Control and Community Protection Act by unlawfully delivering a controlled substance to another, and any person's death is caused by the injection, inhalation, absorption, or ingestion of any amount of that controlled substance. (a-5) A person commits drug-induced homicide when he or she violates the law of another jurisdiction, which if the violation had been committed in this State could be charged under Section 401 of the Illinois Controlled Substances Act or Section 55 of the Methamphetamine Control and Community Protection Act, by unlawfully delivering a controlled substance to another, and any person's death is caused in this State by the injection, inhalation, absorption, or ingestion of any amount of that controlled substance.

(b) Sentence. Drug-induced homicide is a Class X felony, except:

(1) A person who commits drug-induced homicide by violating subsection

(a) or subsection

(c) of Section 401 of the Illinois Controlled Substances Act or Section 55 of the Methamphetamine Control and Community Protection Act commits a Class X felony for which the defendant shall in addition to a sentence authorized by law, be sentenced to a term of imprisonment of not less than 15 years and not more than 30 years or an extended term of not less than 30 years and not more than 60 years.

(2) A person who commits drug-induced homicide by violating the law of another jurisdiction, which if the violation had been committed in this State could be charged under subsection

(a) or subsection

(c) of Section 401 of the Illinois Controlled Substances Act or Section 55 of the Methamphetamine Control and Community Protection Act, commits a Class X felony for which the defendant shall, in addition to a sentence authorized by law, be sentenced to a term of imprisonment of not less than 15 years and not more than 30 years or an extended term of not less than 30 years and not more than 60 years.

720 ILCS 5/9-3.4 — Concealment of homicidal death

Sec. 9-3.4. Concealment of homicidal death.

(a) A person commits the offense of concealment of homicidal death when he or she knowingly conceals the death of any other person with knowledge that such other person has died by homicidal means.

(b) Nothing in this Section prevents the defendant from also being charged with and tried for the first degree murder, second degree murder, or involuntary manslaughter of the person whose death is concealed. (b-5) For purposes of this Section: "Conceal" means the performing of some act or acts for the purpose of preventing or delaying the discovery of a death by homicidal means. "Conceal" means something more than simply withholding knowledge or failing to disclose information. "Homicidal means" means any act or acts, lawful or unlawful, of a person that cause the death of another person.

(c) Sentence. Concealment of homicidal death is a Class 3 felony.

720 ILCS 5/9-3.5 — Concealment of death

Sec. 9-3.5. Concealment of death.

(a) For purposes of this Section, "conceal" means the performing of some act or acts for the purpose of preventing or delaying the discovery of a death. "Conceal" means something more than simply withholding knowledge or failing to disclose information.

(b) A person commits the offense of concealment of death when he or she knowingly conceals the death of any other person who died by other than homicidal means.

(c) A person commits the offense of concealment of death when he or she knowingly moves the body of a dead person from its place of death, with the intent of concealing information regarding the place or manner of death of that person, or the identity of any person with information regarding the death of that person. This subsection shall not apply to any movement of the body of a dead person by medical personnel, fire fighters, law enforcement officers, coroners, medical examiners, or licensed funeral directors, or by any person acting at the direction of medical personnel, fire fighters, law enforcement officers, coroners, medical examiners, or licensed funeral directors.

(d) Sentence. Concealment of death is a Class 4 felony.

720 ILCS 5/10-1 — Kidnapping

Sec. 10-1. Kidnapping.

(a) A person commits the offense of kidnapping when he or she knowingly:

(1) and secretly confines another against his or her will;

(2) by force or threat of imminent force carries another from one place to another with intent secretly to confine that other person against his or her will; or

(3) by deceit or enticement induces another to go from one place to another with intent secretly to confine that other person against his or her will.

(b) Confinement of a child under the age of 13 years, or of a person with a severe or profound intellectual disability, is against that child's or person's will within the meaning of this Section if that confinement is without the consent of that child's or person's parent or legal guardian.

(c) Sentence. Kidnapping is a Class 2 felony.

720 ILCS 5/10-2 — Aggravated kidnaping

Sec. 10-2. Aggravated kidnaping.

(a) A person commits the offense of aggravated kidnaping when he or she commits kidnapping and:

(1) kidnaps with the intent to obtain ransom from the person kidnaped or from any other person;

(2) takes as his or her victim a child under the age of 13 years, or a person with a severe or profound intellectual disability;

(3) inflicts great bodily harm, other than by the discharge of a firearm, or commits another felony upon his or her victim;

(4) wears a hood, robe, or mask or conceals his or her identity;

(5) commits the offense of kidnapping while armed with a dangerous weapon, other than a firearm, as defined in Section 33A-1 of this Code;

(6) commits the offense of kidnapping while armed with a firearm;

(7) during the commission of the offense of kidnaping, personally discharges a firearm; or

(8) during the commission of the offense of kidnaping, personally discharges a firearm that proximately causes great bodily harm, permanent disability, permanent disfigurement, or death to another person. As used in this Section, "ransom" includes money, benefit, or other valuable thing or concession.

(b) Sentence. Aggravated kidnaping in violation of paragraph (1), (2), (3), (4), or

(5) of subsection

(a) is a Class X felony. A violation of subsection (a)(6) is a Class X felony for which 15 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(7) is a Class X felony for which 20 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(8) is a Class X felony for which 25 years or up to a term of natural life shall be added to the term of imprisonment imposed by the court. An offender under the age of 18 years at the time of the commission of aggravated kidnaping in violation of paragraphs

(1) through

(8) of subsection

(a) shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. A person who has attained the age of 18 years at the time of the commission of the offense and who is convicted of a second or subsequent offense of aggravated kidnaping shall be sentenced to a term of natural life imprisonment; except that a sentence of natural life imprisonment shall not be imposed under this Section unless the second or subsequent offense was committed after conviction on the first offense. An offender under the age of 18 years at the time of the commission of the second or subsequent offense shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections.

720 ILCS 5/10-3 — Unlawful restraint

Sec. 10-3. Unlawful restraint.

(a) A person commits the offense of unlawful restraint when he or she knowingly without legal authority detains another.

(b) Sentence. Unlawful restraint is a Class 4 felony.

720 ILCS 5/10-3.1 — Aggravated unlawful restraint

Sec. 10-3.1. Aggravated unlawful restraint.

(a) A person commits the offense of aggravated unlawful restraint when he or she commits unlawful restraint while using a deadly weapon.

(b) Sentence. Aggravated unlawful restraint is a Class 3 felony.

720 ILCS 5/10-4 — Forcible Detention

Sec. 10-4. Forcible Detention.)

(a) A person commits the offense of forcible detention when he holds an individual hostage without lawful authority for the purpose of obtaining performance by a third person of demands made by the person holding the hostage, and

(1) the person holding the hostage is armed with a dangerous weapon as defined in Section 33A-1 of this Code, or

(2) the hostage is known to the person holding him to be a peace officer or a correctional employee engaged in the performance of his official duties.

(b) Forcible detention is a Class 2 felony.

720 ILCS 5/10-5 — Child abduction

Sec. 10-5. Child abduction.

(a) For purposes of this Section, the following terms have the following meanings:

(1) "Child" means a person who, at the time the alleged violation occurred, was under the age of 18 or was a person with a severe or profound intellectual disability.

(2) "Detains" means taking or retaining physical custody of a child, whether or not the child resists or objects. (2.1)

"Express consent" means oral or written permission that is positive, direct, and unequivocal, requiring no inference or implication to supply its meaning. (2.2) "Luring" means any knowing act to solicit, entice, tempt, or attempt to attract the minor.

(3) "Lawful custodian" means a person or persons granted legal custody of a child or entitled to physical possession of a child pursuant to a court order. It is presumed that, when the parties have never been married to each other, the mother has legal custody of the child unless a valid court order states otherwise. If an adjudication of paternity has been completed and the father has been assigned support obligations or visitation rights, such a paternity order should, for the purposes of this Section, be considered a valid court order granting custody to the mother.

(4) "Putative father" means a man who has a reasonable belief that he is the father of a child born of a woman who is not his wife.

(5) "Unlawful purpose" means any misdemeanor or felony violation of State law or a similar federal or sister state law or local ordinance.

(b) A person commits the offense of child abduction when he or she does any one of the following:

(1) Intentionally violates any terms of a valid court order granting sole or joint custody, care, or possession to another by concealing or detaining the child or removing the child from the jurisdiction of the court.

(2) Intentionally violates a court order prohibiting the person from concealing or detaining the child or removing the child from the jurisdiction of the court.

(3) Intentionally conceals, detains, or removes the child without the consent of the mother or lawful custodian of the child if the person is a putative father and either: (A) the paternity of the child has not been legally established or (B) the paternity of the child has been legally established but no orders relating to custody have been entered. Notwithstanding the presumption created by paragraph

(3) of subsection (a), however, a mother commits child abduction when she intentionally conceals or removes a child, whom she has abandoned or relinquished custody of, from an unadjudicated father who has provided sole ongoing care and custody of the child in her absence.

(4) Intentionally conceals or removes the child from a parent after filing a petition or being served with process in an action affecting marriage or paternity but prior to the issuance of a temporary or final order determining custody.

(5) At the expiration of visitation rights outside the State, intentionally fails or refuses to return or impedes the return of the child to the lawful custodian in Illinois.

(6) Being a parent of the child, and if the parents of that child are or have been married and there has been no court order of custody, knowingly conceals the child for 15 days, and fails to make reasonable attempts within the 15-day period to notify the other parent as to the specific whereabouts of the child, including a means by which to contact the child, or to arrange reasonable visitation or contact with the child. It is not a violation of this Section for a person fleeing domestic violence to take the child with him or her to housing provided by a domestic violence program.

(7) Being a parent of the child, and if the parents of the child are or have been married and there has been no court order of custody, knowingly conceals, detains, or removes the child with physical force or threat of physical force.

(8) Knowingly conceals, detains, or removes the child for payment or promise of payment at the instruction of a person who has no legal right to custody.

(9) Knowingly retains in this State for 30 days a child removed from another state without the consent of the lawful custodian or in violation of a valid court order of custody.

(10) Intentionally lures or attempts to lure a child: (A) under the age of 17 or (B) while traveling to or from a primary or secondary school into a motor vehicle, building, house trailer, or dwelling place without the consent of the child's parent or lawful custodian for other than a lawful purpose. For the purposes of this item (10), the trier of fact may infer that luring or attempted luring of a child under the age of 17 into a motor vehicle, building, house trailer, or dwelling place without the express consent of the child's parent or lawful custodian or with the intent to avoid the express consent of the child's parent or lawful custodian was for other than a lawful purpose.

(11) With the intent to obstruct or prevent efforts to locate the child victim of a child abduction, knowingly destroys, alters, conceals, or disguises physical evidence or furnishes false information.

(c) It is an affirmative defense to subsections (b)(1) through (b)(10) of this Section that:

(1) the person had custody of the child pursuant to a court order granting legal custody or visitation rights that existed at the time of the alleged violation;

(2) the person had physical custody of the child pursuant to a court order granting legal custody or visitation rights and failed to return the child as a result of circumstances beyond his or her control, and the person notified and disclosed to the other parent or legal custodian the specific whereabouts of the child and a means by which the child could be contacted or made a reasonable attempt to notify the other parent or lawful custodian of the child of those circumstances and made the disclosure within 24 hours after the visitation period had expired and returned the child as soon as possible;

(3) the person was fleeing an incidence or pattern of domestic violence; or

(4) the person lured or attempted to lure a child under the age of 17 into a motor vehicle, building, housetrailer, or dwelling place for a lawful purpose in prosecutions under paragraph

(10) of subsection (b).

(d) A person convicted of child abduction under this Section is guilty of a Class 4 felony. A person convicted of child abduction under subsection (b)(10) shall undergo a sex offender evaluation prior to a sentence being imposed. A person convicted of a second or subsequent violation of paragraph

(10) of subsection

(b) of this Section is guilty of a Class 3 felony. A person convicted of child abduction under subsection (b)(10) when the person has a prior conviction of a sex offense as defined in the Sex Offender Registration Act or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign government offense is guilty of a Class 2 felony. It is a factor in aggravation under subsections (b)(1) through (b)(10) of this Section for which a court may impose a more severe sentence under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter V of the Unified Code of Corrections if, upon sentencing, the court finds evidence of any of the following aggravating factors:

(1) that the defendant abused or neglected the child following the concealment, detention, or removal of the child;

(2) that the defendant inflicted or threatened to inflict physical harm on a parent or lawful custodian of the child or on the child with intent to cause that parent or lawful custodian to discontinue criminal prosecution of the defendant under this Section;

(3) that the defendant demanded payment in exchange for return of the child or demanded that he or she be relieved of the financial or legal obligation to support the child in exchange for return of the child;

(4) that the defendant has previously been convicted of child abduction;

(5) that the defendant committed the abduction while armed with a deadly weapon or the taking of the child resulted in serious bodily injury to another; or

(6) that the defendant committed the abduction while in a school, regardless of the time of day or time of year; in a playground; on any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity; on the real property of a school; or on a public way within 1,000 feet of the real property comprising any school or playground. For purposes of this paragraph (6), "playground" means a piece of land owned or controlled by a unit of local government that is designated by the unit of local government for use solely or primarily for children's recreation; and "school" means a public or private elementary or secondary school, community college, college, or university.

(e) The court may order the child to be returned to the parent or lawful custodian from whom the child was concealed, detained, or removed. In addition to any sentence imposed, the court may assess any reasonable expense incurred in searching for or returning the child against any person convicted of violating this Section.

(f) Nothing contained in this Section shall be construed to limit the court's contempt power.

(g) Every law enforcement officer investigating an alleged incident of child abduction shall make a written police report of any bona fide allegation and the disposition of that investigation. Every police report completed pursuant to this Section shall be compiled and recorded within the meaning of Section 5.1 of the Criminal Identification Act.

(h) Whenever a law enforcement officer has reasons to believe a child abduction has occurred, she or he shall provide the lawful custodian a summary of her or his rights under this Code, including the procedures and relief available to her or him.

(i) If during the course of an investigation under this Section the child is found in the physical custody of the defendant or another, the law enforcement officer shall return the child to the parent or lawful custodian from whom the child was concealed, detained, or removed, unless there is good cause for the law enforcement officer or the Department of

Children and Family Services to retain temporary protective custody of the child pursuant to the Abused and Neglected Child Reporting Act.

720 ILCS 5/10-5.1 — Luring of a minor

Sec. 10-5.1. Luring of a minor.

(a) A person commits the offense of luring of a minor when the offender is 21 years of age or older and knowingly contacts or communicates electronically to the minor:

- (1) knowing the minor is under 15 years of age;
- (2) with the intent to persuade, lure or transport the minor away from his or her home, or other location known by the minor's parent or legal guardian to be the place where the minor is to be located;
- (3) for an unlawful purpose;
- (4) without the express consent of the person's parent or legal guardian;
- (5) with the intent to avoid the express consent of the person's parent or legal guardian;
- (6) after so communicating, commits any act in furtherance of the intent described in clause (a)(2); and
- (7) is a stranger to the parents or legal guardian of the minor.

(b) A person commits the offense of luring of a minor when the offender is at least 18 years of age but under 21 years of age and knowingly contacts or communicates electronically to the minor:

- (1) knowing the minor is under 15 years of age;
- (2) with the intent to persuade, lure, or transport the minor away from his or her home or other location known by the minor's parent or legal guardian, to be the place where the minor is to be located;
- (3) for an unlawful purpose;
- (4) without the express consent of the person's parent or legal guardian;
- (5) with the intent to avoid the express consent of the person's parent or legal guardian;
- (6) after so communicating, commits any act in furtherance of the intent described in clause (b)(2); and
- (7) is a stranger to the parents or legal guardian of the minor.

(c) Definitions. For purposes of this Section:

- (1) "Emergency situation" means a situation in which the minor is threatened with imminent bodily harm, emotional harm or psychological harm.
- (2) "Express consent" means oral or written permission that is positive, direct, and unequivocal, requiring no inference or implication to supply its meaning.
- (3) "Contacts or communicates electronically" includes but is not limited to, any attempt to make contact or communicate telephonically or through the Internet or text messages.
- (4) "Luring" shall mean any knowing act to solicit, entice, tempt, or attempt to attract the minor.
- (5) "Minor" shall mean any person under the age of 15.
- (6) "Stranger" shall have its common and ordinary meaning, including but not limited to, a person that is either not known by the parents of the minor or does not have any association with the parents of the minor.
- (7) "Unlawful purpose" shall mean any misdemeanor or felony violation of State law or a similar federal or sister state law or local ordinance.

(d) This Section may not be interpreted to criminalize an act or person contacting a minor within the scope and course of his employment, or status as a volunteer of a recognized civic, charitable or youth organization.

(e) This Section is intended to protect minors and to help parents and legal guardians exercise reasonable care, supervision, protection, and control over minor children.

(f) Affirmative defenses.

- (1) It shall be an affirmative defense to any offense under this Section 10-5.1 that the accused reasonably believed that the minor was over the age of 15.

(2) It shall be an affirmative defense to any offense under this Section 10-5.1 that the accused is assisting the minor in an emergency situation.

(3) It shall not be a defense to the prosecution of any offense under this Section 10-5.1 if the person who is contacted by the offender is posing as a minor and is in actuality an adult law enforcement officer.

(g) Penalties.

(1) A first offense of luring of a minor under subsection

(a) shall be a Class 4 felony. A person convicted of luring of a minor under subsection

(a) shall undergo a sex offender evaluation prior to a sentence being imposed. An offense of luring of a minor under subsection

(a) when a person has a prior conviction in Illinois of a sex offense as defined in the Sex Offender Registration Act, or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign government offense, is guilty of a Class 2 felony.

(2) A first offense of luring of a minor under subsection

(b) is a Class B misdemeanor.

(3) A second or subsequent offense of luring of a minor under subsection

(a) is a Class 3 felony. A second or subsequent offense of luring of a minor under subsection

(b) is a Class 4 felony. A second or subsequent offense when a person has a prior conviction in Illinois of a sex offense as defined in the Sex Offender Registration Act, or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign government offense, is a Class 1 felony. A defendant convicted a second time of an offense under subsection

(a) or

(b) shall register as a sexual predator of children pursuant to the Sex Offender Registration Act.

(4) A third or subsequent offense is a Class 1 felony. A third or subsequent offense when a person has a prior conviction in Illinois of a sex offense as defined in the Sex Offender Registration Act, or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign government offense, is a Class X felony.

(h) For violations of subsection (a), jurisdiction shall be established if the transmission that constitutes the offense either originates in this State or is received in this State and does not apply to emergency situations. For violations of subsection (b), jurisdiction shall be established in any county where the act in furtherance of the commission of the offense is committed, in the county where the minor resides, or in the county where the offender resides.

720 ILCS 5/10-5.5 — Unlawful visitation or parenting time interference

Sec. 10-5.5. Unlawful visitation or parenting time interference.

(a) As used in this Section, the terms "child", "detain", and "lawful custodian" have the meanings ascribed to them in Section 10-5 of this Code.

(b) Every person who, in violation of the visitation, parenting time, or custody time provisions of a court order relating to child custody, detains or conceals a child with the intent to deprive another person of his or her rights to visitation, parenting time, or custody time commits the offense of unlawful visitation or parenting time interference.

(c) A person committing unlawful visitation or parenting time interference is guilty of a petty offense. Any person violating this Section after 2 prior convictions of unlawful visitation interference or unlawful visitation or parenting time interference, however, is guilty of a Class A misdemeanor.

(d) Any law enforcement officer who has probable cause to believe that a person has committed or is committing an act in violation of this Section shall issue to that person a notice to appear.

(e) The notice shall:

(1) be in writing;

(2) state the name of the person and his or her address, if known;

(3) set forth the nature of the offense;

(4) be signed by the officer issuing the notice; and

- (5) request the person to appear before a court at a certain time and place.
- (f) Upon failure of the person to appear, a summons or warrant of arrest may be issued.
- (g) It is an affirmative defense that:
 - (1) a person or lawful custodian committed the act to protect the child from imminent physical harm, provided that the defendant's belief that there was physical harm imminent was reasonable and that the defendant's conduct in withholding visitation rights, parenting time, or custody time was a reasonable response to the harm believed imminent;
 - (2) the act was committed with the mutual consent of all parties having a right to custody and visitation of the child or parenting time with the child; or
 - (3) the act was otherwise authorized by law.

720 ILCS 5/10-6 — Harboring a runaway

Sec. 10-6. Harboring a runaway.

- (a) Any person, other than an agency or association providing crisis intervention services as defined in Section 3-5 of the Juvenile Court Act of 1987, or an operator of a youth emergency shelter as defined in Section 2.21 of the Child Care Act of 1969, who, without the knowledge and consent of the minor's parent or guardian, knowingly gives shelter to a minor, other than a mature minor who has been emancipated under the Emancipation of Minors Act, for more than 48 hours without the consent of the minor's parent or guardian, and without notifying the local law enforcement authorities of the minor's name and the fact that the minor is being provided shelter commits the offense of harboring a runaway.
- (b) Any person who commits the offense of harboring a runaway is guilty of a Class A misdemeanor.

720 ILCS 5/10-7 — Aiding or abetting child abduction

Sec. 10-7. Aiding or abetting child abduction.

- (a) A person violates this Section when, before or during the commission of a child abduction as defined in Section 10-5 and with the intent to promote or facilitate such offense, he or she intentionally aids or abets another in the planning or commission of child abduction, unless before the commission of the offense he or she makes proper effort to prevent the commission of the offense.
- (b) Sentence. A person who violates this Section commits a Class 4 felony.

720 ILCS 5/10-8 — Unlawful sale of a public conveyance travel ticket to a minor

Sec. 10-8. Unlawful sale of a public conveyance travel ticket to a minor.

- (a) A person commits the offense of unlawful sale of a public conveyance travel ticket to a minor when the person sells a ticket for travel on any public conveyance to an unemancipated minor under 17 years of age without the consent of the minor's parents or guardian for passage to a destination outside this state and knows the minor's age or fails to take reasonable measures to ascertain the minor's age.
- (b) Evidence. The fact that the defendant demanded, was shown, and reasonably relied upon written evidence of a person's age in any transaction forbidden by this Section is competent evidence, and may be considered in any criminal prosecution for a violation of this Section.
- (c) Definition. "Public Conveyance", includes an airplane, boat, bus, railroad, train, taxicab or other vehicle used for the transportation of passengers for hire.
- (d) Sentence. Unlawful sale of a public conveyance travel ticket to a minor is a Class C misdemeanor.

720 ILCS 5/10-8.1 — Unlawful sending of a public conveyance travel ticket to a minor

Sec. 10-8.1. Unlawful sending of a public conveyance travel ticket to a minor.

- (a) In this Section, "public conveyance" has the meaning ascribed to it in Section 10-8 of this Code.
- (b) A person commits the offense of unlawful sending of a public conveyance travel ticket to a minor when the person without the consent of the minor's parent or guardian:
 - (1) knowingly sends, causes to be sent, or purchases a public conveyance travel ticket to any location for a person known by the offender to be an unemancipated minor under 17 years of age or a person he or she believes to be a minor under 17 years of age, other than for a lawful purpose under Illinois law; or

(2) knowingly arranges for travel to any location on any public conveyance for a person known by the offender to be an unemancipated minor under 17 years of age or a person he or she believes to be a minor under 17 years of age, other than for a lawful purpose under Illinois law. (b-5) Telecommunications carriers, commercial mobile service providers, and providers of information services, including, but not limited to, Internet service providers and hosting service providers, are not liable under this Section, except for willful and wanton misconduct, by virtue of the transmission, storage, or caching of electronic communications or messages of others or by virtue of the provision of other related telecommunications, commercial mobile services, or information services used by others in violation of this Section.

(c) Sentence. Unlawful sending of a public conveyance travel ticket to a minor is a Class A misdemeanor. A person who commits unlawful sending of a public conveyance travel ticket to a minor who believes that he or she is at least 5 years older than the minor is guilty of a Class 4 felony.

720 ILCS 5/10-9 — Trafficking in persons, involuntary servitude, and related offenses

Sec. 10-9. Trafficking in persons, involuntary servitude, and related offenses.

(a) Definitions. In this Section:

(1) "Intimidation" has the meaning prescribed in Section 12-6.

(2) "Commercial sexual activity" means any sex act on account of which anything of value is given, promised to, or received by any person. (2.5) "Company" means any sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability limited partnership, limited liability company, or other entity or business association, including all wholly owned subsidiaries, majority-owned subsidiaries, parent companies, or affiliates of those entities or business associations, that exist for the purpose of making profit.

(3) "Financial harm" includes intimidation that brings about financial loss, criminal usury, or employment contracts that violate the Frauds Act.

(4) (Blank).

(5) "Labor" means work of economic or financial value.

(6) "Maintain" means, in relation to labor or services, to secure continued performance thereof, regardless of any initial agreement on the part of the victim to perform that type of service.

(7) "Obtain" means, in relation to labor or services, to secure performance thereof. (7.5) "Serious harm" means any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing labor or services in order to avoid incurring that harm.

(8) "Services" means activities resulting from a relationship between a person and the actor in which the person performs activities under the supervision of or for the benefit of the actor. Commercial sexual activity and sexually-explicit performances are forms of activities that are "services" under this Section. Nothing in this definition may be construed to legitimize or legalize prostitution.

(9) "Sexually-explicit performance" means a live, recorded, broadcast (including over the Internet), or public act or show intended to arouse or satisfy the sexual desires or appeal to the prurient interests of patrons.

(10) "Trafficking victim" means a person subjected to the practices set forth in subsection (b), (c), or (d).

(b) Involuntary servitude. A person commits involuntary servitude when he or she knowingly subjects, attempts to subject, or engages in a conspiracy to subject another person to labor or services obtained or maintained through any of the following means, or any combination of these means:

(1) causes or threatens to cause physical harm to any person;

(2) physically restrains or threatens to physically restrain another person;

(3) abuses or threatens to abuse the law or legal process;

(4) attempts to or knowingly destroys, conceals, removes, confiscates, or possesses any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person;

(5) uses intimidation, abuses a position of trust, authority, or supervision in relation to the victim, through the use or deprivation of any alcoholic intoxicant, a drug as defined or used in the Illinois Controlled Substances Act or the Cannabis Control Act, or methamphetamine as defined in the Methamphetamine Control and Community Protection Act, or exerts

financial control over any person; or

(6) uses any scheme, plan, or pattern intended to cause the person to believe that, if the person did not perform the labor or services, that person or another person would suffer serious harm or physical restraint. Sentence. Except as otherwise provided in subsection

(e) or (f), a violation of subsection (b)(1) is a Class X felony, (b)(2) is a Class 1 felony, (b)(3) is a Class 2 felony, (b)(4) is a Class 3 felony, (b)(5) and (b)(6) is a Class 4 felony.

(c) Involuntary sexual servitude of a minor. A person commits involuntary sexual servitude of a minor when he or she knowingly recruits, entices, harbors, transports, provides, or obtains by any means, or attempts to recruit, entice, harbor, provide, or obtain by any means, another person under 18 years of age, knowing that the minor will engage in commercial sexual activity, a sexually-explicit performance, or the production of pornography, or causes or attempts to cause a minor to engage in one or more of those activities and:

(1) there is no overt force or threat and the minor is between the ages of 17 and 18 years;

(2) there is no overt force or threat and the minor is under the age of 17 years; or

(3) there is overt force or threat. Sentence. Except as otherwise provided in subsection

(e) or (f), a violation of subsection (c)(1) is a Class 1 felony, (c)(2) is a Class X felony, and (c)(3) is a Class X felony.

(d) Trafficking in persons. A person commits trafficking in persons when he or she knowingly:

(1) recruits, entices, harbors, transports, provides, or obtains by any means, or attempts to recruit, entice, harbor, transport, provide, or obtain by any means, another person, intending or knowing that the person will be subjected to involuntary servitude; or

(2) benefits, financially or by receiving anything of value, from participation in a venture that has engaged in an act of involuntary servitude or involuntary sexual servitude of a minor. A company commits trafficking in persons when the company knowingly benefits, financially or by receiving anything of value, from participation in a venture that has engaged in an act of involuntary servitude or involuntary sexual servitude of a minor. Sentence. Except as otherwise provided in subsection

(e) or (f), a violation of this subsection by a person is a Class 1 felony. A violation of this subsection by a company is a business offense for which a fine of up to \$100,000 may be imposed.

(e) Aggravating factors. A violation of this Section involving kidnapping or an attempt to kidnap, aggravated criminal sexual assault or an attempt to commit aggravated criminal sexual assault, or an attempt to commit first degree murder is a Class X felony.

(f) Sentencing considerations.

(1) Bodily injury. If, pursuant to a violation of this Section, a victim suffered bodily injury, the defendant may be sentenced to an extended-term sentence under Section 5-8-2 of the Unified Code of Corrections. The sentencing court must take into account the time in which the victim was held in servitude, with increased penalties for cases in which the victim was held for between 180 days and one year, and increased penalties for cases in which the victim was held for more than one year.

(2) Number of victims. In determining sentences within statutory maximums, the sentencing court should take into account the number of victims, and may provide for substantially increased sentences in cases involving more than 10 victims.

(3) Age of victim. In determining sentences, the sentencing court shall take into account the age of the victim or victims.

(g) Restitution. Restitution is mandatory under this Section. In addition to any other amount of loss identified, the court shall order restitution including the greater of

(1) the gross income or value to the defendant of the victim's labor or services or

(2) the value of the victim's labor as guaranteed under the Minimum Wage Law and overtime provisions of the Fair Labor Standards Act (FLSA) or the Minimum Wage Law, whichever is greater. (g-5) Fine distribution. If the court imposes a fine under subsection (b), (c), or

(d) of this Section, it shall be collected and distributed to the Specialized Services for Survivors of Human Trafficking Fund in accordance with Section 5-9-1.21 of the Unified Code of Corrections.

(h) Trafficking victim services. Subject to the availability of funds, the Department of Human Services may provide or fund emergency services and assistance to individuals who are victims of one or more offenses defined in this Section.

(i) Certification. The Attorney General, a State's Attorney, or any law enforcement official shall certify in writing to the United States Department of Justice or other federal agency, such as the United States Department of Homeland Security, that an investigation or prosecution under this Section has begun and the individual who is a likely victim of a crime described in this Section is willing to cooperate or is cooperating with the investigation to enable the individual, if eligible under federal law, to qualify for an appropriate special immigrant visa and to access available federal benefits. Cooperation with law enforcement shall not be required of victims of a crime described in this Section who are under 18 years of age. This certification shall be made available to the victim and his or her designated legal representative.

(j) A person who commits involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons under subsection (b), (c), or

(d) of this Section is subject to the property forfeiture provisions set forth in Article 124B of the Code of Criminal Procedure of 1963.

720 ILCS 5/10-10 — Failure to report the death or disappearance of a child under 13 years of age

Sec. 10-10. Failure to report the death or disappearance of a child under 13 years of age.

(a) A parent, legal guardian, or caretaker of a child under 13 years of age commits failure to report the death or disappearance of a child under 13 years of age when he or she knows or should know and fails to report the child as missing or deceased to a law enforcement agency within 24 hours if the parent, legal guardian, or caretaker reasonably believes that the child is missing or deceased. In the case of a child under the age of 2 years, the reporting requirement is reduced to no more than one hour.

(b) A parent, legal guardian, or caretaker of a child under 13 years of age must report the death of the child to the law enforcement agency of the county where the child's corpse was found if the parent, legal guardian, or caretaker reasonably believes that the death of the child was caused by a homicide, accident, or other suspicious circumstance.

(c) The Department of Children and Family Services Guardianship Administrator shall not personally be subject to the reporting requirements in subsection

(a) or

(b) of this Section.

(d) A parent, legal guardian, or caretaker does not commit the offense of failure to report the death or disappearance of a child under 13 years of age when:

(1) the failure to report is due to an act of God, act of war, or inability of a law enforcement agency to receive a report of the disappearance of a child;

(2) the parent, legal guardian, or caretaker calls 911 to report the disappearance of the child;

(3) the parent, legal guardian, or caretaker knows that the child is under the care of another parent, family member, relative, friend, or baby sitter; or

(4) the parent, legal guardian, or caretaker is hospitalized, in a coma, or is otherwise seriously physically or mentally impaired as to prevent the person from reporting the death or disappearance.

(e) Sentence. A violation of this Section is a Class 4 felony.

720 ILCS 5/11-0.1 — Definitions

Sec. 11-0.1. Definitions. In this Article, unless the context clearly requires otherwise, the following terms are defined as indicated: "Accused" means a person accused of an offense prohibited by Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, or 11-1.60 of this Code or a person for whose conduct the accused is legally responsible under Article 5 of this Code. "Adult obscenity or child pornography Internet site". See Section 11-23. "Advance prostitution" means:

(1) Soliciting for a person engaged in the sex trade by performing any of the following acts when acting other than as a person engaged in the sex trade or a patron of a person engaged in the sex trade: (A) Soliciting another for the purpose of prostitution. (B) Arranging or offering to arrange a meeting of persons for the purpose of prostitution. (C) Directing another to a place knowing the direction is for the purpose of prostitution.

(2) Keeping a place of prostitution by controlling or exercising control over the use of any place that could offer seclusion or shelter for the practice of prostitution and performing any of the following acts when acting other than as a person engaged in the sex trade or a patron of a person engaged in the sex trade: (A) Knowingly granting or permitting the use of the place for the purpose of prostitution. (B) Granting or permitting the use of the place under circumstances from which he or she could reasonably know that the place is used or is to be used for purposes of prostitution. (C) Permitting the continued use of the place after becoming aware of facts or circumstances from which he or she should reasonably know that the place is being used for purposes of prostitution. "Agency". See Section 11-9.5. "Arranges". See Section 11-6.5. "Bodily harm" means physical harm, and includes, but is not limited to, sexually transmitted disease, pregnancy, and impotence. "Care and custody". See Section 11-9.5. "Child care institution". See Section 11-9.3. "Child pornography". See Section 11-20.1. "Child sex offender". See Section 11-9.3. "Community agency". See Section 11-9.5. "Conditional release". See Section 11-9.2. "Consent" means a freely given agreement to the act of sexual penetration or sexual conduct in question. Lack of verbal or physical resistance or submission by the victim resulting from the use of force or threat of force by the accused shall not constitute consent. The manner of dress of the victim at the time of the offense shall not constitute consent. "Custody". See Section 11-9.2. "Day care center". See Section 11-9.3. "Depict by computer". See Section 11-20.1. "Depiction by computer". See Section 11-20.1. "Disseminate". See Section 11-20.1. "Distribute". See Section 11-21. "Family member" means a parent, grandparent, child, aunt, uncle, great-aunt, or great-uncle, whether by whole blood, half-blood, or adoption, and includes a step-grandparent, step-parent, or step-child. "Family member" also means, if the victim is a child under 18 years of age, an accused who has resided in the household with the child continuously for at least 6 months. "Force or threat of force" means the use of force or violence or the threat of force or violence, including, but not limited to, the following situations:

(1) when the accused threatens to use force or violence on the victim or on any other person, and the victim under the circumstances reasonably believes that the accused has the ability to execute that threat; or

(2) when the accused overcomes the victim by use of superior strength or size, physical restraint, or physical confinement. "Harmful to minors". See Section 11-21. "Loiter". See Section 9.3. "Material". See Section 11-21. "Minor". See Section 11-21. "Nudity". See Section 11-21. "Obscene". See Section 11-20. "Part day child care facility". See Section 11-9.3. "Penal system". See Section 11-9.2. "Person responsible for the child's welfare". See Section 11-9.1A. "Person with a disability". See Section 11-9.5. "Playground". See Section 11-9.3. "Probation officer". See Section 11-9.2. "Produce". See Section 11-20.1. "Profit from prostitution" means, when acting other than as a person engaged in the sex trade, to receive anything of value for personally rendered prostitution services or to receive anything of value from a person engaged in the sex trade, if the thing received is not for lawful consideration and the person knows it was earned in whole or in part from the practice of prostitution. "Public park". See Section 11-9.3. "Public place". See Section 11-30. "Reproduce". See Section 11-20.1. "Sado-masochistic abuse". See Section 11-21. "School". See Section 11-9.3. "School official". See Section 11-9.3. "Sexual abuse". See Section 11-9.1A. "Sexual act". See Section 11-9.1. "Sexual conduct" means any knowing touching or fondling by the victim or the accused, either directly or through clothing, of the sex organs, anus, or breast of the victim or the accused, or any part of the body of a child under 13 years of age, or any transfer or transmission of semen by the accused upon any part of the clothed or unclothed body of the victim, for the purpose of sexual gratification or arousal of the victim or the accused. "Sexual excitement". See Section 11-21. "Sexual penetration" means any contact, however slight, between the sex organ or anus of one person and an object or the sex organ, mouth, or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person, including, but not limited to, cunnilingus, fellatio, or anal penetration. Evidence of emission of semen is not required to prove sexual penetration. "Solicit". See Section 11-6. "State-operated facility". See Section 11-9.5. "Supervising officer". See Section 11-9.2. "Surveillance agent". See Section 11-9.2. "Treatment and detention facility". See Section 11-9.2. "Unable to give knowing consent" includes when the accused administers any intoxicating or anesthetic substance, or any controlled substance causing the victim to become unconscious of the nature of the act and this condition was known, or reasonably should have been known by the accused. "Unable to give knowing consent" also includes when the victim has taken an intoxicating substance or any controlled substance causing the victim to become unconscious of the nature of the act, and this condition was known or reasonably should have been known by the accused, but the accused did not provide or administer the intoxicating substance. As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets any one of the following conditions:

(1) was unconscious or asleep;

(2) was not aware, knowing, perceiving, or cognizant that the act occurred;

(3) was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact; or

(4) was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose. A victim is presumed "unable to give knowing consent" when the victim:

(1) is committed to the care and custody or supervision of the Illinois Department of Corrections (IDOC) and the accused is an employee or volunteer who is not married to the victim who knows or reasonably should know that the victim is committed to the care and custody or supervision of such department;

(2) is committed to or placed with the Department of Children and Family Services (DCFS) and in residential care, and the accused employee is not married to the victim, and knows or reasonably should know that the victim is committed to or placed with DCFS and in residential care;

(3) is a client or patient and the accused is a health care provider or mental health care provider and the sexual conduct or sexual penetration occurs during a treatment session, consultation, interview, or examination;

(4) is a resident or inpatient of a residential facility and the accused is an employee of the facility who is not married to such resident or inpatient who provides direct care services, case management services, medical or other clinical services, habilitative services or direct supervision of the residents in the facility in which the resident resides; or an officer or other employee, consultant, contractor or volunteer of the residential facility, who knows or reasonably should know that the person is a resident of such facility; or

(5) is detained or otherwise in the custody of a police officer, peace officer, or other law enforcement official who:

(i) is detaining or maintaining custody of such person; or (ii) knows, or reasonably should know, that at the time of the offense, such person was detained or in custody and the police officer, peace officer, or other law enforcement official is not married to such detainee. "Victim" means a person alleging to have been subjected to an offense prohibited by Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, or 11-1.60 of this Code. (Text of Section from P.A. 104-245) Sec. 11-0.1.

Definitions. In this Article, unless the context clearly requires otherwise, the following terms are defined as indicated:

"Accused" means a person accused of an offense prohibited by Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, or 11-1.60 of this Code or a person for whose conduct the accused is legally responsible under Article 5 of this Code. "Adult obscenity or child sexual abuse material Internet site". See Section 11-23. "Advance prostitution" means:

(1) Soliciting for a prostitute by performing any of the following acts when acting other than as a prostitute or a patron of a prostitute: (A) Soliciting another for the purpose of prostitution. (B) Arranging or offering to arrange a meeting of persons for the purpose of prostitution. (C) Directing another to a place knowing the direction is for the purpose of prostitution.

(2) Keeping a place of prostitution by controlling or exercising control over the use of any place that could offer seclusion or shelter for the practice of prostitution and performing any of the following acts when acting other than as a prostitute or a patron of a prostitute: (A) Knowingly granting or permitting the use of the place for the purpose of prostitution. (B) Granting or permitting the use of the place under circumstances from which he or she could reasonably know that the place is used or is to be used for purposes of prostitution. (C) Permitting the continued use of the place after becoming aware of facts or circumstances from which he or she should reasonably know that the place is being used for purposes of prostitution. "Agency". See Section 11-9.5. "Arranges". See Section 11-6.5. "Bodily harm" means physical harm, and includes, but is not limited to, sexually transmitted disease, pregnancy, and impotence. "Care and custody". See Section 11-9.5. "Child care institution". See Section 11-9.3. "Child sexual abuse material". See Section 11-20.1. "Child sex offender". See Section 11-9.3. "Community agency". See Section 11-9.5. "Conditional release". See Section 11-9.2.

"Consent" means a freely given agreement to the act of sexual penetration or sexual conduct in question. Lack of verbal or physical resistance or submission by the victim resulting from the use of force or threat of force by the accused shall not constitute consent. The manner of dress of the victim at the time of the offense shall not constitute consent.

"Custody". See Section 11-9.2. "Day care center". See Section 11-9.3. "Depict by computer". See Section 11-20.1.

"Depiction by computer". See Section 11-20.1. "Disseminate". See Section 11-20.1. "Distribute". See Section 11-21.

"Family member" means a parent, grandparent, child, sibling, aunt, uncle, great-aunt, or great-uncle, whether by whole blood, half-blood, or adoption, and includes a step-grandparent, step-parent, or step-child. "Family member" also means, if the victim is a child under 18 years of age, an accused who has resided in the household with the child continuously for at least 3 months. "Force or threat of force" means the use of force or violence or the threat of force or violence, including, but not limited to, the following situations:

(1) when the accused threatens to use force or violence on the victim or on any other person, and the victim under the circumstances reasonably believes that the accused has the ability to execute that threat; or

(2) when the accused overcomes the victim by use of superior strength or size, physical restraint, or physical confinement. "Harmful to minors". See Section 11-21. "Loiter". See Section 9.3. "Material". See Section 11-21. "Minor". See Section 11-21. "Nudity". See Section 11-21. "Obscene". See Section 11-20. "Part day child care facility". See Section 11-9.3. "Penal system". See Section 11-9.2. "Person responsible for the child's welfare". See Section 11-9.1A. "Person with a disability". See Section 11-9.5. "Playground". See Section 11-9.3. "Probation officer". See Section 11-9.2. "Produce". See Section 11-20.1. "Profit from prostitution" means, when acting other than as a prostitute, to receive anything of value for personally rendered prostitution services or to receive anything of value from a prostitute, if the thing received is not for lawful consideration and the person knows it was earned in whole or in part from the practice of prostitution. "Public park". See Section 11-9.3. "Public place". See Section 11-30. "Reproduce". See Section 11-20.1. "Sado-masochistic abuse". See Section 11-21. "School". See Section 11-9.3. "School official". See Section 11-9.3. "Sexual abuse". See Section 11-9.1A. "Sexual act". See Section 11-9.1. "Sexual conduct" means any knowing touching or fondling by the victim or the accused, either directly or through clothing, of the sex organs, anus, or breast of the victim or the accused, or any part of the body of a child under 13 years of age, or any transfer or transmission of semen by the accused upon any part of the clothed or unclothed body of the victim, for the purpose of sexual gratification or arousal of the victim or the accused. "Sexual excitement". See Section 11-21. "Sexual penetration" means any contact, however slight, between the sex organ or anus of one person and an object or the sex organ, mouth, or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person, including, but not limited to, cunnilingus, fellatio, or anal penetration. Evidence of emission of semen is not required to prove sexual penetration. "Solicit". See Section 11-6. "State-operated facility". See Section 11-9.5. "Supervising officer". See Section 11-9.2. "Surveillance agent". See Section 11-9.2. "Treatment and detention facility". See Section 11-9.2. "Unable to give knowing consent" includes, but is not limited to, when the victim was asleep, unconscious, or unaware of the nature of the act such that the victim could not give voluntary and knowing agreement to the sexual act. "Unable to give knowing consent" also includes when the accused administers any intoxicating or anesthetic substance, or any controlled substance causing the victim to become unconscious of the nature of the act and this condition was known, or reasonably should have been known by the accused. "Unable to give knowing consent" also includes when the victim has taken an intoxicating substance or any controlled substance causing the victim to become unconscious of the nature of the act, and this condition was known or reasonably should have been known by the accused, but the accused did not provide or administer the intoxicating substance. As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets any one of the following conditions:

(1) was unconscious or asleep;

(2) was not aware, knowing, perceiving, or cognizant that the act occurred;

(3) was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact; or

(4) was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose. It is inferred that a victim is unable to give knowing consent when the victim:

(1) is committed to the care and custody or supervision of the Illinois Department of Corrections (IDOC) and the accused is an employee or volunteer who is not married to the victim who knows or reasonably should know that the victim is committed to the care and custody or supervision of such department;

(2) is committed to or placed with the Department of Children and Family Services (DCFS) and in residential care, and the accused employee is not married to the victim, and knows or reasonably should know that the victim is committed to or placed with DCFS and in residential care;

(3) is a client or patient and the accused is a health care provider or mental health care provider and the sexual conduct or sexual penetration occurs during a treatment session, consultation, interview, or examination;

(4) is a resident or inpatient of a residential facility and the accused is an employee of the facility who is not married to such resident or inpatient who provides direct care services, case management services, medical or other clinical services, habilitative services or direct supervision of the residents in the facility in which the resident resides; or an officer

or other employee, consultant, contractor or volunteer of the residential facility, who knows or reasonably should know that the person is a resident of such facility; or

(5) is detained or otherwise in the custody of a police officer, peace officer, or other law enforcement official who:

(i) is detaining or maintaining custody of such person; or (ii) knows, or reasonably should know, that at the time of the offense, such person was detained or in custody and the police officer, peace officer, or other law enforcement official is not married to such detainee. "Victim" means a person alleging to have been subjected to an offense prohibited by Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, or 11-1.60 of this Code.

720 ILCS 5/11-1.10 — General provisions concerning offenses described in Sections 11-1

Sec. 11-1.10. General provisions concerning offenses described in Sections 11-1.20 through 11-1.60.

(a) No person accused of violating Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, or 11-1.60 of this Code shall be presumed to be incapable of committing an offense prohibited by Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, or 11-1.60 of this Code because of age, physical condition or relationship to the victim. Nothing in this Section shall be construed to modify or abrogate the affirmative defense of infancy under Section 6-1 of this Code or the provisions of Section 5-805 of the Juvenile Court Act of 1987.

(b) Any medical examination or procedure which is conducted by a physician, nurse, medical or hospital personnel, parent, or caretaker for purposes and in a manner consistent with reasonable medical standards is not an offense under Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, or 11-1.60 of this Code.

(c) (Blank).

(d) (Blank).

(e) The prosecuting State's Attorney shall seek an order from the court to compel the accused to be tested for any sexually transmissible disease, including a test for infection with human immunodeficiency virus (HIV), within 48 hours:

(1) after a finding at a preliminary hearing that there is probable cause to believe that an accused has committed a violation of Section 11-1.20, 11-1.30, or 11-1.40 of this Code, or

(2) after an indictment is returned charging an accused with a violation of Section 11-1.20, 11-1.30, or 11-1.40 of this Code, or

(3) after a finding that a defendant charged with a violation of Section 11-1.20, 11-1.30, or 11-1.40 of this Code is unfit to stand trial pursuant to Section 104-16 of the Code of Criminal Procedure of 1963 where the finding is made prior to the preliminary hearing, or

(4) after the request of the victim of the violation of Section 11-1.20, 11-1.30, or 11-1.40. The medical tests shall be performed only by appropriately licensed medical practitioners. The testing shall consist of a test approved by the Illinois Department of Public Health to determine the presence of HIV infection, based upon recommendations of the United States Centers for Disease Control and Prevention; in the event of a positive result, a reliable supplemental test based upon recommendations of the United States Centers for Disease Control and Prevention shall be administered. The results of the tests and any follow-up tests shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the victim, to the defendant, to the State's Attorney, and to the judge who entered the order, for the judge's inspection in camera. The judge shall provide to the victim a referral to the Illinois Department of Public Health HIV/AIDS toll-free hotline for counseling and information in connection with the test result. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom, if anyone, the result of the testing may be revealed; however, in no case shall the identity of the victim be disclosed. The court shall order that the cost of the tests shall be paid by the county, and shall be taxed as costs against the accused if convicted.

(f) Whenever any law enforcement officer has reasonable cause to believe that a person has been delivered a controlled substance without his or her consent, the law enforcement officer shall advise the victim about seeking medical treatment and preserving evidence.

(g) Every hospital providing emergency hospital services to an alleged sexual assault survivor, when there is reasonable cause to believe that a person has been delivered a controlled substance without his or her consent, shall designate personnel to provide:

- (1) An explanation to the victim about the nature and effects of commonly used controlled substances and how such controlled substances are administered.
- (2) An offer to the victim of testing for the presence of such controlled substances.
- (3) A disclosure to the victim that all controlled substances or alcohol ingested by the victim will be disclosed by the test.
- (4) A statement that the test is completely voluntary.
- (5) A form for written authorization for sample analysis of all controlled substances and alcohol ingested by the victim. A physician licensed to practice medicine in all its branches may agree to be a designated person under this subsection. No sample analysis may be performed unless the victim returns a signed written authorization within 30 days after the sample was collected. Any medical treatment or care under this subsection shall be only in accordance with the order of a physician licensed to practice medicine in all of its branches. Any testing under this subsection shall be only in accordance with the order of a licensed individual authorized to order the testing.

720 ILCS 5/11-1.20 — Criminal sexual assault

Sec. 11-1.20. Criminal sexual assault.

(a) A person commits criminal sexual assault if that person commits an act of sexual penetration and:

- (1) uses force or threat of force;
- (2) knows that the victim is unable to understand the nature of the act or is unable to give knowing consent;
- (3) is a family member of the victim, and the victim is under 18 years of age; or
- (4) is 17 years of age or over and holds a position of trust, authority, or supervision in relation to the victim, and the victim is at least 13 years of age but under 18 years of age.

(b) Sentence.

(1) Criminal sexual assault is a Class 1 felony, except that: (A) A person who is convicted of the offense of criminal sexual assault as defined in paragraph (a)(1) or (a)(2) after having previously been convicted of the offense of criminal sexual assault or the offense of exploitation of a child, or who is convicted of the offense of criminal sexual assault as defined in paragraph (a)(1) or (a)(2) after having previously been convicted under the laws of this State or any other state of an offense that is substantially equivalent to the offense of criminal sexual assault or to the offense of exploitation of a child, commits a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 30 years and not more than 60 years, except that if the person is under the age of 18 years at the time of the offense, he or she shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph (A) to apply. (B) A person who has attained the age of 18 years at the time of the commission of the offense and who is convicted of the offense of criminal sexual assault as defined in paragraph (a)(1) or (a)(2) after having previously been convicted of the offense of aggravated criminal sexual assault or the offense of predatory criminal sexual assault of a child, or who is convicted of the offense of criminal sexual assault as defined in paragraph (a)(1) or (a)(2) after having previously been convicted under the laws of this State or any other state of an offense that is substantially equivalent to the offense of aggravated criminal sexual assault or the offense of predatory criminal sexual assault of a child shall be sentenced to a term of natural life imprisonment. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph (B) to apply. An offender under the age of 18 years at the time of the commission of the offense covered by this subparagraph (B) shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. (C) A second or subsequent conviction for a violation of paragraph (a)(3) or (a)(4) or under any similar statute of this State or any other state for any offense involving criminal sexual assault that is substantially equivalent to or more serious than the sexual assault prohibited under paragraph (a)(3) or (a)(4) is a Class X felony.

720 ILCS 5/11-1.30 — Aggravated Criminal Sexual Assault

Sec. 11-1.30. Aggravated Criminal Sexual Assault.

(a) A person commits aggravated criminal sexual assault if that person commits criminal sexual assault and any of the following aggravating circumstances exist during the commission of the offense or, for purposes of paragraph (7), occur as part of the same course of conduct as the commission of the offense:

- (1) the person displays, threatens to use, or uses a dangerous weapon, other than a firearm, or any other object fashioned or used in a manner that leads the victim, under the circumstances, reasonably to believe that the object is a

dangerous weapon;

(2) the person causes bodily harm to the victim, except as provided in paragraph (10);

(3) the person acts in a manner that threatens or endangers the life of the victim or any other person;

(4) the person commits the criminal sexual assault during the course of committing or attempting to commit any other felony;

(5) the victim is 60 years of age or older;

(6) the victim is a person with a physical disability;

(7) the person delivers (by injection, inhalation, ingestion, transfer of possession, or any other means) any controlled substance to the victim without the victim's consent or by threat or deception for other than medical purposes;

(8) the person is armed with a firearm;

(9) the person personally discharges a firearm during the commission of the offense; or

(10) the person personally discharges a firearm during the commission of the offense, and that discharge proximately causes great bodily harm, permanent disability, permanent disfigurement, or death to another person.

(b) A person commits aggravated criminal sexual assault if that person is under 17 years of age and:

(i) commits an act of sexual penetration with a victim who is under 9 years of age; or (ii) commits an act of sexual penetration with a victim who is at least 9 years of age but under 13 years of age and the person uses force or threat of force to commit the act.

(c) A person commits aggravated criminal sexual assault if that person commits an act of sexual penetration with a victim who is a person with a severe or profound intellectual disability.

(d) Sentence.

(1) Aggravated criminal sexual assault in violation of paragraph (2), (3), (4), (5), (6), or

(7) of subsection

(a) or in violation of subsection

(b) or

(c) is a Class X felony. A violation of subsection (a)(1) is a Class X felony for which 10 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(8) is a Class X felony for which 15 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(9) is a Class X felony for which 20 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(10) is a Class X felony for which 25 years or up to a term of natural life imprisonment shall be added to the term of imprisonment imposed by the court. An offender under the age of 18 years at the time of the commission of aggravated criminal sexual assault in violation of paragraphs

(1) through

(10) of subsection

(a) shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections.

(2) A person who has attained the age of 18 years at the time of the commission of the offense and who is convicted of a second or subsequent offense of aggravated criminal sexual assault, or who is convicted of the offense of aggravated criminal sexual assault after having previously been convicted of the offense of criminal sexual assault or the offense of predatory criminal sexual assault of a child, or who is convicted of the offense of aggravated criminal sexual assault after having previously been convicted under the laws of this or any other state of an offense that is substantially equivalent to the offense of criminal sexual assault, the offense of aggravated criminal sexual assault or the offense of predatory criminal sexual assault of a child, shall be sentenced to a term of natural life imprisonment. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph

(2) to apply. An offender under the age of 18 years at the time of the commission of the offense covered by this paragraph

(2) shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections.

720 ILCS 5/11-1.40 — Predatory criminal sexual assault of a child

Sec. 11-1.40. Predatory criminal sexual assault of a child.

(a) A person commits predatory criminal sexual assault of a child if that person is 17 years of age or older, and commits an act of contact, however slight, between the sex organ or anus of one person and the part of the body of another for the purpose of sexual gratification or arousal of the victim or the accused, or an act of sexual penetration, and:

(1) the victim is under 13 years of age; or

(2) the victim is under 13 years of age and that person: (A) is armed with a firearm; (B) personally discharges a firearm during the commission of the offense; (C) causes great bodily harm to the victim that:

(i) results in permanent disability; or (ii) is life threatening; or (D) delivers (by injection, inhalation, ingestion, transfer of possession, or any other means) any controlled substance to the victim without the victim's consent or by threat or deception, for other than medical purposes.

(b) Sentence.

(1) A person convicted of a violation of subsection (a)(1) commits a Class X felony, for which the person shall be sentenced to a term of imprisonment of not less than 6 years and not more than 60 years. A person convicted of a violation of subsection (a)(2)(A) commits a Class X felony for which 15 years shall be added to the term of imprisonment imposed by the court. A person convicted of a violation of subsection (a)(2)(B) commits a Class X felony for which 20 years shall be added to the term of imprisonment imposed by the court. A person who has attained the age of 18 years at the time of the commission of the offense and who is convicted of a violation of subsection (a)(2)(C) commits a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 50 years or up to a term of natural life imprisonment. An offender under the age of 18 years at the time of the commission of predatory criminal sexual assault of a child in violation of subsections (a)(1), (a)(2)(A), (a)(2)(B), and (a)(2)(C) shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. (1.1) A person convicted of a violation of subsection (a)(2)(D) commits a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 50 years and not more than 60 years. An offender under the age of 18 years at the time of the commission of predatory criminal sexual assault of a child in violation of subsection (a)(2)(D) shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections. (1.2) A person who has attained the age of 18 years at the time of the commission of the offense and convicted of predatory criminal sexual assault of a child committed against 2 or more persons regardless of whether the offenses occurred as the result of the same act or of several related or unrelated acts shall be sentenced to a term of natural life imprisonment and an offender under the age of 18 years at the time of the commission of the offense shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections.

(2) A person who has attained the age of 18 years at the time of the commission of the offense and who is convicted of a second or subsequent offense of predatory criminal sexual assault of a child, or who is convicted of the offense of predatory criminal sexual assault of a child after having previously been convicted of the offense of criminal sexual assault or the offense of aggravated criminal sexual assault, or who is convicted of the offense of predatory criminal sexual assault of a child after having previously been convicted under the laws of this State or any other state of an offense that is substantially equivalent to the offense of predatory criminal sexual assault of a child, the offense of aggravated criminal sexual assault or the offense of criminal sexual assault, shall be sentenced to a term of natural life imprisonment. The commission of the second or subsequent offense is required to have been after the initial conviction for this paragraph

(2) to apply. An offender under the age of 18 years at the time of the commission of the offense covered by this paragraph

(2) shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections.

720 ILCS 5/11-1.50 — Criminal sexual abuse

Sec. 11-1.50. Criminal sexual abuse.

(a) A person commits criminal sexual abuse if that person:

(1) commits an act of sexual conduct by the use of force or threat of force; or

(2) commits an act of sexual conduct and knows that the victim is unable to understand the nature of the act or is unable to give knowing consent.

(b) A person commits criminal sexual abuse if that person is under 17 years of age and commits an act of sexual penetration or sexual conduct with a victim who is at least 9 years of age but under 17 years of age.

(c) A person commits criminal sexual abuse if that person commits an act of sexual penetration or sexual conduct with a victim who is at least 13 years of age but under 17 years of age and the person is less than 5 years older than the victim.

(d) Sentence. Criminal sexual abuse for a violation of subsection

(b) or

(c) of this Section is a Class A misdemeanor. Criminal sexual abuse for a violation of paragraph

(1) or

(2) of subsection

(a) of this Section is a Class 4 felony. A second or subsequent conviction for a violation of subsection

(a) of this Section is a Class 2 felony. For purposes of this Section it is a second or subsequent conviction if the accused has at any time been convicted under this Section or under any similar statute of this State or any other state for any offense involving sexual abuse or sexual assault that is substantially equivalent to or more serious than the sexual abuse prohibited under this Section.

720 ILCS 5/11-1.60 — Aggravated criminal sexual abuse

Sec. 11-1.60. Aggravated criminal sexual abuse.

(a) A person commits aggravated criminal sexual abuse if that person commits criminal sexual abuse and any of the following aggravating circumstances exist

(i) during the commission of the offense or (ii) for purposes of paragraph (7), as part of the same course of conduct as the commission of the offense:

(1) the person displays, threatens to use, or uses a dangerous weapon or any other object fashioned or used in a manner that leads the victim, under the circumstances, reasonably to believe that the object is a dangerous weapon;

(2) the person causes bodily harm to the victim;

(3) the victim is 60 years of age or older;

(4) the victim is a person with a physical disability;

(5) the person acts in a manner that threatens or endangers the life of the victim or any other person;

(6) the person commits the criminal sexual abuse during the course of committing or attempting to commit any other felony; or

(7) the person delivers (by injection, inhalation, ingestion, transfer of possession, or any other means) any controlled substance to the victim for other than medical purposes without the victim's consent or by threat or deception.

(b) A person commits aggravated criminal sexual abuse if that person commits an act of sexual conduct with a victim who is under 18 years of age and the person is a family member.

(c) A person commits aggravated criminal sexual abuse if:

(1) that person is 17 years of age or over and:

(i) commits an act of sexual conduct with a victim who is under 13 years of age; or (ii) commits an act of sexual conduct with a victim who is at least 13 years of age but under 17 years of age and the person uses force or threat of force to commit the act; or

(2) that person is under 17 years of age and:

(i) commits an act of sexual conduct with a victim who is under 9 years of age; or (ii) commits an act of sexual conduct with a victim who is at least 9 years of age but under 17 years of age and the person uses force or threat of force to commit the act.

(d) A person commits aggravated criminal sexual abuse if that person commits an act of sexual penetration or sexual conduct with a victim who is at least 13 years of age but under 17 years of age and the person is at least 5 years older than the victim.

(e) A person commits aggravated criminal sexual abuse if that person commits an act of sexual conduct with a victim who is a person with a severe or profound intellectual disability.

(f) A person commits aggravated criminal sexual abuse if that person commits an act of sexual conduct with a victim who is but under 18 years of age and the person is 17 years of age or over and holds a position of trust, authority, or supervision in relation to the victim.

(g) Sentence. Aggravated criminal sexual abuse for a violation of subsection (a), (b), (c),

(d) or

(e) of this Section is a Class 2 felony. Aggravated criminal sexual abuse for a violation of subsection

(f) of this Section is a Class 1 felony.

720 ILCS 5/11-1.70 — Defenses with respect to offenses described in Sections 11-1

Sec. 11-1.70. Defenses with respect to offenses described in Sections 11-1.20 through 11-1.60.

(a) It shall be a defense to any offense under Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, or 11-1.60 of this Code where force or threat of force is an element of the offense that the victim consented.

(b) It shall be a defense under subsection

(b) and subsection

(c) of Section 11-1.50 and subsection

(d) of Section 11-1.60 of this Code that the accused reasonably believed the person to be 17 years of age or over.

(c) A person who initially consents to sexual penetration or sexual conduct is not deemed to have consented to any sexual penetration or sexual conduct that occurs after he or she withdraws consent during the course of that sexual penetration or sexual conduct.

720 ILCS 5/11-1.80 — Civil Liability

Sec. 11-1.80. Civil Liability.

(a) If any person has been convicted of any offense defined in Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of this Act, a victim of such offense has a cause of action for damages against any person or entity who, by the manufacture, production, or wholesale distribution of any obscene material which was possessed or viewed by the person convicted of the offense, proximately caused such person, through his or her reading or viewing of the obscene material, to commit the violation of Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or 12-16. No victim may recover in any such action unless he or she proves by a preponderance of the evidence that:

(1) the reading or viewing of the specific obscene material manufactured, produced, or distributed wholesale by the defendant proximately caused the person convicted of the violation of Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or 12-16 to commit such violation and

(2) the defendant knew or had reason to know that the manufacture, production, or wholesale distribution of such material was likely to cause a violation of an offense substantially of the type enumerated.

(b) The manufacturer, producer or wholesale distributor shall be liable to the victim for:

(1) actual damages incurred by the victim, including medical costs;

(2) court costs and reasonable attorneys fees;

(3) infliction of emotional distress;

(4) pain and suffering; and

(5) loss of consortium.

(c) Every action under this Section shall be commenced within 3 years after the conviction of the defendant for a violation of Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-15 or 12-16 of this Code. However, if the victim was under the age of 18 years at the time of the conviction of the defendant for a violation of Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of this Code, an action under this Section shall be commenced within 3 years after the victim attains the age of 18 years.

(d) For the purposes of this Section:

(1) "obscene" has the meaning ascribed to it in subsection

(b) of Section 11-20 of this Code;

(2) "wholesale distributor" means any individual, partnership, corporation, association, or other legal entity which stands between the manufacturer and the retail seller in purchases, consignments, contracts for sale or rental of the obscene material;

(3) "producer" means any individual, partnership, corporation, association, or other legal entity which finances or supervises, to any extent, the production or making of obscene material;

(4) "manufacturer" means any individual, partnership, corporation, association, or other legal entity which manufactures, assembles or produces obscene material.

720 ILCS 5/11-6 — Indecent solicitation of a child

Sec. 11-6. Indecent solicitation of a child.

(a) A person of the age of 17 years and upwards commits indecent solicitation of a child if the person, with the intent that the offense of aggravated criminal sexual assault, criminal sexual assault, predatory criminal sexual assault of a child, or aggravated criminal sexual abuse be committed, knowingly solicits a child or one whom he or she believes to be a child to perform an act of sexual penetration or sexual conduct as defined in Section 11-0.1 of this Code. (a-5) A person of the age of 17 years and upwards commits indecent solicitation of a child if the person knowingly discusses an act of sexual conduct or sexual penetration with a child or with one whom he or she believes to be a child by means of the Internet with the intent that the offense of aggravated criminal sexual assault, predatory criminal sexual assault of a child, or aggravated criminal sexual abuse be committed. (a-6) It is not a defense to subsection (a-5) that the person did not solicit the child to perform sexual conduct or sexual penetration with the person.

(b) Definitions. As used in this Section: "Solicit" means to command, authorize, urge, incite, request, or advise another to perform an act by any means including, but not limited to, in person, over the phone, in writing, by computer, or by advertisement of any kind. "Child" means a person under 17 years of age. "Internet" has the meaning set forth in Section 16-0.1 of this Code. "Sexual penetration" or "sexual conduct" are defined in Section 11-0.1 of this Code.

(c) Sentence. Indecent solicitation of a child under subsection

(a) is:

(1) a Class 1 felony when the act, if done, would be predatory criminal sexual assault of a child or aggravated criminal sexual assault;

(2) a Class 2 felony when the act, if done, would be criminal sexual assault;

(3) a Class 3 felony when the act, if done, would be aggravated criminal sexual abuse. Indecent solicitation of a child under subsection (a-5) is a Class 4 felony.

720 ILCS 5/11-6.5 — Indecent solicitation of an adult

Sec. 11-6.5. Indecent solicitation of an adult.

(a) A person commits indecent solicitation of an adult if the person knowingly:

(1) Arranges for a person 17 years of age or over to commit an act of sexual penetration as defined in Section 11-0.1 with a person:

(i) Under the age of 13 years; or (ii) Thirteen years of age or over but under the age of 17 years; or

(2) Arranges for a person 17 years of age or over to commit an act of sexual conduct as defined in Section 11-0.1 with a person:

(i) Under the age of 13 years; or (ii) Thirteen years of age or older but under the age of 17 years.

(b) Sentence.

(1) Violation of paragraph (a)(1)(i) is a Class X felony.

(2) Violation of paragraph (a)(1)(ii) is a Class 1 felony.

(3) Violation of paragraph (a)(2)(i) is a Class 2 felony.

(4) Violation of paragraph (a)(2)(ii) is a Class A misdemeanor.

(c) For the purposes of this Section, "arranges" includes but is not limited to oral or written communication and communication by telephone, computer, or other electronic means. "Computer" has the meaning ascribed to it in Section

17-0.5 of this Code.

720 ILCS 5/11-6.6 — Solicitation to meet a child

Sec. 11-6.6. Solicitation to meet a child.

(a) A person of the age of 18 or more years commits the offense of solicitation to meet a child if the person while using a computer, cellular telephone, or any other device, with the intent to meet a child or one whom he or she believes to be a child, solicits, entices, induces, or arranges with the child to meet at a location without the knowledge of the child's parent or guardian and the meeting with the child is arranged for a purpose other than a lawful purpose under Illinois law.

(b) Sentence. Solicitation to meet a child is a Class A misdemeanor. Solicitation to meet a child is a Class 4 felony when the solicitor believes he or she is 5 or more years older than the child.

(c) For purposes of this Section, "child" means any person under 17 years of age; and "computer" has the meaning ascribed to it in Section 17-0.5 of this Code.

720 ILCS 5/11-7

Sec. 11-7. (Renumbered).

720 ILCS 5/11-8

Sec. 11-8. (Renumbered).

720 ILCS 5/11-9

Sec. 11-9. (Renumbered).

720 ILCS 5/11-9.1 — Sexual exploitation of a child

Sec. 11-9.1. Sexual exploitation of a child.

(a) A person commits sexual exploitation of a child if in the presence or virtual presence, or both, of a child and with knowledge that a child or one whom he or she believes to be a child would view his or her acts, that person:

- (1) engages in a sexual act;
- (2) exposes his or her sex organs, anus or breast for the purpose of sexual arousal or gratification of such person or the child or one whom he or she believes to be a child; or
- (3) knowingly entices, coerces, or persuades a child to participate in the production of the recording or memorializing a sexual act of persons ages 18 or older. (a-5) A person commits sexual exploitation of a child who knowingly entices, coerces, or persuades a child to remove the child's clothing for the purpose of sexual arousal or gratification of the person or the child, or both.

(b) Definitions. As used in this Section: "Sexual act" means masturbation, sexual conduct or sexual penetration as defined in Section 11-0.1 of this Code. "Sex offense" means any violation of Article 11 of this Code. "Child" means a person under 17 years of age. "Virtual presence" means an environment that is created with software and presented to the user and or receiver via the Internet, in such a way that the user appears in front of the receiver on the computer monitor or screen or hand-held portable electronic device, usually through a web camming program. "Virtual presence" includes primarily experiencing through sight or sound, or both, a video image that can be explored interactively at a personal computer or hand-held communication device, or both. "Webcam" means a video capturing device connected to a computer or computer network that is designed to take digital photographs or live or recorded video which allows for the live transmission to an end user over the Internet.

(c) Sentence.

(1) Sexual exploitation of a child is a Class A misdemeanor. A second or subsequent violation of this Section or a substantially similar law of another state is a Class 4 felony.

(2) Sexual exploitation of a child is a Class 4 felony if the person has been previously convicted of a sex offense.

(3) Sexual exploitation of a child is a Class 4 felony if the victim was under 13 years of age at the time of the commission of the offense.

(4) Sexual exploitation of a child is a Class 4 felony if committed by a person 18 years of age or older who is on or within 500 feet of elementary or secondary school grounds when children are present on the grounds.

(5) A violation of paragraph

(3) of subsection

(a) is a Class 4 felony.

720 ILCS 5/11-9.1A — Permitting sexual abuse of a child

Sec. 11-9.1A. Permitting sexual abuse of a child.

(a) A person responsible for a child's welfare commits permitting sexual abuse of a child if the person has actual knowledge of and permits an act of sexual abuse upon the child, or permits the child to engage in prostitution as defined in Section 11-14 of this Code.

(b) In this Section: "Actual knowledge" includes credible allegations made by the child. "Child" means a minor under the age of 17 years. "Person responsible for the child's welfare" means the child's parent, step-parent, legal guardian, or other person having custody of a child, who is responsible for the child's care at the time of the alleged sexual abuse.

"Prostitution" means prostitution as defined in Section 11-14 of this Code. "Sexual abuse" includes criminal sexual abuse or criminal sexual assault as defined in Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, or 11-1.60 of this Code.

(c) This Section does not apply to a person responsible for the child's welfare who, having reason to believe that sexual abuse has occurred, makes timely and reasonable efforts to stop the sexual abuse by reporting the sexual abuse in conformance with the Abused and Neglected Child Reporting Act or by reporting the sexual abuse, or causing a report to be made, to medical or law enforcement authorities or anyone who is a mandated reporter under Section 4 of the Abused and Neglected Child Reporting Act.

(d) Whenever a law enforcement officer has reason to believe that the child or the person responsible for the child's welfare has been abused by a family or household member as defined by the Illinois Domestic Violence Act of 1986, the officer shall immediately use all reasonable means to prevent further abuse under Section 112A-30 of the Code of Criminal Procedure of 1963.

(e) An order of protection under Section 111-8 of the Code of Criminal Procedure of 1963 shall be sought in all cases where there is reason to believe that a child has been sexually abused by a family or household member. In considering appropriate available remedies, it shall be presumed that awarding physical care or custody to the abuser is not in the child's best interest.

(f) A person may not be charged with the offense of permitting sexual abuse of a child under this Section until the person who committed the offense is charged with criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, aggravated criminal sexual abuse, or prostitution.

(g) A person convicted of permitting the sexual abuse of a child is guilty of a Class 1 felony. As a condition of any sentence of supervision, probation, conditional discharge, or mandatory supervised release, any person convicted under this Section shall be ordered to undergo child sexual abuse, domestic violence, or other appropriate counseling for a specified duration with a qualified social or mental health worker.

(h) It is an affirmative defense to a charge of permitting sexual abuse of a child under this Section that the person responsible for the child's welfare had a reasonable apprehension that timely action to stop the abuse or prostitution would result in the imminent infliction of death, great bodily harm, permanent disfigurement, or permanent disability to that person or another in retaliation for reporting.

720 ILCS 5/11-9.1B — Failure to report sexual abuse of a child

Sec. 11-9.1B. Failure to report sexual abuse of a child.

(a) For the purposes of this Section: "Child" means any person under the age of 13. "Sexual abuse" means any contact, however slight, between the sex organ or anus of the victim or the accused and an object or body part, including, but not limited to, the sex organ, mouth, or anus of the victim or the accused, or any intrusion, however slight, of any part of the body of the victim or the accused or of any animal or object into the sex organ or anus of the victim or the accused, including, but not limited to, cunnilingus, fellatio, or anal penetration. Evidence of emission of semen is not required to prove sexual abuse.

(b) A person over the age of 18 commits failure to report sexual abuse of a child when he or she personally observes sexual abuse, as defined by this Section, between a person who he or she knows is over the age of 18 and a person he or she knows is a child, and knowingly fails to report the sexual abuse to law enforcement.

(c) This Section does not apply to a person who makes timely and reasonable efforts to stop the sexual abuse by reporting the sexual abuse in conformance with the Abused and Neglected Child Reporting Act or by reporting the sexual abuse or causing a report to be made, to medical or law enforcement authorities or anyone who is a mandated reporter under Section 4 of the Abused and Neglected Child Reporting Act.

(d) A person may not be charged with the offense of failure to report sexual abuse of a child under this Section until the person who committed the offense is charged with criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, or aggravated criminal sexual abuse.

(e) It is an affirmative defense to a charge of failure to report sexual abuse of a child under this Section that the person who personally observed the sexual abuse had a reasonable apprehension that timely action to stop the abuse would result in the imminent infliction of death, great bodily harm, permanent disfigurement, or permanent disability to that person or another in retaliation for reporting.

(f) Sentence. A person who commits failure to report sexual abuse of a child is guilty of a Class A misdemeanor for the first violation and a Class 4 felony for a second or subsequent violation.

(g) Nothing in this Section shall be construed to allow prosecution of a person who personally observes the act of sexual abuse and assists with an investigation and any subsequent prosecution of the offender.

720 ILCS 5/11-9.2 — Custodial sexual misconduct

Sec. 11-9.2. Custodial sexual misconduct.

(a) A person commits custodial sexual misconduct when:

(1) he or she is an employee of a penal system and engages in sexual conduct or sexual penetration with a person who is in the custody of that penal system;

(2) he or she is an employee of a treatment and detention facility and engages in sexual conduct or sexual penetration with a person who is in the custody of that treatment and detention facility; or

(3) he or she is an employee of a law enforcement agency and engages in sexual conduct or sexual penetration with a person who is in the custody of a law enforcement agency or employee.

(b) A probation or supervising officer, surveillance agent, or aftercare specialist commits custodial sexual misconduct when the probation or supervising officer, surveillance agent, or aftercare specialist engages in sexual conduct or sexual penetration with a probationer, parolee, or releasee or person serving a term of conditional release who is under the supervisory, disciplinary, or custodial authority of the officer or agent or employee so engaging in the sexual conduct or sexual penetration.

(c) Custodial sexual misconduct is a Class 3 felony.

(d) Any person convicted of violating this Section immediately shall forfeit his or her employment with a law enforcement agency, a penal system, a treatment and detention facility, or a conditional release program.

(e) In this Section, the consent of the probationer, parolee, releasee, inmate in custody of the penal system or person detained or civilly committed under the Sexually Violent Persons Commitment Act, or a person in the custody of a law enforcement agency or employee shall not be a defense to a prosecution under this Section. A person is deemed incapable of consent, for purposes of this Section, when he or she is a probationer, parolee, releasee, inmate in custody of a penal system or person detained or civilly committed under the Sexually Violent Persons Commitment Act, or a person in the custody of a law enforcement agency or employee.

(f) This Section does not apply to:

(1) Any employee, probation or supervising officer, surveillance agent, or aftercare specialist who is lawfully married to a person in custody if the marriage occurred before the date of custody.

(2) Any employee, probation or supervising officer, surveillance agent, or aftercare specialist who has no knowledge, and would have no reason to believe, that the person with whom he or she engaged in custodial sexual misconduct was a person in custody.

(g) In this Section: (0.5) "Aftercare specialist" means any person employed by the Department of Juvenile Justice to supervise and facilitate services for persons placed on aftercare release.

(1) "Custody" means:

(i) pretrial incarceration or detention; (ii) incarceration or detention under a sentence or commitment to a State or local penal institution; (iii) parole, aftercare release, or mandatory supervised release; (iv) electronic monitoring or home detention;

(v) probation; (vi) detention or civil commitment either in secure care or in the community under the Sexually Violent Persons Commitment Act; or (vii) detention or arrest by a law enforcement agency or employee.

(2) "Penal system" means any system which includes institutions as defined in Section 2-14 of this Code or a county shelter care or detention home established under Section 1 of the County Shelter Care and Detention Home Act. (2.1)

"Treatment and detention facility" means any Department of Human Services facility established for the detention or civil commitment of persons under the Sexually Violent Persons Commitment Act. (2.2) "Conditional release" means a program of treatment and services, vocational services, and alcohol or other drug abuse treatment provided to any person civilly committed and conditionally released to the community under the Sexually Violent Persons Commitment Act;

(3) "Employee" means:

(i) an employee of any governmental agency of this State or any county or municipal corporation that has by statute, ordinance, or court order the responsibility for the care, control, or supervision of pretrial or sentenced persons in a penal system or persons detained or civilly committed under the Sexually Violent Persons Commitment Act; (ii) a contractual employee of a penal system as defined in paragraph (g)(2) of this Section who works in a penal institution as defined in Section 2-14 of this Code; (iii) a contractual employee of a "treatment and detention facility" as defined in paragraph (g)(2.1) of this Code or a contractual employee of the Department of Human Services who provides supervision of persons serving a term of conditional release as defined in paragraph (g)(2.2) of this Code; or (iv) an employee of a law enforcement agency. (3.5) "Law enforcement agency" means an agency of the State or of a unit of local government charged with enforcement of State, county, or municipal laws or with managing custody of detained persons in the State, but not including a State's Attorney.

(4) "Sexual conduct" or "sexual penetration" means any act of sexual conduct or sexual penetration as defined in Section 11-0.1 of this Code.

(5) "Probation officer" means any person employed in a probation or court services department as defined in Section 9b of the Probation and Probation Officers Act.

(6) "Supervising officer" means any person employed to supervise persons placed on parole or mandatory supervised release with the duties described in Section 3-14-2 of the Unified Code of Corrections.

(7) "Surveillance agent" means any person employed or contracted to supervise persons placed on conditional release in the community under the Sexually Violent Persons Commitment Act.

720 ILCS 5/11-9.2-1 — Lewd sexual display in a penal institution

Sec. 11-9.2-1. Lewd sexual display in a penal institution.

(a) A person commits lewd sexual display in a penal institution when he or she is in the custody of a penal institution and knowingly engages in any of the following acts while he or she is confined in a penal institution: engages in a lewd exposure of the genitals or anus, for the purpose or effect of intimidating, harassing, or threatening one whom he or she believes to be in the presence or view of such acts. For purposes of this Section, "penal institution" does not include a facility of the Department of Juvenile Justice or a juvenile detention facility.

(b) Sentence. Lewd sexual display in a penal institution is a Class A misdemeanor. A person convicted of a second or subsequent violation for lewd sexual display in a penal institution is guilty of a Class 4 felony.

(c) A person charged with a violation of this Section shall be eligible for an evaluation for a mental health court program under the Mental Health Court Treatment Act, the provisions of Section 20 of that Act notwithstanding, and shall be given an eligibility screening and an assessment, pursuant to the provisions of Section 25 of the Mental Health Court Treatment Act, administered by a qualified mental health court professional independent of the penal institution where the individual is in custody.

(d) Notwithstanding the provisions of subsection

(e) of Section 25 of the Mental Health Court Treatment Act, a person who has been charged with a violation of this Section shall not be liable for any fines, fees, costs, or restitution unless the person fails to successfully complete that person's court-ordered mental health court treatment program.

(e) All charges against a person for a violation of this Section shall be dismissed upon the court's determination that the person has successfully completed the person's court-ordered mental health court treatment program. Unwillingness to participate in a court-ordered mental health court treatment program may result in prosecution under this Section. Failure to complete a mental health treatment court program shall have the consequences prescribed by the rules and regulations of that treatment court program.

(f) A person is not guilty of a violation of this Section for engaging in the conduct prohibited by this Section, if any of the following are true:

- (1) the person is under 18 years of age or not confined to a penal institution;
- (2) the person suffered from a behavioral health issue at the time of the prohibited conduct and that behavioral health issue was the direct cause for the person having engaged in the prohibited conduct; or
- (3) the person was not in the actual presence or view of another person.

(g) This Section is repealed on January 1, 2028.

720 ILCS 5/11-9.2-2 — Lewd sexual display in a penal institution annual report; sunset date

Sec. 11-9.2-2. Lewd sexual display in a penal institution annual report; sunset date.

(a) The Illinois Criminal Justice Information Authority shall compile data provided to it pursuant to this Section and provide an annual report to the Governor and the General Assembly on or before January 1 of each year. The Illinois Criminal Justice Information Authority may include findings or recommendations in its published annual report.

(b) The following data shall be provided to the Illinois Criminal Justice Information Authority on or before October 1 of each year:

(1) each penal institution shall provide the number of persons referred to a county State's Attorney for prosecution of a violation of Section 11-9.2-1, the demographic data of the referred persons, including, but not limited to, age, race, ethnicity, and sex, and any underlying charge or charges upon which the referred person is being held in the custody of the penal institution; and

(2) each county State's Attorney shall provide the number of persons charged by that State's Attorney for a violation of Section 11-9.2-1, the demographic data of the charged persons, including, but not limited to, age, race, ethnicity, and sex, and the case disposition, or lack thereof, of each charged person.

(c) This Section is repealed on January 1, 2028.

720 ILCS 5/11-9.3

Sec. 11-9.3. Presence within school zone by child sex offenders prohibited; approaching, contacting, residing with, or communicating with a child within certain places by child sex offenders prohibited.

(a) It is unlawful for a child sex offender to knowingly be present in any school building, on real property comprising any school, or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity when persons under the age of 18 are present in the building, on the grounds or in the conveyance, unless the offender is a parent or guardian of a student attending the school and the parent or guardian is:

(i) attending a conference at the school with school personnel to discuss the progress of his or her child academically or socially, (ii) participating in child review conferences in which evaluation and placement decisions may be made with respect to his or her child regarding special education services, or (iii) attending conferences to discuss other student issues concerning his or her child such as retention and promotion and notifies the principal of the school of his or her presence at the school or unless the offender has permission to be present from the superintendent or the school board or in the case of a private school from the principal. In the case of a public school, if permission is granted, the superintendent or school board president must inform the principal of the school where the sex offender will be present. Notification includes the nature of the sex offender's visit and the hours in which the sex offender will be present in the school. The sex offender is responsible for notifying the principal's office when he or she arrives on school property and when he or she departs from school property. If the sex offender is to be present in the vicinity of children, the sex offender has the duty to remain under the direct supervision of a school official. (a-5) It is unlawful for a child sex offender to knowingly be present within 100 feet of a site posted as a pick-up or discharge stop for a conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity when one or more persons under the age of 18 are present at the site. (a-10) It is unlawful for a child sex offender to knowingly be present in any

public park building, a playground or recreation area within any publicly accessible privately owned building, or on real property comprising any public park when persons under the age of 18 are present in the building or on the grounds and to approach, contact, or communicate with a child under 18 years of age, unless the offender is a parent or guardian of a person under 18 years of age present in the building or on the grounds.

(b) It is unlawful for a child sex offender to knowingly loiter within 500 feet of a school building or real property comprising any school while persons under the age of 18 are present in the building or on the grounds, unless the offender is a parent or guardian of a student attending the school and the parent or guardian is:

(i) attending a conference at the school with school personnel to discuss the progress of his or her child academically or socially, (ii) participating in child review conferences in which evaluation and placement decisions may be made with respect to his or her child regarding special education services, or (iii) attending conferences to discuss other student issues concerning his or her child such as retention and promotion and notifies the principal of the school of his or her presence at the school or has permission to be present from the superintendent or the school board or in the case of a private school from the principal. In the case of a public school, if permission is granted, the superintendent or school board president must inform the principal of the school where the sex offender will be present. Notification includes the nature of the sex offender's visit and the hours in which the sex offender will be present in the school. The sex offender is responsible for notifying the principal's office when he or she arrives on school property and when he or she departs from school property. If the sex offender is to be present in the vicinity of children, the sex offender has the duty to remain under the direct supervision of a school official. (b-2) It is unlawful for a child sex offender to knowingly loiter on a public way within 500 feet of a public park building or real property comprising any public park while persons under the age of 18 are present in the building or on the grounds and to approach, contact, or communicate with a child under 18 years of age, unless the offender is a parent or guardian of a person under 18 years of age present in the building or on the grounds. (b-5) It is unlawful for a child sex offender to knowingly reside within 500 feet of a school building or the real property comprising any school that persons under the age of 18 attend. Nothing in this subsection (b-5) prohibits a child sex offender from residing within 500 feet of a school building or the real property comprising any school that persons under 18 attend if the property is owned by the child sex offender and was purchased before July 7, 2000 (the effective date of Public Act 91-911). (b-10) It is unlawful for a child sex offender to knowingly reside within 500 feet of a playground, child care institution, day care center, part day child care facility, day care home, group day care home, or a facility providing programs or services exclusively directed toward persons under 18 years of age. Nothing in this subsection (b-10) prohibits a child sex offender from residing within 500 feet of a playground or a facility providing programs or services exclusively directed toward persons under 18 years of age if the property is owned by the child sex offender and was purchased before July 7, 2000. Nothing in this subsection (b-10) prohibits a child sex offender from residing within 500 feet of a child care institution, day care center, or part day child care facility if the property is owned by the child sex offender and was purchased before June 26, 2006. Nothing in this subsection (b-10) prohibits a child sex offender from residing within 500 feet of a day care home or group day care home if the property is owned by the child sex offender and was purchased before August 14, 2008 (the effective date of Public Act 95-821). (b-15) It is unlawful for a child sex offender to knowingly reside within 500 feet of the victim of the sex offense. Nothing in this subsection (b-15) prohibits a child sex offender from residing within 500 feet of the victim if the property in which the child sex offender resides is owned by the child sex offender and was purchased before August 22, 2002. This subsection (b-15) does not apply if the victim of the sex offense is 21 years of age or older. (b-20) It is unlawful for a child sex offender to knowingly communicate, other than for a lawful purpose under Illinois law, using the Internet or any other digital media, with a person under 18 years of age or with a person whom he or she believes to be a person under 18 years of age, unless the offender is a parent or guardian of the person under 18 years of age.

(c) It is unlawful for a child sex offender to knowingly operate, manage, be employed by, volunteer at, be associated with, or knowingly be present at any:

(i) facility providing programs or services exclusively directed toward persons under the age of 18; (ii) day care center; (iii) part day child care facility; (iv) child care institution;

(v) school providing before and after school programs for children under 18 years of age; (vi) day care home; or (vii) group day care home. This does not prohibit a child sex offender from owning the real property upon which the programs or services are offered or upon which the day care center, part day child care facility, child care institution, or school providing before and after school programs for children under 18 years of age is located, provided the child sex offender refrains from being present on the premises for the hours during which:

(1) the programs or services are being offered or

(2) the day care center, part day child care facility, child care institution, or school providing before and after school programs for children under 18 years of age, day care home, or group day care home is operated. (c-2) It is unlawful for a child sex offender to participate in a holiday event involving children under 18 years of age, including but not limited to distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, being employed as a department store Santa Claus, or wearing an Easter Bunny costume on or preceding Easter. For the purposes of this subsection, child sex offender has the meaning as defined in this Section, but does not include as a sex offense under paragraph

(2) of subsection

(d) of this Section, the offense under subsection

(c) of Section 11-1.50 of this Code. This subsection does not apply to a child sex offender who is a parent or guardian of children under 18 years of age that are present in the home and other non-familial minors are not present. (c-5) It is unlawful for a child sex offender to knowingly operate, manage, be employed by, or be associated with any carnival, amusement enterprise, or county or State fair when persons under the age of 18 are present. (c-6) It is unlawful for a child sex offender who owns and resides at residential real estate to knowingly rent any residential unit within the same building in which he or she resides to a person who is the parent or guardian of a child or children under 18 years of age. This subsection shall apply only to leases or other rental arrangements entered into after January 1, 2009 (the effective date of Public Act 95-820). (c-7) It is unlawful for a child sex offender to knowingly offer or provide any programs or services to persons under 18 years of age in his or her residence or the residence of another or in any facility for the purpose of offering or providing such programs or services, whether such programs or services are offered or provided by contract, agreement, arrangement, or on a volunteer basis. (c-8) It is unlawful for a child sex offender to knowingly operate, whether authorized to do so or not, any of the following vehicles:

(1) a vehicle which is specifically designed, constructed or modified and equipped to be used for the retail sale of food or beverages, including but not limited to an ice cream truck;

(2) an authorized emergency vehicle; or

(3) a rescue vehicle.

(d) Definitions. In this Section:

(1) "Child sex offender" means any person who:

(i) has been charged under Illinois law, or any substantially similar federal law or law of another state, with a sex offense set forth in paragraph

(2) of this subsection

(d) or the attempt to commit an included sex offense, and the victim is a person under 18 years of age at the time of the offense; and: (A) is convicted of such offense or an attempt to commit such offense; or (B) is found not guilty by reason of insanity of such offense or an attempt to commit such offense; or (C) is found not guilty by reason of insanity pursuant to subsection

(c) of Section 104-25 of the Code of Criminal Procedure of 1963 of such offense or an attempt to commit such offense; or (D) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to subsection

(a) of Section 104-25 of the Code of Criminal Procedure of 1963 for the alleged commission or attempted commission of such offense; or (E) is found not guilty by reason of insanity following a hearing conducted pursuant to a federal law or the law of another state substantially similar to subsection

(c) of Section 104-25 of the Code of Criminal Procedure of 1963 of such offense or of the attempted commission of such offense; or (F) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to a federal law or the law of another state substantially similar to subsection

(a) of Section 104-25 of the Code of Criminal Procedure of 1963 for the alleged violation or attempted commission of such offense; or (ii) is certified as a sexually dangerous person pursuant to the Illinois Sexually Dangerous Persons Act, or any substantially similar federal law or the law of another state, when any conduct giving rise to such certification is committed or attempted against a person less than 18 years of age; or (iii) is subject to the provisions of Section 2 of the Interstate Agreements on Sexually Dangerous Persons Act. Convictions that result from or are connected with the same act, or result from offenses committed at the same time, shall be counted for the purpose of this Section as one conviction. Any

conviction set aside pursuant to law is not a conviction for purposes of this Section.

(2) Except as otherwise provided in paragraph (2.5), "sex offense" means:

(i) A violation of any of the following Sections of the Criminal Code of 1961 or the Criminal Code of 2012: 10-4 (forcible detention), 10-7 (aiding or abetting child abduction under Section 10-5(b)(10)), 10-5(b)(10) (child luring), 11-1.40 (predatory criminal sexual assault of a child), 11-6 (indecent solicitation of a child), 11-6.5 (indecent solicitation of an adult), 11-9.1 (sexual exploitation of a child), 11-9.2 (custodial sexual misconduct), 11-9.5 (sexual misconduct with a person with a disability), 11-11 (sexual relations within families), 11-14.3(a)(1) (promoting prostitution by advancing prostitution), 11-14.3(a)(2)(A) (promoting prostitution by profiting from prostitution by compelling a person to be a person engaged in the sex trade), 11-14.3(a)(2)(C) (promoting prostitution by profiting from prostitution by means other than as described in subparagraphs (A) and (B) of paragraph

(2) of subsection

(a) of Section 11-14.3), 11-14.4 (promoting commercial sexual exploitation of a child), 11-18.1 (patronizing a sexually exploited child), 11-20.1 (child pornography), 11-20.1B (aggravated child pornography), 11-21 (harmful material), 11-25 (grooming), 11-26 (traveling to meet a minor or traveling to meet a child), 12-33 (ritualized abuse of a child), 11-20 (obscenity) (when that offense was committed in any school, on real property comprising any school, in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity, or in a public park), 11-30 (public indecency) (when committed in a school, on real property comprising a school, in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity, or in a public park). An attempt to commit any of these offenses. (ii) A violation of any of the following Sections of the Criminal Code of 1961 or the Criminal Code of 2012, when the victim is a person under 18 years of age: 11-1.20 (criminal sexual assault), 11-1.30 (aggravated criminal sexual assault), 11-1.50 (criminal sexual abuse), 11-1.60 (aggravated criminal sexual abuse). An attempt to commit any of these offenses. (iii) A violation of any of the following Sections of the Criminal Code of 1961 or the Criminal Code of 2012, when the victim is a person under 18 years of age and the defendant is not a parent of the victim: 10-1 (kidnapping), 10-2 (aggravated kidnapping), 10-3 (unlawful restraint), 10-3.1 (aggravated unlawful restraint), 11-9.1(A) (permitting sexual abuse of a child). An attempt to commit any of these offenses. (iv) A violation of any former law of this State substantially equivalent to any offense listed in clause (2)(i) or (2)(ii) of subsection

(d) of this Section. (2.5) For the purposes of subsections (b-5) and (b-10) only, a sex offense means:

(i) A violation of any of the following Sections of the Criminal Code of 1961 or the Criminal Code of 2012: 10-5(b)(10) (child luring), 10-7 (aiding or abetting child abduction under Section 10-5(b)(10)), 11-1.40 (predatory criminal sexual assault of a child), 11-6 (indecent solicitation of a child), 11-6.5 (indecent solicitation of an adult), 11-9.2 (custodial sexual misconduct), 11-9.5 (sexual misconduct with a person with a disability), 11-11 (sexual relations within families), 11-14.3(a)(1) (promoting prostitution by advancing prostitution), 11-14.3(a)(2)(A) (promoting prostitution by profiting from prostitution by compelling a person to be a person engaged in the sex trade), 11-14.3(a)(2)(C) (promoting prostitution by profiting from prostitution by means other than as described in subparagraphs (A) and (B) of paragraph

(2) of subsection

(a) of Section 11-14.3), 11-14.4 (promoting commercial sexual exploitation of a child), 11-18.1 (patronizing a sexually exploited child), 11-20.1 (child pornography), 11-20.1B (aggravated child pornography), 11-25 (grooming), 11-26 (traveling to meet a minor or traveling to meet a child), or 12-33 (ritualized abuse of a child). An attempt to commit any of these offenses. (ii) A violation of any of the following Sections of the Criminal Code of 1961 or the Criminal Code of 2012, when the victim is a person under 18 years of age: 11-1.20 (criminal sexual assault), 11-1.30 (aggravated criminal sexual assault), 11-1.60 (aggravated criminal sexual abuse), and subsection

(a) of Section 11-1.50 (criminal sexual abuse). An attempt to commit any of these offenses. (iii) A violation of any of the following Sections of the Criminal Code of 1961 or the Criminal Code of 2012, when the victim is a person under 18 years of age and the defendant is not a parent of the victim: 10-1 (kidnapping), 10-2 (aggravated kidnapping), 10-3 (unlawful restraint), 10-3.1 (aggravated unlawful restraint), 11-9.1(A) (permitting sexual abuse of a child). An attempt to commit any of these offenses. (iv) A violation of any former law of this State substantially equivalent to any offense listed in this paragraph (2.5) of this subsection.

(3) A conviction for an offense of federal law or the law of another state that is substantially equivalent to any offense listed in paragraph

(2) of subsection

(d) of this Section shall constitute a conviction for the purpose of this Section. A finding or adjudication as a sexually dangerous person under any federal law or law of another state that is substantially equivalent to the Sexually Dangerous Persons Act shall constitute an adjudication for the purposes of this Section.

(4) "Authorized emergency vehicle", "rescue vehicle", and "vehicle" have the meanings ascribed to them in Sections 1-105, 1-171.8 and 1-217, respectively, of the Illinois Vehicle Code.

(5) "Child care institution" has the meaning ascribed to it in Section 2.06 of the Child Care Act of 1969.

(6) "Day care center" has the meaning ascribed to it in Section 2.09 of the Child Care Act of 1969.

(7) "Day care home" has the meaning ascribed to it in Section 2.18 of the Child Care Act of 1969.

(8) "Facility providing programs or services directed towards persons under the age of 18" means any facility providing programs or services exclusively directed towards persons under the age of 18.

(9) "Group day care home" has the meaning ascribed to it in Section 2.20 of the Child Care Act of 1969.

(10) "Internet" has the meaning set forth in Section 16-0.1 of this Code.

(11) "Loiter" means:

(i) Standing, sitting idly, whether or not the person is in a vehicle, or remaining in or around school or public park property.
(ii) Standing, sitting idly, whether or not the person is in a vehicle, or remaining in or around school or public park property, for the purpose of committing or attempting to commit a sex offense. (iii) Entering or remaining in a building in or around school property, other than the offender's residence.

(12) "Part day child care facility" has the meaning ascribed to it in Section 2.10 of the Child Care Act of 1969.

(13) "Playground" means a piece of land owned or controlled by a unit of local government that is designated by the unit of local government for use solely or primarily for children's recreation.

(14) "Public park" includes a park, forest preserve, bikeway, trail, or conservation area under the jurisdiction of the State or a unit of local government.

(15) "School" means a public or private preschool or elementary or secondary school.

(16) "School official" means the principal, a teacher, or any other certified employee of the school, the superintendent of schools or a member of the school board.

(e) For the purposes of this Section, the 500 feet distance shall be measured from:

(1) the edge of the property of the school building or the real property comprising the school that is closest to the edge of the property of the child sex offender's residence or where he or she is loitering, and

(2) the edge of the property comprising the public park building or the real property comprising the public park, playground, child care institution, day care center, part day child care facility, or facility providing programs or services exclusively directed toward persons under 18 years of age, or a victim of the sex offense who is under 21 years of age, to the edge of the child sex offender's place of residence or place where he or she is loitering.

(f) Sentence. A person who violates this Section is guilty of a Class 4 felony. (Text of Section from P.A. 104-245) Sec. 11-9.3. Presence within school zone by child sex offenders prohibited; approaching, contacting, residing with, or communicating with a child within certain places by child sex offenders prohibited.

(a) It is unlawful for a child sex offender to knowingly be present in any school building, on real property comprising any school, or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity when persons under the age of 18 are present in the building, on the grounds or in the conveyance, unless the offender is a parent or guardian of a student attending the school and the parent or guardian is:

(i) attending a conference at the school with school personnel to discuss the progress of his or her child academically or socially, (ii) participating in child review conferences in which evaluation and placement decisions may be made with respect to his or her child regarding special education services, or (iii) attending conferences to discuss other student issues concerning his or her child such as retention and promotion and notifies the principal of the school of his or her presence at the school or unless the offender has permission to be present from the superintendent or the school board or in the case of a private school from the principal. In the case of a public school, if permission is granted, the superintendent or school board president must inform the principal of the school where the sex offender will be present. Notification includes the nature of the sex offender's visit and the hours in which the sex offender will be present in the school. The sex offender is responsible for notifying the principal's office when he or she arrives on school property and

when he or she departs from school property. If the sex offender is to be present in the vicinity of children, the sex offender has the duty to remain under the direct supervision of a school official. (a-5) It is unlawful for a child sex offender to knowingly be present within 100 feet of a site posted as a pick-up or discharge stop for a conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity when one or more persons under the age of 18 are present at the site. (a-10) It is unlawful for a child sex offender to knowingly be present in any public park building, a playground or recreation area within any publicly accessible privately owned building, or on real property comprising any public park when persons under the age of 18 are present in the building or on the grounds and to approach, contact, or communicate with a child under 18 years of age, unless the offender is a parent or guardian of a person under 18 years of age present in the building or on the grounds.

(b) It is unlawful for a child sex offender to knowingly loiter within 500 feet of a school building or real property comprising any school while persons under the age of 18 are present in the building or on the grounds, unless the offender is a parent or guardian of a student attending the school and the parent or guardian is:

(i) attending a conference at the school with school personnel to discuss the progress of his or her child academically or socially, (ii) participating in child review conferences in which evaluation and placement decisions may be made with respect to his or her child regarding special education services, or (iii) attending conferences to discuss other student issues concerning his or her child such as retention and promotion and notifies the principal of the school of his or her presence at the school or has permission to be present from the superintendent or the school board or in the case of a private school from the principal. In the case of a public school, if permission is granted, the superintendent or school board president must inform the principal of the school where the sex offender will be present. Notification includes the nature of the sex offender's visit and the hours in which the sex offender will be present in the school. The sex offender is responsible for notifying the principal's office when he or she arrives on school property and when he or she departs from school property. If the sex offender is to be present in the vicinity of children, the sex offender has the duty to remain under the direct supervision of a school official. (b-2) It is unlawful for a child sex offender to knowingly loiter on a public way within 500 feet of a public park building or real property comprising any public park while persons under the age of 18 are present in the building or on the grounds and to approach, contact, or communicate with a child under 18 years of age, unless the offender is a parent or guardian of a person under 18 years of age present in the building or on the grounds. (b-5) It is unlawful for a child sex offender to knowingly reside within 500 feet of a school building or the real property comprising any school that persons under the age of 18 attend. Nothing in this subsection (b-5) prohibits a child sex offender from residing within 500 feet of a school building or the real property comprising any school that persons under 18 attend if the property is owned by the child sex offender and was purchased before July 7, 2000 (the effective date of Public Act 91-911). (b-10) It is unlawful for a child sex offender to knowingly reside within 500 feet of a playground, child care institution, day care center, part day child care facility, day care home, group day care home, or a facility providing programs or services exclusively directed toward persons under 18 years of age. Nothing in this subsection (b-10) prohibits a child sex offender from residing within 500 feet of a playground or a facility providing programs or services exclusively directed toward persons under 18 years of age if the property is owned by the child sex offender and was purchased before July 7, 2000. Nothing in this subsection (b-10) prohibits a child sex offender from residing within 500 feet of a child care institution, day care center, or part day child care facility if the property is owned by the child sex offender and was purchased before June 26, 2006. Nothing in this subsection (b-10) prohibits a child sex offender from residing within 500 feet of a day care home or group day care home if the property is owned by the child sex offender and was purchased before August 14, 2008 (the effective date of Public Act 95-821). (b-15) It is unlawful for a child sex offender to knowingly reside within 500 feet of the victim of the sex offense. Nothing in this subsection (b-15) prohibits a child sex offender from residing within 500 feet of the victim if the property in which the child sex offender resides is owned by the child sex offender and was purchased before August 22, 2002. This subsection (b-15) does not apply if the victim of the sex offense is 21 years of age or older. (b-20) It is unlawful for a child sex offender to knowingly communicate, other than for a lawful purpose under Illinois law, using the Internet or any other digital media, with a person under 18 years of age or with a person whom he or she believes to be a person under 18 years of age, unless the offender is a parent or guardian of the person under 18 years of age.

(c) It is unlawful for a child sex offender to knowingly operate, manage, be employed by, volunteer at, be associated with, or knowingly be present at any:

(i) facility providing programs or services exclusively directed toward persons under the age of 18; (ii) day care center; (iii) part day child care facility; (iv) child care institution;

(v) school providing before and after school programs for children under 18 years of age; (vi) day care home; or (vii) group day care home. This does not prohibit a child sex offender from owning the real property upon which the programs or services are offered or upon which the day care center, part day child care facility, child care institution, or school providing before and after school programs for children under 18 years of age is located, provided the child sex offender refrains from being present on the premises for the hours during which:

(1) the programs or services are being offered or

(2) the day care center, part day child care facility, child care institution, or school providing before and after school programs for children under 18 years of age, day care home, or group day care home is operated. (c-2) It is unlawful for a child sex offender to participate in a holiday event involving children under 18 years of age, including but not limited to distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, being employed as a department store Santa Claus, or wearing an Easter Bunny costume on or preceding Easter. For the purposes of this subsection, child sex offender has the meaning as defined in this Section, but does not include as a sex offense under paragraph

(2) of subsection

(d) of this Section, the offense under subsection

(c) of Section 11-1.50 of this Code. This subsection does not apply to a child sex offender who is a parent or guardian of children under 18 years of age that are present in the home and other non-familial minors are not present. (c-5) It is unlawful for a child sex offender to knowingly operate, manage, be employed by, or be associated with any carnival, amusement enterprise, or county or State fair when persons under the age of 18 are present. (c-6) It is unlawful for a child sex offender who owns and resides at residential real estate to knowingly rent any residential unit within the same building in which he or she resides to a person who is the parent or guardian of a child or children under 18 years of age. This subsection shall apply only to leases or other rental arrangements entered into after January 1, 2009 (the effective date of Public Act 95-820). (c-7) It is unlawful for a child sex offender to knowingly offer or provide any programs or services to persons under 18 years of age in his or her residence or the residence of another or in any facility for the purpose of offering or providing such programs or services, whether such programs or services are offered or provided by contract, agreement, arrangement, or on a volunteer basis. (c-8) It is unlawful for a child sex offender to knowingly operate, whether authorized to do so or not, any of the following vehicles:

(1) a vehicle which is specifically designed, constructed or modified and equipped to be used for the retail sale of food or beverages, including but not limited to an ice cream truck;

(2) an authorized emergency vehicle; or

(3) a rescue vehicle.

(d) Definitions. In this Section:

(1) "Child sex offender" means any person who:

(i) has been charged under Illinois law, or any substantially similar federal law or law of another state, with a sex offense set forth in paragraph

(2) of this subsection

(d) or the attempt to commit an included sex offense, and the victim is a person under 18 years of age at the time of the offense; and: (A) is convicted of such offense or an attempt to commit such offense; or (B) is found not guilty by reason of insanity of such offense or an attempt to commit such offense; or (C) is found not guilty by reason of insanity pursuant to subsection

(c) of Section 104-25 of the Code of Criminal Procedure of 1963 of such offense or an attempt to commit such offense; or (D) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to subsection

(a) of Section 104-25 of the Code of Criminal Procedure of 1963 for the alleged commission or attempted commission of such offense; or (E) is found not guilty by reason of insanity following a hearing conducted pursuant to a federal law or the law of another state substantially similar to subsection

(c) of Section 104-25 of the Code of Criminal Procedure of 1963 of such offense or of the attempted commission of such offense; or (F) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to a federal law or the law of another state substantially similar to subsection

(a) of Section 104-25 of the Code of Criminal Procedure of 1963 for the alleged violation or attempted commission of such offense; or (ii) is certified as a sexually dangerous person pursuant to the Illinois Sexually Dangerous Persons Act, or any substantially similar federal law or the law of another state, when any conduct giving rise to such certification is committed or attempted against a person less than 18 years of age; or (iii) is subject to the provisions of Section 2 of the Interstate Agreements on Sexually Dangerous Persons Act. Convictions that result from or are connected with the same act, or result from offenses committed at the same time, shall be counted for the purpose of this Section as one conviction. Any conviction set aside pursuant to law is not a conviction for purposes of this Section.

(2) Except as otherwise provided in paragraph (2.5), "sex offense" means:

(i) A violation of any of the following Sections of the Criminal Code of 1961 or the Criminal Code of 2012: 10-4 (forcible detention), 10-7 (aiding or abetting child abduction under Section 10-5(b)(10)), 10-5(b)(10) (child luring), 11-1.40 (predatory criminal sexual assault of a child), 11-6 (indecent solicitation of a child), 11-6.5 (indecent solicitation of an adult), 11-9.1 (sexual exploitation of a child), 11-9.2 (custodial sexual misconduct), 11-9.5 (sexual misconduct with a person with a disability), 11-11 (sexual relations within families), 11-14.3(a)(1) (promoting prostitution by advancing prostitution), 11-14.3(a)(2)(A) (promoting prostitution by profiting from prostitution by compelling a person to be a prostitute), 11-14.3(a)(2)(C) (promoting prostitution by profiting from prostitution by means other than as described in subparagraphs (A) and (B) of paragraph

(2) of subsection

(a) of Section 11-14.3), 11-14.4 (promoting juvenile prostitution), 11-18.1 (patronizing a juvenile prostitute), 11-20.1 (child sexual abuse material or child pornography), 11-20.1B (aggravated child pornography), 11-21 (harmful material), 11-25 (grooming), 11-26 (traveling to meet a minor or traveling to meet a child), 12-33 (ritualized abuse of a child), 11-20 (obscenity) (when that offense was committed in any school, on real property comprising any school, in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity, or in a public park), 11-30 (public indecency) (when committed in a school, on real property comprising a school, in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity, or in a public park). An attempt to commit any of these offenses. (ii) A violation of any of the following Sections of the Criminal Code of 1961 or the Criminal Code of 2012, when the victim is a person under 18 years of age: 11-1.20 (criminal sexual assault), 11-1.30 (aggravated criminal sexual assault), 11-1.50 (criminal sexual abuse), 11-1.60 (aggravated criminal sexual abuse). An attempt to commit any of these offenses. (iii) A violation of any of the following Sections of the Criminal Code of 1961 or the Criminal Code of 2012, when the victim is a person under 18 years of age and the defendant is not a parent of the victim: 10-1 (kidnapping), 10-2 (aggravated kidnapping), 10-3 (unlawful restraint), 10-3.1 (aggravated unlawful restraint), 11-9.1(A) (permitting sexual abuse of a child). An attempt to commit any of these offenses. (iv) A violation of any former law of this State substantially equivalent to any offense listed in clause (2)(i) or (2)(ii) of subsection

(d) of this Section. (2.5) For the purposes of subsections (b-5) and (b-10) only, a sex offense means:

(i) A violation of any of the following Sections of the Criminal Code of 1961 or the Criminal Code of 2012: 10-5(b)(10) (child luring), 10-7 (aiding or abetting child abduction under Section 10-5(b)(10)), 11-1.40 (predatory criminal sexual assault of a child), 11-6 (indecent solicitation of a child), 11-6.5 (indecent solicitation of an adult), 11-9.2 (custodial sexual misconduct), 11-9.5 (sexual misconduct with a person with a disability), 11-11 (sexual relations within families), 11-14.3(a)(1) (promoting prostitution by advancing prostitution), 11-14.3(a)(2)(A) (promoting prostitution by profiting from prostitution by compelling a person to be a prostitute), 11-14.3(a)(2)(C) (promoting prostitution by profiting from prostitution by means other than as described in subparagraphs (A) and (B) of paragraph

(2) of subsection

(a) of Section 11-14.3), 11-14.4 (promoting juvenile prostitution), 11-18.1 (patronizing a juvenile prostitute), 11-20.1 (child sexual abuse material or child pornography), 11-20.1B (aggravated child pornography), 11-25 (grooming), 11-26 (traveling to meet a minor or traveling to meet a child), or 12-33 (ritualized abuse of a child). An attempt to commit any of these offenses. (ii) A violation of any of the following Sections of the Criminal Code of 1961 or the Criminal Code of 2012, when the victim is a person under 18 years of age: 11-1.20 (criminal sexual assault), 11-1.30 (aggravated criminal sexual assault), 11-1.60 (aggravated criminal sexual abuse), and subsection

(a) of Section 11-1.50 (criminal sexual abuse). An attempt to commit any of these offenses. (iii) A violation of any of the following Sections of the Criminal Code of 1961 or the Criminal Code of 2012, when the victim is a person under 18 years of age and the defendant is not a parent of the victim: 10-1 (kidnapping), 10-2 (aggravated kidnapping), 10-3 (unlawful

restraint), 10-3.1 (aggravated unlawful restraint), 11-9.1(A) (permitting sexual abuse of a child). An attempt to commit any of these offenses. (iv) A violation of any former law of this State substantially equivalent to any offense listed in this paragraph (2.5) of this subsection.

(3) A conviction for an offense of federal law or the law of another state that is substantially equivalent to any offense listed in paragraph

(2) of subsection

(d) of this Section shall constitute a conviction for the purpose of this Section. A finding or adjudication as a sexually dangerous person under any federal law or law of another state that is substantially equivalent to the Sexually Dangerous Persons Act shall constitute an adjudication for the purposes of this Section.

(4) "Authorized emergency vehicle", "rescue vehicle", and "vehicle" have the meanings ascribed to them in Sections 1-105, 1-171.8 and 1-217, respectively, of the Illinois Vehicle Code.

(5) "Child care institution" has the meaning ascribed to it in Section 2.06 of the Child Care Act of 1969.

(6) "Day care center" has the meaning ascribed to it in Section 2.09 of the Child Care Act of 1969.

(7) "Day care home" has the meaning ascribed to it in Section 2.18 of the Child Care Act of 1969.

(8) "Facility providing programs or services directed towards persons under the age of 18" means any facility providing programs or services exclusively directed towards persons under the age of 18.

(9) "Group day care home" has the meaning ascribed to it in Section 2.20 of the Child Care Act of 1969.

(10) "Internet" has the meaning set forth in Section 16-0.1 of this Code.

(11) "Loiter" means:

(i) Standing, sitting idly, whether or not the person is in a vehicle, or remaining in or around school or public park property.

(ii) Standing, sitting idly, whether or not the person is in a vehicle, or remaining in or around school or public park property, for the purpose of committing or attempting to commit a sex offense. (iii) Entering or remaining in a building in or around school property, other than the offender's residence.

(12) "Part day child care facility" has the meaning ascribed to it in Section 2.10 of the Child Care Act of 1969.

(13) "Playground" means a piece of land owned or controlled by a unit of local government that is designated by the unit of local government for use solely or primarily for children's recreation.

(14) "Public park" includes a park, forest preserve, bikeway, trail, or conservation area under the jurisdiction of the State or a unit of local government.

(15) "School" means a public or private preschool or elementary or secondary school.

(16) "School official" means the principal, a teacher, or any other certified employee of the school, the superintendent of schools or a member of the school board.

(e) For the purposes of this Section, the 500 feet distance shall be measured from:

(1) the edge of the property of the school building or the real property comprising the school that is closest to the edge of the property of the child sex offender's residence or where he or she is loitering, and

(2) the edge of the property comprising the public park building or the real property comprising the public park, playground, child care institution, day care center, part day child care facility, or facility providing programs or services exclusively directed toward persons under 18 years of age, or a victim of the sex offense who is under 21 years of age, to the edge of the child sex offender's place of residence or place where he or she is loitering.

(f) Sentence. A person who violates this Section is guilty of a Class 4 felony.

720 ILCS 5/11-9.4

Sec. 11-9.4. (Repealed).

720 ILCS 5/11-9.4-1 — Sexual predator and child sex offender; presence or loitering in or near public parks prohibited

Sec. 11-9.4-1. Sexual predator and child sex offender; presence or loitering in or near public parks prohibited.

(a) For the purposes of this Section: "Child sex offender" has the meaning ascribed to it in subsection

(d) of Section 11-9.3 of this Code, but does not include as a sex offense under paragraph

(2) of subsection

(d) of Section 11-9.3, the offenses under subsections

(b) and

(c) of Section 11-1.50 or subsections

(b) and

(c) of Section 12-15 of this Code. "Public park" includes a park, forest preserve, bikeway, trail, or conservation area under the jurisdiction of the State or a unit of local government. "Loiter" means:

(i) Standing, sitting idly, whether or not the person is in a vehicle or remaining in or around public park property. (ii) Standing, sitting idly, whether or not the person is in a vehicle or remaining in or around public park property, for the purpose of committing or attempting to commit a sex offense. "Sexual predator" has the meaning ascribed to it in subsection (E) of Section 2 of the Sex Offender Registration Act.

(b) It is unlawful for a sexual predator or a child sex offender to knowingly be present in any public park building or on real property comprising any public park.

(c) It is unlawful for a sexual predator or a child sex offender to knowingly loiter on a public way within 500 feet of a public park building or real property comprising any public park. For the purposes of this subsection (c), the 500 feet distance shall be measured from the edge of the property comprising the public park building or the real property comprising the public park.

(d) Sentence. A person who violates this Section is guilty of a Class A misdemeanor, except that a second or subsequent violation is a Class 4 felony.

720 ILCS 5/11-9.5 — Sexual misconduct with a person with a disability

Sec. 11-9.5. Sexual misconduct with a person with a disability.

(a) Definitions. As used in this Section:

(1) "Person with a disability" means:

(i) a person diagnosed with a developmental disability as defined in Section 1-106 of the Mental Health and Developmental Disabilities Code; or (ii) a person diagnosed with a mental illness as defined in Section 1-129 of the Mental Health and Developmental Disabilities Code.

(2) "State-operated facility" means:

(i) a developmental disability facility as defined in the Mental Health and Developmental Disabilities Code; or (ii) a mental health facility as defined in the Mental Health and Developmental Disabilities Code.

(3) "Community agency" or "agency" means any community entity or program providing residential mental health or developmental disabilities services that is licensed, certified, or funded by the Department of Human Services and not licensed or certified by any other human service agency of the State such as the Departments of Public Health, Healthcare and Family Services, and Children and Family Services.

(4) "Care and custody" means admission to a State-operated facility.

(5) "Employee" means:

(i) any person employed by the Illinois Department of Human Services; (ii) any person employed by a community agency providing services at the direction of the owner or operator of the agency on or off site; or (iii) any person who is a contractual employee or contractual agent of the Department of Human Services or the community agency. This includes but is not limited to payroll personnel, contractors, subcontractors, and volunteers.

(6) "Sexual conduct" or "sexual penetration" means any act of sexual conduct or sexual penetration as defined in Section 11-0.1 of this Code.

(b) A person commits sexual misconduct with a person with a disability when:

(1) he or she is an employee and knowingly engages in sexual conduct or sexual penetration with a person with a disability who is under the care and custody of the Department of Human Services at a State-operated facility; or

(2) he or she is an employee of a community agency funded by the Department of Human Services and knowingly engages in sexual conduct or sexual penetration with a person with a disability who is in a residential program operated or supervised by a community agency.

(c) For purposes of this Section, the consent of a person with a disability in custody of the Department of Human Services residing at a State-operated facility or receiving services from a community agency shall not be a defense to a prosecution under this Section. A person is deemed incapable of consent, for purposes of this Section, when he or she is a person with a disability and is receiving services at a State-operated facility or is a person with a disability who is in a residential program operated or supervised by a community agency.

(d) This Section does not apply to:

(1) any State employee or any community agency employee who is lawfully married to a person with a disability in custody of the Department of Human Services or receiving services from a community agency if the marriage occurred before the date of custody or the initiation of services at a community agency; or

(2) any State employee or community agency employee who has no knowledge, and would have no reason to believe, that the person with whom he or she engaged in sexual misconduct was a person with a disability in custody of the Department of Human Services or was receiving services from a community agency.

(e) Sentence. Sexual misconduct with a person with a disability is a Class 3 felony.

(f) Any person convicted of violating this Section shall immediately forfeit his or her employment with the State or the community agency.

720 ILCS 5/11-11 — Sexual Relations Within Families

Sec. 11-11. Sexual Relations Within Families.

(a) A person commits sexual relations within families if he or she:

(1) Commits an act of sexual penetration as defined in Section 11-0.1 of this Code; and

(2) The person knows that he or she is related to the other person as follows:

(i) Brother or sister, either of the whole blood or the half blood; or (ii) Father or mother, when the child, regardless of legitimacy and regardless of whether the child was of the whole blood or half-blood or was adopted, was 18 years of age or over when the act was committed; or (iii) Stepfather or stepmother, when the stepchild was 18 years of age or over when the act was committed; or (iv) Aunt or uncle, when the niece or nephew was 18 years of age or over when the act was committed; or

(v) Great-aunt or great-uncle, when the grand-niece or grand-nephew was 18 years of age or over when the act was committed; or (vi) Grandparent or step-grandparent, when the grandchild or step-grandchild was 18 years of age or over when the act was committed.

(b) Sentence. Sexual relations within families is a Class 3 felony.

720 ILCS 5/11-12

Sec. 11-12. (Renumbered).

720 ILCS 5/11-13

Sec. 11-13. (Repealed).

720 ILCS 5/11-14 — Prostitution

Sec. 11-14. Prostitution.

(a) Any person who knowingly performs, offers or agrees to perform any act of sexual penetration as defined in Section 11-0.1 of this Code for anything of value, or any touching or fondling of the sex organs of one person by another person, for anything of value, for the purpose of sexual arousal or gratification commits an act of prostitution.

(b) Sentence. A violation of this Section is a Class A misdemeanor.

(c) (Blank). (c-5) It is an affirmative defense to a charge under this Section that the accused engaged in or performed prostitution as a result of being a victim of involuntary servitude or trafficking in persons as defined in Section 10-9 of this Code.

(d) Notwithstanding the foregoing, if it is determined, after a reasonable detention for investigative purposes, that a person suspected of or charged with a violation of this Section is a person under the age of 18, that person shall be immune from prosecution for a prostitution offense under this Section, and shall be subject to the temporary protective custody provisions of Sections 2-5 and 2-6 of the Juvenile Court Act of 1987. Pursuant to the provisions of Section 2-6 of the Juvenile Court Act of 1987, a law enforcement officer who takes a person under 18 years of age into custody under this Section shall immediately report an allegation of a violation of Section 10-9 of this Code to the Illinois Department of Children and Family Services State Central Register, which shall commence an initial investigation into child abuse or child neglect within 24 hours pursuant to Section 7.4 of the Abused and Neglected Child Reporting Act.

720 ILCS 5/11-14.1 — Solicitation of a sexual act

Sec. 11-14.1. Solicitation of a sexual act.

(a) Any person who offers a person not his or her spouse any money, property, token, object, or article or anything of value for that person or any other person not his or her spouse to perform any act of sexual penetration as defined in Section 11-0.1 of this Code, or any touching or fondling of the sex organs of one person by another person for the purpose of sexual arousal or gratification, commits solicitation of a sexual act.

(b) Sentence. Solicitation of a sexual act is a Class A misdemeanor. Solicitation of a sexual act from a person who is under the age of 18 or who is a person with a severe or profound intellectual disability is a Class 4 felony. If the court imposes a fine under this subsection (b), it shall be collected and distributed to the Specialized Services for Survivors of Human Trafficking Fund in accordance with Section 5-9-1.21 of the Unified Code of Corrections. (b-5) (Blank).

(c) This Section does not apply to a person engaged in prostitution who is under 18 years of age.

(d) A person cannot be convicted under this Section if the practice of prostitution underlying the offense consists exclusively of the accused's own acts of prostitution under Section 11-14 of this Code.

720 ILCS 5/11-14.2

Sec. 11-14.2. (Repealed).

720 ILCS 5/11-14.3 — Promoting prostitution

Sec. 11-14.3. Promoting prostitution.

(a) Any person who knowingly performs any of the following acts commits promoting prostitution:

(1) advances prostitution as defined in Section 11-0.1;

(2) profits from prostitution by: (A) compelling a person to become a person engaged in the sex trade; (B) arranging or offering to arrange a situation in which a person may practice prostitution; or (C) any means other than those described in subparagraph (A) or (B), including from a person who patronizes a person engaged in the sex trade. This paragraph (C) does not apply to a person engaged in prostitution who is under 18 years of age. A person cannot be convicted of promoting prostitution under this paragraph (C) if the practice of prostitution underlying the offense consists exclusively of the accused's own acts of prostitution under Section 11-14 of this Code.

(b) Sentence.

(1) A violation of subdivision (a)(1) is a Class 4 felony, unless committed within 1,000 feet of real property comprising a school, in which case it is a Class 3 felony. A second or subsequent violation of subdivision (a)(1), or any combination of convictions under subdivision (a)(1), (a)(2)(A), or (a)(2)(B) and Section 11-14 (prostitution), 11-14.1 (solicitation of a sexual act), 11-14.4 (promoting commercial sexual exploitation of a child), 11-15 (soliciting for a person engaged in the sex trade), 11-15.1 (soliciting for a sexually exploited child), 11-16 (pandering), 11-17 (keeping a place of prostitution), 11-17.1 (keeping a place of commercial sexual exploitation of a child), 11-18 (patronizing a person engaged in the sex trade), 11-18.1 (patronizing a sexually exploited child), 11-19 (pimping), 11-19.1 (juvenile pimping or aggravated juvenile pimping), or 11-19.2 (exploitation of a child), is a Class 3 felony.

(2) A violation of subdivision (a)(2)(A) or (a)(2)(B) is a Class 4 felony, unless committed within 1,000 feet of real property comprising a school, in which case it is a Class 3 felony.

(3) A violation of subdivision (a)(2)(C) is a Class 4 felony, unless committed within 1,000 feet of real property comprising a school, in which case it is a Class 3 felony. A second or subsequent violation of subdivision (a)(2)(C), or any combination of convictions under subdivision (a)(2)(C) and subdivision (a)(1), (a)(2)(A), or (a)(2)(B) of this Section (promoting

prostitution), 11-14 (prostitution), 11-14.1 (solicitation of a sexual act), 11-14.4 (promoting commercial sexual exploitation of a child), 11-15 (soliciting for a person engaged in the sex trade), 11-15.1 (soliciting for a sexually exploited child), 11-16 (pandering), 11-17 (keeping a place of prostitution), 11-17.1 (keeping a place of commercial sexual exploitation of a child), 11-18 (patronizing a person engaged in the sex trade), 11-18.1 (patronizing a sexually exploited child), 11-19 (pimping), 11-19.1 (juvenile pimping or aggravated juvenile pimping), or 11-19.2 (exploitation of a child), is a Class 3 felony. If the court imposes a fine under this subsection (b), it shall be collected and distributed to the Specialized Services for Survivors of Human Trafficking Fund in accordance with Section 5-9-1.21 of the Unified Code of Corrections.

720 ILCS 5/11-14.4 — Promoting commercial sexual exploitation of a child

Sec. 11-14.4. Promoting commercial sexual exploitation of a child.

(a) Any person who knowingly performs any of the following acts commits promoting commercial sexual exploitation of a child:

(1) advances prostitution as defined in Section 11-0.1, where the minor engaged in prostitution, or any person engaged in prostitution in the place, is under 18 years of age or is a person with a severe or profound intellectual disability at the time of the offense;

(2) profits from prostitution by any means where the person engaged in the sex trade is a sexually exploited child under 18 years of age or is a person with a severe or profound intellectual disability at the time of the offense;

(3) profits from prostitution by any means where the sexually exploited child is under 13 years of age at the time of the offense;

(4) confines a child under the age of 18 or a person with a severe or profound intellectual disability against his or her will by the infliction or threat of imminent infliction of great bodily harm or permanent disability or disfigurement or by administering to the child or the person with a severe or profound intellectual disability, without his or her consent or by threat or deception and for other than medical purposes, any alcoholic intoxicant or a drug as defined in the Illinois Controlled Substances Act or the Cannabis Control Act or methamphetamine as defined in the Methamphetamine Control and Community Protection Act and: (A) compels the child or the person with a severe or profound intellectual disability to engage in prostitution; (B) arranges a situation in which the child or the person with a severe or profound intellectual disability may practice prostitution; or (C) profits from prostitution by the child or the person with a severe or profound intellectual disability.

(b) For purposes of this Section, administering drugs, as defined in subdivision (a)(4), or an alcoholic intoxicant to a child under the age of 13 or a person with a severe or profound intellectual disability shall be deemed to be without consent if the administering is done without the consent of the parents or legal guardian or if the administering is performed by the parents or legal guardian for other than medical purposes.

(c) If the accused did not have a reasonable opportunity to observe the person engaged in the sex trade, it is an affirmative defense to a charge of promoting commercial sexual exploitation of a child, except for a charge under subdivision (a)(4), that the accused reasonably believed the person was of the age of 18 years or over or was not a person with a severe or profound intellectual disability at the time of the act giving rise to the charge.

(d) Sentence. A violation of subdivision (a)(1) is a Class 1 felony, unless committed within 1,000 feet of real property comprising a school, in which case it is a Class X felony. A violation of subdivision (a)(2) is a Class 1 felony. A violation of subdivision (a)(3) is a Class X felony. A violation of subdivision (a)(4) is a Class X felony, for which the person shall be sentenced to a term of imprisonment of not less than 6 years and not more than 60 years. A second or subsequent violation of subdivision (a)(1), (a)(2), or (a)(3), or any combination of convictions under subdivision (a)(1), (a)(2), or (a)(3) and Sections 11-14 (prostitution), 11-14.1 (solicitation of a sexual act), 11-14.3 (promoting prostitution), 11-15 (soliciting for a person engaged in the sex trade), 11-15.1 (soliciting for a sexually exploited child), 11-16 (pandering), 11-17 (keeping a place of prostitution), 11-17.1 (keeping a place of commercial sexual exploitation of a child), 11-18 (patronizing a person engaged in the sex trade), 11-18.1 (patronizing a sexually exploited child), 11-19 (pimping), 11-19.1 (juvenile pimping or aggravated juvenile pimping), or 11-19.2 (exploitation of a child) of this Code, is a Class X felony.

(e) Forfeiture. Any person convicted of a violation of this Section that involves promoting commercial sexual exploitation of a child by keeping a place of commercial sexual exploitation of a child or convicted of a violation of subdivision (a)(4) is subject to the property forfeiture provisions set forth in Article 124B of the Code of Criminal Procedure of 1963.

(f) For the purposes of this Section, "person engaged in the sex trade" means any person who engages in, or agrees or offers to engage in, any act of sexual penetration as defined in Section 11-0.1 of this Code for any money, property, token, object, or article or anything of value, or any touching or fondling of the sex organs of one person by another person, for any money, property, token, object, or article or anything of value, for the purpose of sexual arousal or gratification.

720 ILCS 5/11-15

Sec. 11-15. (Repealed).

720 ILCS 5/11-15.1

Sec. 11-15.1. (Repealed).

720 ILCS 5/11-16

Sec. 11-16. (Repealed).

720 ILCS 5/11-17

Sec. 11-17. (Repealed).

720 ILCS 5/11-17.1

Sec. 11-17.1. (Repealed).

720 ILCS 5/11-18 — Patronizing a person engaged in the sex trade

Sec. 11-18. Patronizing a person engaged in the sex trade.

(a) Any person who knowingly performs any of the following acts with a person not his or her spouse commits patronizing a person engaged in the sex trade:

(1) Engages in an act of sexual penetration as defined in Section 11-0.1 of this Code with a person engaged in the sex trade; or

(2) Enters or remains in a place of prostitution with intent to engage in an act of sexual penetration as defined in Section 11-0.1 of this Code; or

(3) Engages in any touching or fondling with a person engaged in the sex trade of the sex organs of one person by the other person, with the intent to achieve sexual arousal or gratification.

(b) Sentence. Patronizing a person engaged in the sex trade is a Class 4 felony, unless committed within 1,000 feet of real property comprising a school, in which case it is a Class 3 felony. A person convicted of a second or subsequent violation of this Section, or of any combination of such number of convictions under this Section and Sections 11-14 (prostitution), 11-14.1 (solicitation of a sexual act), 11-14.3 (promoting prostitution), 11-14.4 (promoting commercial sexual exploitation of a child), 11-15 (soliciting for a person engaged in the sex trade), 11-15.1 (soliciting for a sexually exploited child), 11-16 (pandering), 11-17 (keeping a place of prostitution), 11-17.1 (keeping a place of commercial sexual exploitation of a child), 11-18.1 (patronizing a sexually exploited child), 11-19 (pimping), 11-19.1 (juvenile pimping or aggravated juvenile pimping), or 11-19.2 (exploitation of a child) of this Code, is guilty of a Class 3 felony. If the court imposes a fine under this subsection (b), it shall be collected and distributed to the Specialized Services for Survivors of Human Trafficking Fund in accordance with Section 5-9-1.21 of the Unified Code of Corrections.

(c) (Blank).

720 ILCS 5/11-18.1 — Patronizing a sexually exploited child

Sec. 11-18.1. Patronizing a sexually exploited child.

(a) Any person who engages in an act of sexual penetration as defined in Section 11-0.1 of this Code with a person who is under 18 years of age engaged in prostitution or is a person with a severe or profound intellectual disability commits patronizing a sexually exploited child. (a-5) Any person who engages in any touching or fondling, with a person engaged in prostitution who either is a sexually exploited child or is a person with a severe or profound intellectual disability, of the sex organs of one person by the other person, with the intent to achieve sexual arousal or gratification, commits patronizing a sexually exploited child.

(b) It is an affirmative defense to the charge of patronizing a sexually exploited child that the accused reasonably believed that the person was of the age of 18 years or over or was not a person with a severe or profound intellectual disability at the time of the act giving rise to the charge.

(c) Sentence. A person who commits patronizing a sexually exploited child is guilty of a Class 3 felony, unless committed within 1,000 feet of real property comprising a school, in which case it is a Class 2 felony. A person convicted of a second or subsequent violation of this Section, or of any combination of such number of convictions under this Section and Sections 11-14 (prostitution), 11-14.1 (solicitation of a sexual act), 11-14.3 (promoting prostitution), 11-14.4 (promoting commercial sexual exploitation of a child), 11-15 (soliciting for a person engaged in the sex trade), 11-15.1 (soliciting for a sexually exploited child), 11-16 (pandering), 11-17 (keeping a place of prostitution), 11-17.1 (keeping a place of commercial sexual exploitation of a child), 11-18 (patronizing a person engaged in the sex trade), 11-19 (pimping), 11-19.1 (juvenile pimping or aggravated juvenile pimping), or 11-19.2 (exploitation of a child) of this Code, is guilty of a Class 2 felony. The fact of such conviction is not an element of the offense and may not be disclosed to the jury during trial unless otherwise permitted by issues properly raised during such trial.

720 ILCS 5/11-19

Sec. 11-19. (Repealed).

720 ILCS 5/11-19.1

Sec. 11-19.1. (Repealed).

720 ILCS 5/11-19.2

Sec. 11-19.2. (Repealed).

720 ILCS 5/11-19.3

Sec. 11-19.3. (Repealed).

720 ILCS 5/11-20 — Obscenity

Sec. 11-20. Obscenity.

(a) Elements of the Offense. A person commits obscenity when, with knowledge of the nature or content thereof, or recklessly failing to exercise reasonable inspection which would have disclosed the nature or content thereof, he or she:

(1) Sells, delivers or provides, or offers or agrees to sell, deliver or provide any obscene writing, picture, record or other representation or embodiment of the obscene; or

(2) Presents or directs an obscene play, dance or other performance or participates directly in that portion thereof which makes it obscene; or

(3) Publishes, exhibits or otherwise makes available anything obscene; or

(4) Performs an obscene act or otherwise presents an obscene exhibition of his or her body for gain; or

(5) Creates, buys, procures or possesses obscene matter or material with intent to disseminate it in violation of this Section, or of the penal laws or regulations of any other jurisdiction; or

(6) Advertises or otherwise promotes the sale of material represented or held out by him or her to be obscene, whether or not it is obscene.

(b) Obscene Defined. Any material or performance is obscene if:

(1) the average person, applying contemporary adult community standards, would find that, taken as a whole, it appeals to the prurient interest; and

(2) the average person, applying contemporary adult community standards, would find that it depicts or describes, in a patently offensive way, ultimate sexual acts or sadomasochistic sexual acts, whether normal or perverted, actual or simulated, or masturbation, excretory functions or lewd exhibition of the genitals; and

(3) taken as a whole, it lacks serious literary, artistic, political or scientific value.

(c) Interpretation of Evidence. Obscenity shall be judged with reference to ordinary adults, except that it shall be judged with reference to children or other specially susceptible audiences if it appears from the character of the material or the circumstances of its dissemination to be specially designed for or directed to such an audience. Where circumstances of

production, presentation, sale, dissemination, distribution, or publicity indicate that material is being commercially exploited for the sake of its prurient appeal, such evidence is probative with respect to the nature of the matter and can justify the conclusion that the matter is lacking in serious literary, artistic, political or scientific value. In any prosecution for an offense under this Section evidence shall be admissible to show:

- (1) The character of the audience for which the material was designed or to which it was directed;
 - (2) What the predominant appeal of the material would be for ordinary adults or a special audience, and what effect, if any, it would probably have on the behavior of such people;
 - (3) The artistic, literary, scientific, educational or other merits of the material, or absence thereof;
 - (4) The degree, if any, of public acceptance of the material in this State;
 - (5) Appeal to prurient interest, or absence thereof, in advertising or other promotion of the material;
 - (6) Purpose of the author, creator, publisher or disseminator.
- (d) Sentence. Obscenity is a Class A misdemeanor. A second or subsequent offense is a Class 4 felony.
- (e) Permissive Inference. The trier of fact may infer an intent to disseminate from the creation, purchase, procurement or possession of a mold, engraved plate or other embodiment of obscenity specially adapted for reproducing multiple copies, or the possession of more than 3 copies of obscene material.
- (f) Affirmative Defenses. It shall be an affirmative defense to obscenity that the dissemination:
- (1) Was not for gain and was made to personal associates other than children under 18 years of age;
 - (2) Was to institutions or individuals having scientific or other special justification for possession of such material.
- (g) Forfeiture of property. A person who has been convicted previously of the offense of obscenity and who is convicted of a second or subsequent offense of obscenity is subject to the property forfeiture provisions set forth in Article 124B of the Code of Criminal Procedure of 1963.

720 ILCS 5/11-20.1 — Child pornography

Sec. 11-20.1. Child pornography.

(a) A person commits child pornography who:

- (1) films, videotapes, photographs, or otherwise depicts or portrays by means of any similar visual medium or reproduction or depicts by computer any child whom he or she knows or reasonably should know to be under the age of 18 or any person with a severe or profound intellectual disability where such child or person with a severe or profound intellectual disability is:
 - (i) actually or by simulation engaged in any act of sexual penetration or sexual conduct with any person or animal; or (ii) actually or by simulation engaged in any act of sexual penetration or sexual conduct involving the sex organs of the child or person with a severe or profound intellectual disability and the mouth, anus, or sex organs of another person or animal; or which involves the mouth, anus or sex organs of the child or person with a severe or profound intellectual disability and the sex organs of another person or animal; or (iii) actually or by simulation engaged in any act of masturbation; or (iv) actually or by simulation portrayed as being the object of, or otherwise engaged in, any act of lewd fondling, touching, or caressing involving another person or animal; or
 - (v) actually or by simulation engaged in any act of excretion or urination within a sexual context; or (vi) actually or by simulation portrayed or depicted as bound, fettered, or subject to sadistic, masochistic, or sadomasochistic abuse in any sexual context; or (vii) depicted or portrayed in any pose, posture or setting involving a lewd exhibition of the unclothed or transparently clothed genitals, pubic area, buttocks, or, if such person is female, a fully or partially developed breast of the child or other person; or
- (2) with the knowledge of the nature or content thereof, reproduces, disseminates, offers to disseminate, exhibits or possesses with intent to disseminate any film, videotape, photograph or other similar visual reproduction or depiction by computer of any child or person with a severe or profound intellectual disability whom the person knows or reasonably should know to be under the age of 18 or to be a person with a severe or profound intellectual disability, engaged in any activity described in subparagraphs
 - (i) through (vii) of paragraph
- (1) of this subsection; or

(3) with knowledge of the subject matter or theme thereof, produces any stage play, live performance, film, videotape or other similar visual portrayal or depiction by computer which includes a child whom the person knows or reasonably should know to be under the age of 18 or a person with a severe or profound intellectual disability engaged in any activity described in subparagraphs

(i) through (vii) of paragraph

(1) of this subsection; or

(4) solicits, uses, persuades, induces, entices, or coerces any child whom he or she knows or reasonably should know to be under the age of 18 or a person with a severe or profound intellectual disability to appear in any stage play, live presentation, film, videotape, photograph or other similar visual reproduction or depiction by computer in which the child or person with a severe or profound intellectual disability is or will be depicted, actually or by simulation, in any act, pose or setting described in subparagraphs

(i) through (vii) of paragraph

(1) of this subsection; or

(5) is a parent, step-parent, legal guardian or other person having care or custody of a child whom the person knows or reasonably should know to be under the age of 18 or a person with a severe or profound intellectual disability and who knowingly permits, induces, promotes, or arranges for such child or person with a severe or profound intellectual disability to appear in any stage play, live performance, film, videotape, photograph or other similar visual presentation, portrayal or simulation or depiction by computer of any act or activity described in subparagraphs

(i) through (vii) of paragraph

(1) of this subsection; or

(6) with knowledge of the nature or content thereof, possesses any film, videotape, photograph or other similar visual reproduction or depiction by computer of any child or person with a severe or profound intellectual disability whom the person knows or reasonably should know to be under the age of 18 or to be a person with a severe or profound intellectual disability, engaged in any activity described in subparagraphs

(i) through (vii) of paragraph

(1) of this subsection; or

(7) solicits, or knowingly uses, persuades, induces, entices, or coerces, a person to provide a child under the age of 18 or a person with a severe or profound intellectual disability to appear in any videotape, photograph, film, stage play, live presentation, or other similar visual reproduction or depiction by computer in which the child or person with a severe or profound intellectual disability will be depicted, actually or by simulation, in any act, pose, or setting described in subparagraphs

(i) through (vii) of paragraph

(1) of this subsection. (a-5) The possession of each individual film, videotape, photograph, or other similar visual reproduction or depiction by computer in violation of this Section constitutes a single and separate violation. This subsection (a-5) does not apply to multiple copies of the same film, videotape, photograph, or other similar visual reproduction or depiction by computer that are identical to each other. (b)(1) It shall be an affirmative defense to a charge of child pornography that the defendant reasonably believed, under all of the circumstances, that the child was 18 years of age or older or that the person was not a person with a severe or profound intellectual disability but only where, prior to the act or acts giving rise to a prosecution under this Section, he or she took some affirmative action or made a bonafide inquiry designed to ascertain whether the child was 18 years of age or older or that the person was not a person with a severe or profound intellectual disability and his or her reliance upon the information so obtained was clearly reasonable.

(1.5) Telecommunications carriers, commercial mobile service providers, and providers of information services, including, but not limited to, Internet service providers and hosting service providers, are not liable under this Section by virtue of the transmission, storage, or caching of electronic communications or messages of others or by virtue of the provision of other related telecommunications, commercial mobile services, or information services used by others in violation of this Section.

(2) (Blank).

(3) The charge of child pornography shall not apply to the performance of official duties by law enforcement or prosecuting officers or persons employed by law enforcement or prosecuting agencies, court personnel or attorneys, nor

to bonafide treatment or professional education programs conducted by licensed physicians, psychologists or social workers. In any criminal proceeding, any property or material that constitutes child pornography shall remain in the care, custody, and control of either the State or the court. A motion to view the evidence shall comply with subsection (e-5) of this Section. (3.5) The charge of child pornography does not apply to the creator of a film, video, photograph, or other similar visual image or depiction in which the creator is the sole subject of the film, video, photograph, or other similar visual image or depiction.

(4) If the defendant possessed more than one of the same film, videotape or visual reproduction or depiction by computer in which child pornography is depicted, then the trier of fact may infer that the defendant possessed such materials with the intent to disseminate them.

(5) The charge of child pornography does not apply to a person who does not voluntarily possess a film, videotape, or visual reproduction or depiction by computer in which child pornography is depicted. Possession is voluntary if the defendant knowingly procures or receives a film, videotape, or visual reproduction or depiction for a sufficient time to be able to terminate his or her possession.

(6) Any violation of paragraph (1), (2), (3), (4), (5), or

(7) of subsection

(a) that includes a child engaged in, solicited for, depicted in, or posed in any act of sexual penetration or bound, fettered, or subject to sadistic, masochistic, or sadomasochistic abuse in a sexual context shall be deemed a crime of violence.

(c) If the violation does not involve a film, videotape, or other moving depiction, a violation of paragraph (1), (4), (5), or (7) of subsection

(a) is a Class 1 felony with a mandatory minimum fine of \$2,000 and a maximum fine of \$100,000. If the violation involves a film, videotape, or other moving depiction, a violation of paragraph (1), (4), (5), or

(7) of subsection

(a) is a Class X felony with a mandatory minimum fine of \$2,000 and a maximum fine of \$100,000. If the violation does not involve a film, videotape, or other moving depiction, a violation of paragraph

(3) of subsection

(a) is a Class 1 felony with a mandatory minimum fine of \$1500 and a maximum fine of \$100,000. If the violation involves a film, videotape, or other moving depiction, a violation of paragraph

(3) of subsection

(a) is a Class X felony with a mandatory minimum fine of \$1500 and a maximum fine of \$100,000. If the violation does not involve a film, videotape, or other moving depiction, a violation of paragraph

(2) of subsection

(a) is a Class 1 felony with a mandatory minimum fine of \$1000 and a maximum fine of \$100,000. If the violation involves a film, videotape, or other moving depiction, a violation of paragraph

(2) of subsection

(a) is a Class X felony with a mandatory minimum fine of \$1000 and a maximum fine of \$100,000. If the violation does not involve a film, videotape, or other moving depiction, a violation of paragraph

(6) of subsection

(a) is a Class 3 felony with a mandatory minimum fine of \$1000 and a maximum fine of \$100,000. If the violation involves a film, videotape, or other moving depiction, a violation of paragraph

(6) of subsection

(a) is a Class 2 felony with a mandatory minimum fine of \$1000 and a maximum fine of \$100,000. (c-5) Where the child depicted is under the age of 13, a violation of paragraph (1), (2), (3), (4), (5), or

(7) of subsection

(a) is a Class X felony with a mandatory minimum fine of \$2,000 and a maximum fine of \$100,000. Where the child depicted is under the age of 13, a violation of paragraph

(6) of subsection

(a) is a Class 2 felony with a mandatory minimum fine of \$1,000 and a maximum fine of \$100,000. Where the child depicted is under the age of 13, a person who commits a violation of paragraph (1), (2), (3), (4), (5), or

(7) of subsection

(a) where the defendant has previously been convicted under the laws of this State or any other state of the offense of child pornography, aggravated child pornography, aggravated criminal sexual abuse, aggravated criminal sexual assault, predatory criminal sexual assault of a child, or any of the offenses formerly known as rape, deviate sexual assault, indecent liberties with a child, or aggravated indecent liberties with a child where the victim was under the age of 18 years or an offense that is substantially equivalent to those offenses, is guilty of a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 9 years with a mandatory minimum fine of \$2,000 and a maximum fine of \$100,000. Where the child depicted is under the age of 13, a person who commits a violation of paragraph

(6) of subsection

(a) where the defendant has previously been convicted under the laws of this State or any other state of the offense of child pornography, aggravated child pornography, aggravated criminal sexual abuse, aggravated criminal sexual assault, predatory criminal sexual assault of a child, or any of the offenses formerly known as rape, deviate sexual assault, indecent liberties with a child, or aggravated indecent liberties with a child where the victim was under the age of 18 years or an offense that is substantially equivalent to those offenses, is guilty of a Class 1 felony with a mandatory minimum fine of \$1,000 and a maximum fine of \$100,000. The issue of whether the child depicted is under the age of 13 is an element of the offense to be resolved by the trier of fact.

(d) If a person is convicted of a second or subsequent violation of this Section within 10 years of a prior conviction, the court shall order a presentence psychiatric examination of the person. The examiner shall report to the court whether treatment of the person is necessary.

(e) Any film, videotape, photograph or other similar visual reproduction or depiction by computer which includes a child under the age of 18 or a person with a severe or profound intellectual disability engaged in any activity described in subparagraphs

(i) through (vii) or paragraph 1 of subsection (a), and any material or equipment used or intended for use in photographing, filming, printing, producing, reproducing, manufacturing, projecting, exhibiting, depiction by computer, or disseminating such material shall be seized and forfeited in the manner, method and procedure provided by Section 36-1 of this Code for the seizure and forfeiture of vessels, vehicles and aircraft. In addition, any person convicted under this Section is subject to the property forfeiture provisions set forth in Article 124B of the Code of Criminal Procedure of 1963.

(e-5) Upon the conclusion of a case brought under this Section, the court shall seal all evidence depicting a victim or witness that is sexually explicit. The evidence may be unsealed and viewed, on a motion of the party seeking to unseal and view the evidence, only for good cause shown and in the discretion of the court. The motion must expressly set forth the purpose for viewing the material. The State's attorney and the victim, if possible, shall be provided reasonable notice of the hearing on the motion to unseal the evidence. Any person entitled to notice of a hearing under this subsection (e-5) may object to the motion.

(f) Definitions. For the purposes of this Section:

(1) "Disseminate" means

(i) to sell, distribute, exchange or transfer possession, whether with or without consideration or (ii) to make a depiction by computer available for distribution or downloading through the facilities of any telecommunications network or through any other means of transferring computer programs or data to a computer.

(2) "Produce" means to direct, promote, advertise, publish, manufacture, issue, present or show.

(3) "Reproduce" means to make a duplication or copy.

(4) "Depict by computer" means to generate or create, or cause to be created or generated, a computer program or data that, after being processed by a computer either alone or in conjunction with one or more computer programs, results in a visual depiction on a computer monitor, screen, or display.

(5) "Depiction by computer" means a computer program or data that, after being processed by a computer either alone or in conjunction with one or more computer programs, results in a visual depiction on a computer monitor, screen, or display.

(6) "Computer", "computer program", and "data" have the meanings ascribed to them in Section 17.05 of this Code.

(7) For the purposes of this Section, "child pornography" includes a film, videotape, photograph, or other similar visual medium or reproduction or depiction by computer that is, or appears to be, that of a person, either in part, or in total, under the age of 18 or a person with a severe or profound intellectual disability, regardless of the method by which the film, videotape, photograph, or other similar visual medium or reproduction or depiction by computer is created, adopted, or modified to appear as such. "Child pornography" also includes a film, videotape, photograph, or other similar visual medium or reproduction or depiction by computer that is advertised, promoted, presented, described, or distributed in such a manner that conveys the impression that the film, videotape, photograph, or other similar visual medium or reproduction or depiction by computer is of a person under the age of 18 or a person with a severe or profound intellectual disability. "Child pornography" includes the depiction of a part of an actual child under the age of 18 who, by manipulation, creation, or modification, appears to be engaged in any activity described in subparagraphs

(i) through (vii) of paragraph

(1) of subsection (a).

(g) Re-enactment; findings; purposes.

(1) The General Assembly finds and declares that:

(i) Section 50-5 of Public Act 88-680, effective January 1, 1995, contained provisions amending the child pornography statute, Section 11-20.1 of the Criminal Code of 1961. Section 50-5 also contained other provisions. (ii) In addition, Public Act 88-680 was entitled "AN ACT to create a Safe Neighborhoods Law". (A) Article 5 was entitled JUVENILE JUSTICE and amended the Juvenile Court Act of 1987. (B) Article 15 was entitled GANGS and amended various provisions of the Criminal Code of 1961 and the Unified Code of Corrections. (C) Article 20 was entitled ALCOHOL ABUSE and amended various provisions of the Illinois Vehicle Code. (D) Article 25 was entitled DRUG ABUSE and amended the Cannabis Control Act and the Illinois Controlled Substances Act. (E) Article 30 was entitled FIREARMS and amended the Criminal Code of 1961 and the Code of Criminal Procedure of 1963. (F) Article 35 amended the Criminal Code of 1961, the Rights of Crime Victims and Witnesses Act, and the Unified Code of Corrections. (G) Article 40 amended the Criminal Code of 1961 to increase the penalty for compelling organization membership of persons. (H) Article 45 created the Secure Residential Youth Care Facility Licensing Act and amended the State Finance Act, the Juvenile Court Act of 1987, the Unified Code of Corrections, and the Private Correctional Facility Moratorium Act. (I) Article 50 amended the WIC Vendor Management Act, the Firearm Owners Identification Card Act, the Juvenile Court Act of 1987, the Criminal Code of 1961, the Wrongs to Children Act, and the Unified Code of Corrections. (iii) On September 22, 1998, the Third District Appellate Court in *People v. Dainty*, 701 N.E. 2d 118, ruled that Public Act 88-680 violates the single subject clause of the Illinois Constitution (Article IV, Section 8 (d)) and was unconstitutional in its entirety. As of the time this amendatory Act of 1999 was prepared, *People v. Dainty* was still subject to appeal. (iv) Child pornography is a vital concern to the people of this State and the validity of future prosecutions under the child pornography statute of the Criminal Code of 1961 is in grave doubt.

(2) It is the purpose of this amendatory Act of 1999 to prevent or minimize any problems relating to prosecutions for child pornography that may result from challenges to the constitutional validity of Public Act 88-680 by re-enacting the Section relating to child pornography that was included in Public Act 88-680.

(3) This amendatory Act of 1999 re-enacts Section 11-20.1 of the Criminal Code of 1961, as it has been amended. This re-enactment is intended to remove any question as to the validity or content of that Section; it is not intended to supersede any other Public Act that amends the text of the Section as set forth in this amendatory Act of 1999. The material is shown as existing text (i.e., without underscoring) because, as of the time this amendatory Act of 1999 was prepared, *People v. Dainty* was subject to appeal to the Illinois Supreme Court.

(4) The re-enactment by this amendatory Act of 1999 of Section 11-20.1 of the Criminal Code of 1961 relating to child pornography that was amended by Public Act 88-680 is not intended, and shall not be construed, to imply that Public Act 88-680 is invalid or to limit or impair any legal argument concerning whether those provisions were substantially re-enacted by other Public Acts. (Text of Section from P.A. 104-245) Sec. 11-20.1. Child sexual abuse material.

(a) Recognizing the enormous negative societal impact that sexually explicit visual depictions of children engaged in sexual abuse activities have on the children who are abused, and the overarching broader impact these materials and imagery have at various levels to the public, especially when this material is disseminated, we are changing all references in Illinois statutes from "child pornography" to "child sexual abuse material". It is important that the statutes of the State of Illinois reflect the content and realities of these materials as the sexual abuse and exploitation of children. The word

"pornography" implied legality involving "consent" of which this imagery is not, as children can never "consent" to sexual abuse and sexual exploitation. This name change is not a change in meaning, definitions, statutes or application of the laws of this State and all previous references to "child pornography" are now encapsulated in "child sexual abuse materials". A person commits child sexual abuse material who:

(1) films, videotapes, photographs, or otherwise depicts or portrays by means of any similar visual medium or reproduction or depicts by computer any child whom he or she knows or reasonably should know to be under the age of 18 or any person with a severe or profound intellectual disability where such child or person with a severe or profound intellectual disability is:

(i) actually or by simulation engaged in any act of sexual penetration or sexual conduct with any person or animal; or (ii) actually or by simulation engaged in any act of sexual penetration or sexual conduct involving the sex organs of the child or person with a severe or profound intellectual disability and the mouth, anus, or sex organs of another person or animal; or which involves the mouth, anus or sex organs of the child or person with a severe or profound intellectual disability and the sex organs of another person or animal; or (iii) actually or by simulation engaged in any act of masturbation; or (iv) actually or by simulation portrayed as being the object of, or otherwise engaged in, any act of lewd fondling, touching, or caressing involving another person or animal; or

(v) actually or by simulation engaged in any act of excretion or urination within a sexual context; or (vi) actually or by simulation portrayed or depicted as bound, fettered, or subject to sadistic, masochistic, or sadomasochistic abuse in any sexual context; or (vii) depicted or portrayed in any pose, posture or setting involving a lewd exhibition of the unclothed or transparently clothed genitals, pubic area, buttocks, or, if such person is female, a fully or partially developed breast of the child or other person; or

(2) with the knowledge of the nature or content thereof, reproduces, disseminates, offers to disseminate, exhibits or possesses with intent to disseminate any film, videotape, photograph or other similar visual reproduction or depiction by computer of any child or person with a severe or profound intellectual disability whom the person knows or reasonably should know to be under the age of 18 or to be a person with a severe or profound intellectual disability, engaged in any activity described in subparagraphs

(i) through (vii) of paragraph

(1) of this subsection; or

(3) with knowledge of the subject matter or theme thereof, produces any stage play, live performance, film, videotape or other similar visual portrayal or depiction by computer which includes a child whom the person knows or reasonably should know to be under the age of 18 or a person with a severe or profound intellectual disability engaged in any activity described in subparagraphs

(i) through (vii) of paragraph

(1) of this subsection; or

(4) solicits, uses, persuades, induces, entices, or coerces any child whom he or she knows or reasonably should know to be under the age of 18 or a person with a severe or profound intellectual disability to appear in any stage play, live presentation, film, videotape, photograph or other similar visual reproduction or depiction by computer in which the child or person with a severe or profound intellectual disability is or will be depicted, actually or by simulation, in any act, pose or setting described in subparagraphs

(i) through (vii) of paragraph

(1) of this subsection; or

(5) is a parent, step-parent, legal guardian or other person having care or custody of a child whom the person knows or reasonably should know to be under the age of 18 or a person with a severe or profound intellectual disability and who knowingly permits, induces, promotes, or arranges for such child or person with a severe or profound intellectual disability to appear in any stage play, live performance, film, videotape, photograph or other similar visual presentation, portrayal or simulation or depiction by computer of any act or activity described in subparagraphs

(i) through (vii) of paragraph

(1) of this subsection; or

(6) with knowledge of the nature or content thereof, possesses any film, videotape, photograph or other similar visual reproduction or depiction by computer of any child or person with a severe or profound intellectual disability whom the

person knows or reasonably should know to be under the age of 18 or to be a person with a severe or profound intellectual disability, engaged in any activity described in subparagraphs

(i) through (vii) of paragraph

(1) of this subsection; or

(7) solicits, or knowingly uses, persuades, induces, entices, or coerces, a person to provide a child under the age of 18 or a person with a severe or profound intellectual disability to appear in any videotape, photograph, film, stage play, live presentation, or other similar visual reproduction or depiction by computer in which the child or person with a severe or profound intellectual disability will be depicted, actually or by simulation, in any act, pose, or setting described in subparagraphs

(i) through (vii) of paragraph

(1) of this subsection. (a-5) The possession of each individual film, videotape, photograph, or other similar visual reproduction or depiction by computer in violation of this Section constitutes a single and separate violation. This subsection (a-5) does not apply to multiple copies of the same film, videotape, photograph, or other similar visual reproduction or depiction by computer that are identical to each other. (b)(1) It shall be an affirmative defense to a charge of child sexual abuse material that the defendant reasonably believed, under all of the circumstances, that the child was 18 years of age or older or that the person was not a person with a severe or profound intellectual disability but only where, prior to the act or acts giving rise to a prosecution under this Section, he or she took some affirmative action or made a bonafide inquiry designed to ascertain whether the child was 18 years of age or older or that the person was not a person with a severe or profound intellectual disability and his or her reliance upon the information so obtained was clearly reasonable. (1.5) Telecommunications carriers, commercial mobile service providers, and providers of information services, including, but not limited to, Internet service providers and hosting service providers, are not liable under this Section by virtue of the transmission, storage, or caching of electronic communications or messages of others or by virtue of the provision of other related telecommunications, commercial mobile services, or information services used by others in violation of this Section.

(2) (Blank).

(3) The charge of child sexual abuse material shall not apply to the performance of official duties by law enforcement or prosecuting officers or persons employed by law enforcement or prosecuting agencies, court personnel or attorneys, nor to bonafide treatment or professional education programs conducted by licensed physicians, psychologists or social workers. In any criminal proceeding, any property or material that constitutes child sexual abuse material shall remain in the care, custody, and control of either the State or the court. A motion to view the evidence shall comply with subsection (e-5) of this Section.

(4) If the defendant possessed more than one of the same film, videotape or visual reproduction or depiction by computer in which child sexual abuse material is depicted, then the trier of fact may infer that the defendant possessed such materials with the intent to disseminate them.

(5) The charge of child sexual abuse material does not apply to a person who does not voluntarily possess a film, videotape, or visual reproduction or depiction by computer in which child sexual abuse material is depicted. Possession is voluntary if the defendant knowingly procures or receives a film, videotape, or visual reproduction or depiction for a sufficient time to be able to terminate his or her possession.

(6) Any violation of paragraph (1), (2), (3), (4), (5), or

(7) of subsection

(a) that includes a child engaged in, solicited for, depicted in, or posed in any act of sexual penetration or bound, fettered, or subject to sadistic, masochistic, or sadomasochistic abuse in a sexual context shall be deemed a crime of violence.

(c) If the violation does not involve a film, videotape, or other moving depiction, a violation of paragraph (1), (4), (5), or (7) of subsection

(a) is a Class 1 felony with a mandatory minimum fine of \$2,000 and a maximum fine of \$100,000. If the violation involves a film, videotape, or other moving depiction, a violation of paragraph (1), (4), (5), or

(7) of subsection

(a) is a Class X felony with a mandatory minimum fine of \$2,000 and a maximum fine of \$100,000. If the violation does not involve a film, videotape, or other moving depiction, a violation of paragraph

(3) of subsection

(a) is a Class 1 felony with a mandatory minimum fine of \$1500 and a maximum fine of \$100,000. If the violation involves a film, videotape, or other moving depiction, a violation of paragraph

(3) of subsection

(a) is a Class X felony with a mandatory minimum fine of \$1500 and a maximum fine of \$100,000. If the violation does not involve a film, videotape, or other moving depiction, a violation of paragraph

(2) of subsection

(a) is a Class 1 felony with a mandatory minimum fine of \$1000 and a maximum fine of \$100,000. If the violation involves a film, videotape, or other moving depiction, a violation of paragraph

(2) of subsection

(a) is a Class X felony with a mandatory minimum fine of \$1000 and a maximum fine of \$100,000. If the violation does not involve a film, videotape, or other moving depiction, a violation of paragraph

(6) of subsection

(a) is a Class 3 felony with a mandatory minimum fine of \$1000 and a maximum fine of \$100,000. If the violation involves a film, videotape, or other moving depiction, a violation of paragraph

(6) of subsection

(a) is a Class 2 felony with a mandatory minimum fine of \$1000 and a maximum fine of \$100,000. (c-5) Where the child depicted is under the age of 13, a violation of paragraph (1), (2), (3), (4), (5), or

(7) of subsection

(a) is a Class X felony with a mandatory minimum fine of \$2,000 and a maximum fine of \$100,000. Where the child depicted is under the age of 13, a violation of paragraph

(6) of subsection

(a) is a Class 2 felony with a mandatory minimum fine of \$1,000 and a maximum fine of \$100,000. Where the child depicted is under the age of 13, a person who commits a violation of paragraph (1), (2), (3), (4), (5), or

(7) of subsection

(a) where the defendant has previously been convicted under the laws of this State or any other state of the offense of child sexual abuse material or child pornography, aggravated child pornography, aggravated criminal sexual abuse, aggravated criminal sexual assault, predatory criminal sexual assault of a child, or any of the offenses formerly known as rape, deviate sexual assault, indecent liberties with a child, or aggravated indecent liberties with a child where the victim was under the age of 18 years or an offense that is substantially equivalent to those offenses, is guilty of a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 9 years with a mandatory minimum fine of \$2,000 and a maximum fine of \$100,000. Where the child depicted is under the age of 13, a person who commits a violation of paragraph

(6) of subsection

(a) where the defendant has previously been convicted under the laws of this State or any other state of the offense of child sexual abuse material or child pornography, aggravated child pornography, aggravated criminal sexual abuse, aggravated criminal sexual assault, predatory criminal sexual assault of a child, or any of the offenses formerly known as rape, deviate sexual assault, indecent liberties with a child, or aggravated indecent liberties with a child where the victim was under the age of 18 years or an offense that is substantially equivalent to those offenses, is guilty of a Class 1 felony with a mandatory minimum fine of \$1,000 and a maximum fine of \$100,000. The issue of whether the child depicted is under the age of 13 is an element of the offense to be resolved by the trier of fact.

(d) If a person is convicted of a second or subsequent violation of this Section within 10 years of a prior conviction, the court shall order a presentence psychiatric examination of the person. The examiner shall report to the court whether treatment of the person is necessary.

(e) Any film, videotape, photograph or other similar visual reproduction or depiction by computer which includes a child under the age of 18 or a person with a severe or profound intellectual disability engaged in any activity described in subparagraphs

(i) through (vii) of paragraph

(1) of subsection (a), and any material or equipment used or intended for use in photographing, filming, printing, producing, reproducing, manufacturing, projecting, exhibiting, depiction by computer, or disseminating such material shall be seized and forfeited in the manner, method and procedure provided by Section 36-1 of this Code for the seizure and forfeiture of vessels, vehicles and aircraft. In addition, any person convicted under this Section is subject to the property forfeiture provisions set forth in Article 124B of the Code of Criminal Procedure of 1963. (e-5) Upon the conclusion of a case brought under this Section, the court shall seal all evidence depicting a victim or witness that is sexually explicit. The evidence may be unsealed and viewed, on a motion of the party seeking to unseal and view the evidence, only for good cause shown and in the discretion of the court. The motion must expressly set forth the purpose for viewing the material. The State's Attorney and the victim, if possible, shall be provided reasonable notice of the hearing on the motion to unseal the evidence. Any person entitled to notice of a hearing under this subsection (e-5) may object to the motion.

(f) Definitions. For the purposes of this Section:

(1) "Disseminate" means

(i) to sell, distribute, exchange or transfer possession, whether with or without consideration or (ii) to make a depiction by computer available for distribution or downloading through the facilities of any telecommunications network or through any other means of transferring computer programs or data to a computer.

(2) "Produce" means to direct, promote, advertise, publish, manufacture, issue, present or show.

(3) "Reproduce" means to make a duplication or copy.

(4) "Depict by computer" means to generate or create, or cause to be created or generated, a computer program or data that, after being processed by a computer either alone or in conjunction with one or more computer programs, results in a visual depiction on a computer monitor, screen, or display.

(5) "Depiction by computer" means a computer program or data that, after being processed by a computer either alone or in conjunction with one or more computer programs, results in a visual depiction on a computer monitor, screen, or display.

(6) "Computer", "computer program", and "data" have the meanings ascribed to them in Section 17.05 of this Code.

(7) For the purposes of this Section, "child sexual abuse material" includes a film, videotape, photograph, or other similar visual medium or reproduction or depiction by computer that is, or appears to be, that of a person, either in part, or in total, under the age of 18 or a person with a severe or profound intellectual disability, regardless of the method by which the film, videotape, photograph, or other similar visual medium or reproduction or depiction by computer is created, adopted, or modified to appear as such. "Child sexual abuse material" also includes a film, videotape, photograph, or other similar visual medium or reproduction or depiction by computer that is advertised, promoted, presented, described, or distributed in such a manner that conveys the impression that the film, videotape, photograph, or other similar visual medium or reproduction or depiction by computer is of a person under the age of 18 or a person with a severe or profound intellectual disability. "Child sexual abuse material" includes the depiction of a part of an actual child under the age of 18 who, by manipulation, creation, or modification, appears to be engaged in any activity described in subparagraphs

(i) through (vii) of paragraph

(1) of subsection (a). "Child sexual abuse material" does not include images or materials in which the creator of the image or materials is the sole subject of the depiction.

(g) Re-enactment; findings; purposes.

(1) The General Assembly finds and declares that:

(i) Section 50-5 of Public Act 88-680, effective January 1, 1995, contained provisions amending the child sexual abuse material statute, Section 11-20.1 of the Criminal Code of 1961. Section 50-5 also contained other provisions. (ii) In addition, Public Act 88-680 was entitled "AN ACT to create a Safe Neighborhoods Law". (A) Article 5 was entitled JUVENILE JUSTICE and amended the Juvenile Court Act of 1987. (B) Article 15 was entitled GANGS and amended various provisions of the Criminal Code of 1961 and the Unified Code of Corrections. (C) Article 20 was entitled ALCOHOL ABUSE and amended various provisions of the Illinois Vehicle Code. (D) Article 25 was entitled DRUG

ABUSE and amended the Cannabis Control Act and the Illinois Controlled Substances Act. (E) Article 30 was entitled FIREARMS and amended the Criminal Code of 1961 and the Code of Criminal Procedure of 1963. (F) Article 35 amended the Criminal Code of 1961, the Rights of Crime Victims and Witnesses Act, and the Unified Code of Corrections. (G) Article 40 amended the Criminal Code of 1961 to increase the penalty for compelling organization membership of persons. (H) Article 45 created the Secure Residential Youth Care Facility Licensing Act and amended the State Finance Act, the Juvenile Court Act of 1987, the Unified Code of Corrections, and the Private Correctional Facility Moratorium Act. (I) Article 50 amended the WIC Vendor Management Act, the Firearm Owners Identification Card Act, the Juvenile Court Act of 1987, the Criminal Code of 1961, the Wrongs to Children Act, and the Unified Code of Corrections. (iii) On September 22, 1998, the Third District Appellate Court in *People v. Dainty*, 701 N.E. 2d 118, ruled that Public Act 88-680 violates the single subject clause of the Illinois Constitution (Article IV, Section 8 (d)) and was unconstitutional in its entirety. As of the time this amendatory Act of 1999 was prepared, *People v. Dainty* was still subject to appeal. (iv) Child sexual abuse material is a vital concern to the people of this State and the validity of future prosecutions under the child sexual abuse material statute of the Criminal Code of 1961 is in grave doubt.

(2) It is the purpose of this amendatory Act of 1999 to prevent or minimize any problems relating to prosecutions for child sexual abuse material that may result from challenges to the constitutional validity of Public Act 88-680 by re-enacting the Section relating to child sexual abuse material that was included in Public Act 88-680.

(3) This amendatory Act of 1999 re-enacts Section 11-20.1 of the Criminal Code of 1961, as it has been amended. This re-enactment is intended to remove any question as to the validity or content of that Section; it is not intended to supersede any other Public Act that amends the text of the Section as set forth in this amendatory Act of 1999. The material is shown as existing text (i.e., without underscoring) because, as of the time this amendatory Act of 1999 was prepared, *People v. Dainty* was subject to appeal to the Illinois Supreme Court.

(4) The re-enactment by this amendatory Act of 1999 of Section 11-20.1 of the Criminal Code of 1961 relating to child sexual abuse material that was amended by Public Act 88-680 is not intended, and shall not be construed, to imply that Public Act 88-680 is invalid or to limit or impair any legal argument concerning whether those provisions were substantially re-enacted by other Public Acts.

720 ILCS 5/11-20.1A

Sec. 11-20.1A. (Repealed).

720 ILCS 5/11-20.1B

Sec. 11-20.1B. (Repealed).

720 ILCS 5/11-20.2 — Duty of commercial film and photographic print processors or computer technicians to report sexual depiction of children

Sec. 11-20.2. Duty of commercial film and photographic print processors or computer technicians to report sexual depiction of children.

(a) Any commercial film and photographic print processor or computer technician who has knowledge of or observes, within the scope of his professional capacity or employment, any film, photograph, videotape, negative, slide, computer hard drive or any other magnetic or optical media which depicts a child whom the processor or computer technician knows or reasonably should know to be under the age of 18 where such child is:

(i) actually or by simulation engaged in any act of sexual penetration or sexual conduct with any person or animal; or (ii) actually or by simulation engaged in any act of sexual penetration or sexual conduct involving the sex organs of the child and the mouth, anus, or sex organs of another person or animal; or which involves the mouth, anus or sex organs of the child and the sex organs of another person or animal; or (iii) actually or by simulation engaged in any act of masturbation; or (iv) actually or by simulation portrayed as being the object of, or otherwise engaged in, any act of lewd fondling, touching, or caressing involving another person or animal; or

(v) actually or by simulation engaged in any act of excretion or urination within a sexual context; or (vi) actually or by simulation portrayed or depicted as bound, fettered, or subject to sadistic, masochistic, or sadomasochistic abuse in any sexual context; or (vii) depicted or portrayed in any pose, posture or setting involving a lewd exhibition of the unclothed or transparently clothed genitals, pubic area, buttocks, or, if such person is female, a fully or partially developed breast of the child or other person; shall report or cause a report to be made pursuant to subsections

(b) and

(c) as soon as reasonably possible. Failure to make such report shall be a business offense with a fine of \$1,000.

(b) Commercial film and photographic film processors shall report or cause a report to be made to the local law enforcement agency of the jurisdiction in which the image or images described in subsection

(a) are discovered.

(c) Computer technicians shall report or cause the report to be made to the local law enforcement agency of the jurisdiction in which the image or images described in subsection

(a) are discovered or to the Illinois Child Exploitation e-Tipline at reportchildporn@atg.state.il.us.

(d) Reports required by this Act shall include the following information:

(i) name, address, and telephone number of the person filing the report; (ii) the employer of the person filing the report, if any; (iii) the name, address and telephone number of the person whose property is the subject of the report, if known; (iv) the circumstances which led to the filing of the report, including a description of the reported content.

(e) If a report is filed with the Cyber Tipline at the National Center for Missing and Exploited Children or in accordance with the requirements of 42 U.S.C. 13032, the requirements of this Act will be deemed to have been met.

(f) A computer technician or an employer caused to report child sexual abuse material under this Section is immune from any criminal, civil, or administrative liability in connection with making the report, except for willful or wanton misconduct.

(g) For the purposes of this Section, a "computer technician" is a person who installs, maintains, troubleshoots, repairs or upgrades computer hardware, software, computer networks, peripheral equipment, electronic mail systems, or provides user assistance for any of the aforementioned tasks.

720 ILCS 5/11-20.3

Sec. 11-20.3. (Renumbered).

720 ILCS 5/11-20.4 — Obscene depiction of a purported child

Sec. 11-20.4. Obscene depiction of a purported child.

(a) In this Section: "Indistinguishable" means that the visual representation is such that an ordinary person viewing the visual representation would conclude that the visual representation is of an actual child. "Obscene depiction" means a visual representation of any kind, including an image, video, or computer-generated image or video, whether made, produced, or altered by electronic, mechanical, or other means, that:

(i) the average person, applying contemporary adult community standards, would find that, taken as a whole, it appeals to the prurient interest; (ii) the average person, applying contemporary adult community standards, would find that it depicts or describes, in a patently offensive way, sexual acts or sadomasochistic sexual acts, whether normal or perverted, actual or simulated, or masturbation, excretory functions, or lewd exhibition of the unclothed or transparently clothed genitals, pubic area, buttocks or, if such person is a female, the fully or partially developed breast of the child or other person; and (iii) taken as a whole, it lacks serious literary, artistic, political, or scientific value. "Purported child" means a visual representation that depicts an individual indistinguishable from an actual child under the age of 18 but may or may not depict an actual child under the age of 18.

(b) A person commits obscene depiction of a purported child when, with knowledge of the nature or content thereof, the person:

(1) receives, obtains, or accesses in any way with the intent to view, any obscene depiction of a purported child; or
(2) reproduces, disseminates, offers to disseminate, exhibits, or possesses with intent to disseminate, any obscene depiction of a purported child.

(c) A violation of paragraph

(1) of subsection

(b) is a Class 3 felony, and a second or subsequent offense is a Class 2 felony. A violation of paragraph

(2) of subsection

(b) is a Class 1 felony, and a second or subsequent offense is a Class X felony.

(d) If the purported child depicted is indistinguishable from an actual child under the age of 13, a violation of paragraph

(1) of subsection

(b) is a Class 2 felony, and a second or subsequent offense is a Class 1 felony. If the purported child depicted is indistinguishable from an actual child under the age of 13, a violation of paragraph

(2) of subsection

(b) is a Class X felony, and a second or subsequent offense is a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 9 years.

(e) Nothing in this Section shall be construed to impose liability upon the following entities solely as a result of content or information provided by another person:

(1) an interactive computer service, as defined in 47 U.S.C. 230(f)(2);

(2) a provider of public mobile services or private radio services, as defined in Section 13-214 of the Public Utilities Act; or

(3) a telecommunications network or broadband provider.

(f) A person convicted under this Section is subject to the forfeiture provisions in Article 124B of the Code of Criminal Procedure of 1963.

720 ILCS 5/11-21 — Harmful material

Sec. 11-21. Harmful material.

(a) As used in this Section: "Distribute" means to transfer possession of, whether with or without consideration. "Harmful to minors" means that quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse, when, taken as a whole, it

(i) predominately appeals to the prurient interest in sex of minors, (ii) is patently offensive to prevailing standards in the adult community in the State as a whole with respect to what is suitable material for minors, and (iii) lacks serious literary, artistic, political, or scientific value for minors. "Knowingly" means having knowledge of the contents of the subject matter, or recklessly failing to exercise reasonable inspection which would have disclosed the contents. "Material" means

(i) any picture, photograph, drawing, sculpture, film, video game, computer game, video or similar visual depiction, including any such representation or image which is stored electronically, or (ii) any book, magazine, printed matter however reproduced, or recorded audio of any sort. "Minor" means any person under the age of 18. "Nudity" means the showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state. "Sado-masochistic abuse" means flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one clothed for sexual gratification or stimulation. "Sexual conduct" means acts of masturbation, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person be a female, breast. "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

(b) A person is guilty of distributing harmful material to a minor when he or she:

(1) knowingly sells, lends, distributes, exhibits to, depicts to, or gives away to a minor, knowing that the minor is under the age of 18 or failing to exercise reasonable care in ascertaining the person's true age: (A) any material which depicts nudity, sexual conduct or sado-masochistic abuse, or which contains explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sado-masochistic abuse, and which taken as a whole is harmful to minors; (B) a motion picture, show, or other presentation which depicts nudity, sexual conduct or sado-masochistic abuse and is harmful to minors; or (C) an admission ticket or pass to premises where there is exhibited or to be exhibited such a motion picture, show, or other presentation; or

(2) admits a minor to premises where there is exhibited or to be exhibited such a motion picture, show, or other presentation, knowing that the minor is a person under the age of 18 or failing to exercise reasonable care in ascertaining the person's true age.

(c) In any prosecution arising under this Section, it is an affirmative defense:

(1) that the minor as to whom the offense is alleged to have been committed exhibited to the accused a draft card, driver's license, birth certificate or other official or apparently official document purporting to establish that the minor was 18 years of age or older, which was relied upon by the accused;

(2) that the defendant was in a parental or guardianship relationship with the minor or that the minor was accompanied by a parent or legal guardian;

(3) that the defendant was a bona fide school, museum, or public library, or was a person acting in the course of his or her employment as an employee or official of such organization or retail outlet affiliated with and serving the educational purpose of such organization;

(4) that the act charged was committed in aid of legitimate scientific or educational purposes; or

(5) that an advertisement of harmful material as defined in this Section culminated in the sale or distribution of such harmful material to a child under circumstances where there was no personal confrontation of the child by the defendant, his or her employees, or agents, as where the order or request for such harmful material was transmitted by mail, telephone, Internet or similar means of communication, and delivery of such harmful material to the child was by mail, freight, Internet or similar means of transport, which advertisement contained the following statement, or a substantially similar statement, and that the defendant required the purchaser to certify that he or she was not under the age of 18 and that the purchaser falsely stated that he or she was not under the age of 18: "NOTICE: It is unlawful for any person under the age of 18 to purchase the matter advertised. Any person under the age of 18 that falsely states that he or she is not under the age of 18 for the purpose of obtaining the material advertised is guilty of a Class B misdemeanor under the laws of the State."

(d) The predominant appeal to prurient interest of the material shall be judged with reference to average children of the same general age of the child to whom such material was sold, lent, distributed or given, unless it appears from the nature of the matter or the circumstances of its dissemination or distribution that it is designed for specially susceptible groups, in which case the predominant appeal of the material shall be judged with reference to its intended or probable recipient group.

(e) Distribution of harmful material in violation of this Section is a Class A misdemeanor. A second or subsequent offense is a Class 4 felony.

(f) Any person under the age of 18 who falsely states, either orally or in writing, that he or she is not under the age of 18, or who presents or offers to any person any evidence of age and identity that is false or not actually his or her own with the intent of ordering, obtaining, viewing, or otherwise procuring or attempting to procure or view any harmful material is guilty of a Class B misdemeanor.

(g) A person over the age of 18 who fails to exercise reasonable care in ascertaining the true age of a minor, knowingly distributes to, or sends, or causes to be sent, or exhibits to, or offers to distribute, or exhibits any harmful material to a person that he or she believes is a minor is guilty of a Class A misdemeanor. If that person utilized a computer web camera, cellular telephone, or any other type of device to manufacture the harmful material, then each offense is a Class 4 felony.

(h) Telecommunications carriers, commercial mobile service providers, and providers of information services, including, but not limited to, Internet service providers and hosting service providers, are not liable under this Section, except for willful and wanton misconduct, by virtue of the transmission, storage, or caching of electronic communications or messages of others or by virtue of the provision of other related telecommunications, commercial mobile services, or information services used by others in violation of this Section.

720 ILCS 5/11-22 — Tie-in sales of obscene publications to distributors

Sec. 11-22. Tie-in sales of obscene publications to distributors. Any person, firm or corporation, or any agent, officer or employee thereof, engaged in the business of distributing books, magazines, periodicals, comic books or other publications to retail dealers, who shall refuse to furnish to any retail dealer such quantity of books, magazines, periodicals, comic books or other publications as such retail dealer normally sells because the retail dealer refuses to sell, or offer for sale, any books, magazines, periodicals, comic books or other publications which are obscene, lewd, lascivious, filthy or indecent is guilty of a petty offense. Each publication sold or delivered in violation of this Act shall constitute a separate petty offense.

720 ILCS 5/11-23

Sec. 11-23. Posting of identifying or graphic information on a pornographic Internet site or possessing graphic information with pornographic material.

(a) A person at least 17 years of age who knowingly discloses on an adult obscenity or child sexual abuse material Internet site the name, address, telephone number, or e-mail address of a person under 17 years of age at the time of the commission of the offense or of a person at least 17 years of age without the consent of the person at least 17 years of age is guilty of posting of identifying information on a pornographic Internet site. (a-5) Any person who knowingly places, posts, reproduces, or maintains on an adult obscenity or child sexual abuse material Internet site a photograph, video, or digital image of a person under 18 years of age that is not child sexual abuse material under Section 11-20.1, without the knowledge and consent of the person under 18 years of age, is guilty of posting of graphic information on a pornographic Internet site. This provision applies even if the person under 18 years of age is fully or properly clothed in the photograph, video, or digital image. (a-10) Any person who knowingly places, posts, reproduces, or maintains on an adult obscenity or child sexual abuse material Internet site, or possesses with obscene or child pornographic material a photograph, video, or digital image of a person under 18 years of age in which the child is posed in a suggestive manner with the focus or concentration of the image on the child's clothed genitals, clothed pubic area, clothed buttocks area, or if the child is female, the breast exposed through transparent clothing, and the photograph, video, or digital image is not child sexual abuse material under Section 11-20.1, is guilty of posting of graphic information on a pornographic Internet site or possessing graphic information with pornographic material.

(b) Sentence. A person who violates subsection

(a) of this Section is guilty of a Class 4 felony if the victim is at least 17 years of age at the time of the offense and a Class 3 felony if the victim is under 17 years of age at the time of the offense. A person who violates subsection (a-5) of this Section is guilty of a Class 4 felony. A person who violates subsection (a-10) of this Section is guilty of a Class 3 felony.

(c) Definitions. For purposes of this Section:

(1) "Adult obscenity or child sexual abuse material Internet site" means a site on the Internet that contains material that is obscene as defined in Section 11-20 of this Code or that is child sexual abuse material as defined in Section 11-20.1 of this Code.

(2) "Internet" has the meaning set forth in Section 16-0.1 of this Code.

720 ILCS 5/11-23.5 — Non-consensual dissemination of private sexual images

Sec. 11-23.5. Non-consensual dissemination of private sexual images.

(a) Definitions. For the purposes of this Section: "Computer", "computer program", and "data" have the meanings ascribed to them in Section 17-0.5 of this Code. "Image" includes a photograph, film, videotape, digital recording, or other depiction or portrayal of an object, including a human body. "Intimate parts" means the fully unclothed, partially unclothed or transparently clothed genitals, pubic area, anus, or if the person is female, a partially or fully exposed nipple, including exposure through transparent clothing. "Personal identifying information" has the meaning ascribed to the term in Section 16-0.1. "Sexual act" means sexual penetration, masturbation, or sexual activity. "Sexual activity" means any:

- (1) knowing touching or fondling by the victim or another person or animal, either directly or through clothing, of the sex organs, anus, or breast of the victim or another person or animal for the purpose of sexual gratification or arousal; or
- (2) any transfer or transmission of semen upon any part of the clothed or unclothed body of the victim, for the purpose of sexual gratification or arousal of the victim or another; or
- (3) an act of urination within a sexual context; or
- (4) any bondage, fetter, or sadism masochism; or
- (5) sadomasochism abuse in any sexual context.

(b) A person commits non-consensual dissemination of private sexual images when he or she:

- (1) intentionally disseminates an image of another person: (A) (blank); and (B) who is identifiable from the image itself, or whose personal identifying information is displayed or disseminated in connection with the image, or whose identity is known to the person who disseminated the image; and (C) who is engaged in a sexual act or whose intimate parts are exposed, in whole or in part; and
- (2) obtains the image under circumstances in which a reasonable person would know or understand that the image was to remain private; and
- (3) knows or should have known that the person in the image has not consented to the dissemination.

(c) The following activities are exempt from the provisions of this Section:

(1) The intentional dissemination of an image of another identifiable person who is engaged in a sexual act or whose intimate parts are exposed when the dissemination is made for the purpose of a criminal investigation that is otherwise lawful.

(2) The intentional dissemination of an image of another identifiable person who is engaged in a sexual act or whose intimate parts are exposed when the dissemination is for the purpose of, or in connection with, the reporting of unlawful conduct.

(3) The intentional dissemination of an image of another identifiable person who is engaged in a sexual act or whose intimate parts are exposed when the images involve voluntary exposure in public or commercial settings.

(4) The intentional dissemination of an image of another identifiable person who is engaged in a sexual act or whose intimate parts are exposed when the dissemination serves a lawful public purpose.

(d) Nothing in this Section shall be construed to impose liability upon the following entities solely as a result of content or information provided by another person:

(1) an interactive computer service, as defined in 47 U.S.C. 230(f)(2);

(2) a provider of public mobile services or private radio services, as defined in Section 13-214 of the Public Utilities Act; or

(3) a telecommunications network or broadband provider.

(e) A person convicted under this Section is subject to the forfeiture provisions in Article 124B of the Code of Criminal Procedure of 1963.

(f) Sentence. Non-consensual dissemination of private sexual images is a Class 4 felony.

720 ILCS 5/11-23.7 — Non-consensual dissemination of sexually explicit digitized depictions

Sec. 11-23.7. Non-consensual dissemination of sexually explicit digitized depictions.

(a) Definitions. For the purposes of this Section: "Intimate parts" means the fully unclothed, partially unclothed or transparently clothed genitals, pubic area, anus, or if the person is female, a partially or fully exposed nipple, including exposure through transparent clothing. "Personal identifying information" has the meaning ascribed to it in Section 16-0.1. "Sexual activity" means:

(1) any knowing touching or fondling of the victim or another person or animal, either directly or through clothing, of the sex organs, anus, or breast of the victim or another person or animal for the purpose of sexual gratification or arousal;

(2) any transfer or transmission of semen upon any part of the clothed or unclothed body of the victim, for the purpose of sexual gratification or arousal of the victim or another;

(3) an act of urination within a sexual context;

(4) any bondage, fetter, or sadism masochism; or

(5) sadomasochism abuse in any sexual context. "Sexually explicit digitized depiction" means any image, photograph, film, video, digital recording, or other depiction or portrayal that has been created, altered, or otherwise modified to realistically depict either:

(1) the intimate parts of another human being as the intimate parts of the depicted individual or computer-generated intimate parts as the intimate parts of the depicted individual; or

(2) the depicted individual engaging in sexual activity in which the depicted individual did not engage.

(b) A person commits non-consensual dissemination of sexually explicit digitized depictions when the person:

(1) intentionally disseminates a sexually explicit digitized depiction of another person who is identifiable from the image itself, or whose personal identifying information is displayed or disseminated in connection with the image, or whose identity is known to the person who disseminates the image; and

(2) knows or should have known that the person in the image has not consented to the dissemination.

(c) The following activities are exempt from the provisions of this Section:

(1) The intentional dissemination of an image of another identifiable person who is engaged in a sexual act or whose intimate parts are exposed when the dissemination is made for the purpose of a criminal investigation that is otherwise lawful.

(2) The intentional dissemination of an image of another identifiable person who is engaged in a sexual act or whose intimate parts are exposed when the dissemination is for the purpose of, or in connection with, the reporting of unlawful conduct.

(3) The intentional dissemination of an image of another identifiable person who is engaged in a sexual act or whose intimate parts are exposed when the images involve voluntary exposure in public or commercial settings.

(4) The intentional dissemination of an image of another identifiable person who is engaged in a sexual act or whose intimate parts are exposed when the dissemination serves a lawful public purpose.

(d) Nothing in this Section shall be construed to impose liability upon the following entities solely as a result of content or information provided by another person:

(1) an interactive computer service, as defined in 47 U.S.C. 230(f)(2);

(2) a provider of public mobile services or private radio services, as defined in Section 13-214 of the Public Utilities Act; or

(3) a telecommunications network or broadband provider.

(e) A person convicted under this Section is subject to the forfeiture provisions in Article 124B of the Code of Criminal Procedure of 1963.

(f) Sentence. Non-consensual dissemination of sexually explicit digitized depictions is a Class 4 felony.

720 ILCS 5/11-24 — Child photography by sex offender

Sec. 11-24. Child photography by sex offender.

(a) In this Section: "Child" means a person under 18 years of age. "Child sex offender" has the meaning ascribed to it in Section 11-0.1 of this Code.

(b) It is unlawful for a child sex offender to knowingly:

(1) conduct or operate any type of business in which he or she photographs, videotapes, or takes a digital image of a child; or

(2) conduct or operate any type of business in which he or she instructs or directs another person to photograph, videotape, or take a digital image of a child; or

(3) photograph, videotape, or take a digital image of a child, or instruct or direct another person to photograph, videotape, or take a digital image of a child without the consent of the parent or guardian.

(c) Sentence. A violation of this Section is a Class 2 felony. A person who violates this Section at a playground, park facility, school, forest preserve, day care facility, or at a facility providing programs or services directed to persons under 17 years of age is guilty of a Class 1 felony.

720 ILCS 5/11-25 — Grooming

Sec. 11-25. Grooming.

(a) A person commits grooming when, being 5 years or more older than a child, or holding a position of trust, authority, or supervision in relation to the child at the time of the offense, he or she knowingly:

(1) uses a computer on-line service, Internet service, local bulletin board service, or any other device capable of electronic data storage or transmission, performs an act in person or by conduct through a third party, or uses written communication to seduce, solicit, lure, or entice, or attempt to seduce, solicit, lure, or entice, a child, a child's guardian, or another person believed by the person to be a child or a child's guardian, to commit any sex offense, to distribute photographs depicting the sex organs of the child, or to otherwise engage in any unlawful sexual conduct with a child or with another person believed by the person to be a child; or

(2) engages in a pattern of conduct that seduces, solicits, lures, or entices, or attempts to seduce, solicit, lure, or entice, a child to engage or participate in unlawful sexual conduct that is for the purpose of sexual gratification or arousal of the victim, the accused, or another. (a-5) As used in this Section: "Child" means a person under 17 years of age. "Pattern" means 2 or more instances of conduct. "Sex offense" means any violation of Article 11 of this Code. "Sexual conduct" means masturbation, sexual conduct, or sexual penetration as defined in Section 11-0.1 of this Code. (a-6) Illinois has a compelling interest in effective education and "grooming" does not include conduct that serves a legitimate educational purpose pursuant to Section 27-9.1a of the School Code.

(b) Sentence. Grooming is a Class 4 felony.

720 ILCS 5/11-26 — Traveling to meet a child

Sec. 11-26. Traveling to meet a child.

(a) A person commits traveling to meet a child when he or she travels any distance either within this State, to this State, or from this State by any means, attempts to do so, or causes another to do so or attempt to do so for the purpose of engaging in any sex offense as defined in Section 2 of the Sex Offender Registration Act, or to otherwise engage in other unlawful sexual conduct with a child or with another person believed by the person to be a child after using a computer on-line service, Internet service, local bulletin board service, or any other device capable of electronic data storage or transmission to seduce, solicit, lure, or entice, or to attempt to seduce, solicit, lure, or entice, a child or a child's guardian, or another person believed by the person to be a child or a child's guardian, for such purpose. As used in this Section, "child" means a person under 17 years of age.

(b) Sentence. Traveling to meet a child is a Class 3 felony.

720 ILCS 5/11-30 — Public indecency

Sec. 11-30. Public indecency.

(a) Any person of the age of 17 years and upwards who performs any of the following acts in a public place commits a public indecency:

(1) An act of sexual penetration or sexual conduct; or

(2) A lewd exposure of the body done with intent to arouse or to satisfy the sexual desire of the person. Breast-feeding of infants is not an act of public indecency.

(b) "Public place" for purposes of this Section means any place where the conduct may reasonably be expected to be viewed by others.

(c) Sentence. Public indecency is a Class A misdemeanor. A person convicted of a third or subsequent violation for public indecency is guilty of a Class 4 felony. Public indecency is a Class 4 felony if committed by a person 18 years of age or older who is on or within 500 feet of elementary or secondary school grounds when children are present on the grounds.

720 ILCS 5/11-35 — Adultery

Sec. 11-35. Adultery.

(a) A person commits adultery when he or she has sexual intercourse with another not his or her spouse, if the behavior is open and notorious, and:

(1) the person is married and knows the other person involved in such intercourse is not his spouse; or

(2) the person is not married and knows that the other person involved in such intercourse is married. A person shall be exempt from prosecution under this Section if his liability is based solely on evidence he has given in order to comply with the requirements of Section 4-1.7 of the Illinois Public Aid Code.

(b) Sentence. Adultery is a Class A misdemeanor.

720 ILCS 5/11-40 — Fornication

Sec. 11-40. Fornication.

(a) A person commits fornication when he or she knowingly has sexual intercourse with another not his or her spouse if the behavior is open and notorious. A person shall be exempt from prosecution under this Section if his liability is based solely on evidence he has given in order to comply with the requirements of Section 4-1.7 of "The Illinois Public Aid Code", approved April 11, 1967, as amended.

(b) Sentence. Fornication is a Class B misdemeanor.

720 ILCS 5/11-45 — Bigamy and Marrying a bigamist

Sec. 11-45. Bigamy and Marrying a bigamist.

(a) Bigamy. A person commits bigamy when that person has a husband or wife and subsequently knowingly marries another. (a-5) Marrying a bigamist. An unmarried person commits marrying a bigamist when that person knowingly

marries another under circumstances known to him or her which would render the other person guilty of bigamy under the

laws of this State.

(b) It shall be an affirmative defense to bigamy and marrying a bigamist that:

- (1) The prior marriage was dissolved or declared invalid; or
- (2) The accused reasonably believed the prior spouse to be dead; or
- (3) The prior spouse had been continually absent for a period of 5 years during which time the accused did not know the prior spouse to be alive; or
- (4) The accused reasonably believed that he or she or the person he or she marries was legally eligible to be married.

(c) Sentence. Bigamy is a Class 4 felony. Marrying a bigamist is a Class A misdemeanor.

720 ILCS 5/12-0.1 — Definitions

Sec. 12-0.1. Definitions. In this Article, unless the context clearly requires otherwise: "Bona fide labor dispute" means any controversy concerning wages, salaries, hours, working conditions, or benefits, including health and welfare, sick leave, insurance, and pension or retirement provisions, the making or maintaining of collective bargaining agreements, and the terms to be included in those agreements. "Coach" means a person recognized as a coach by the sanctioning authority that conducts an athletic contest. "Correctional institution employee" means a person employed by a penal institution. "Emergency medical services personnel" has the meaning specified in Section 3.5 of the Emergency Medical Services (EMS) Systems Act and shall include all ambulance crew members, including drivers or pilots. "Family or household members" include spouses, former spouses, parents, children, stepchildren, and other persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly have a child in common, persons who share or allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relationship, persons with disabilities and their personal assistants, and caregivers as defined in Section 12-4.4a of this Code. For purposes of this Article, neither a casual acquaintanceship nor ordinary fraternization between 2 individuals in business or social contexts shall be deemed to constitute a dating relationship. "In the presence of a child" means in the physical presence of a child or knowing or having reason to know that a child is present and may see or hear an act constituting an offense. "Park district employee" means a supervisor, director, instructor, or other person employed by a park district. "Person with a physical disability" means a person who suffers from a permanent and disabling physical characteristic, resulting from disease, injury, functional disorder, or congenital condition. "Private security officer" means a registered employee of a private security contractor agency under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. "Probation officer" means a person as defined in the Probation and Probation Officers Act. "Sports official" means a person at an athletic contest who enforces the rules of the contest, such as an umpire or referee. "Sports venue" means a publicly or privately owned sports or entertainment arena, stadium, community or convention hall, special event center, or amusement facility, or a special event center in a public park, during the 12 hours before or after the sanctioned sporting event. "Streetgang", "streetgang member", and "criminal street gang" have the meanings ascribed to those terms in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act. "Transit employee" means a driver, operator, or employee of any transportation facility or system engaged in the business of transporting the public for hire. "Transit passenger" means a passenger of any transportation facility or system engaged in the business of transporting the public for hire, including a passenger using any area designated by a transportation facility or system as a vehicle boarding, departure, or transfer location. "Utility worker" means any of the following:

- (1) A person employed by a public utility as defined in Section 3-105 of the Public Utilities Act.
- (2) An employee of a municipally owned utility.
- (3) An employee of a cable television company.
- (4) An employee of an electric cooperative as defined in Section 3-119 of the Public Utilities Act.
- (5) An independent contractor or an employee of an independent contractor working on behalf of a cable television company, public utility, municipally owned utility, or electric cooperative.
- (6) An employee of a telecommunications carrier as defined in Section 13-202 of the Public Utilities Act, or an independent contractor or an employee of an independent contractor working on behalf of a telecommunications carrier.
- (7) An employee of a telephone or telecommunications cooperative as defined in Section 13-212 of the Public Utilities Act, or an independent contractor or an employee of an independent contractor working on behalf of a telephone or

telecommunications cooperative.

720 ILCS 5/12-1 — Assault

Sec. 12-1. Assault.

(a) A person commits an assault when, without lawful authority, he or she knowingly engages in conduct which places another in reasonable apprehension of receiving a battery.

(b) Sentence. Assault is a Class C misdemeanor.

(c) In addition to any other sentence that may be imposed, a court shall order any person convicted of assault to perform community service for not less than 30 and not more than 120 hours, if community service is available in the jurisdiction and is funded and approved by the county board of the county where the offense was committed. In addition, whenever any person is placed on supervision for an alleged offense under this Section, the supervision shall be conditioned upon the performance of the community service. This subsection does not apply when the court imposes a sentence of incarceration.

720 ILCS 5/12-2 — Aggravated assault

Sec. 12-2. Aggravated assault.

(a) Offense based on location of conduct. A person commits aggravated assault when he or she commits an assault against an individual who is on or about a public way, public property, a public place of accommodation or amusement, or a sports venue, or in a church, synagogue, mosque, or other building, structure, or place used for religious worship.

(b) Offense based on status of victim. A person commits aggravated assault when, in committing an assault, he or she knows the individual assaulted to be any of the following:

(1) A person with a physical disability or a person 60 years of age or older and the assault is without legal justification.

(2) A teacher or school employee upon school grounds or grounds adjacent to a school or in any part of a building used for school purposes.

(3) A park district employee upon park grounds or grounds adjacent to a park or in any part of a building used for park purposes.

(4) A community policing volunteer, private security officer, or utility worker:

(i) performing his or her official duties; (ii) assaulted to prevent performance of his or her official duties; or (iii) assaulted in retaliation for performing his or her official duties. (4.1) A peace officer, fireman, emergency management worker, or emergency medical services personnel:

(i) performing his or her official duties; (ii) assaulted to prevent performance of his or her official duties; or (iii) assaulted in retaliation for performing his or her official duties.

(5) A correctional officer or probation officer:

(i) performing his or her official duties; (ii) assaulted to prevent performance of his or her official duties; or (iii) assaulted in retaliation for performing his or her official duties.

(6) A correctional institution employee, a county juvenile detention center employee who provides direct and continuous supervision of residents of a juvenile detention center, including a county juvenile detention center employee who supervises recreational activity for residents of a juvenile detention center, or a Department of Human Services employee, Department of Human Services officer, or employee of a subcontractor of the Department of Human Services supervising or controlling sexually dangerous persons or sexually violent persons:

(i) performing his or her official duties; (ii) assaulted to prevent performance of his or her official duties; or (iii) assaulted in retaliation for performing his or her official duties.

(7) An employee of the State of Illinois, a municipal corporation therein, or a political subdivision thereof, performing his or her official duties.

(8) A transit employee performing his or her official duties, or a transit passenger.

(9) A sports official or coach actively participating in any level of athletic competition within a sports venue, on an indoor playing field or outdoor playing field, or within the immediate vicinity of such a facility or field.

(10) A person authorized to serve process under Section 2-202 of the Code of Civil Procedure or a special process server appointed by the circuit court, while that individual is in the performance of his or her duties as a process server.

(c) Offense based on use of firearm, device, or motor vehicle. A person commits aggravated assault when, in committing an assault, he or she does any of the following:

(1) Uses a deadly weapon, an air rifle as defined in Section 24.8-0.1 of this Act, or any device manufactured and designed to be substantially similar in appearance to a firearm, other than by discharging a firearm.

(2) Discharges a firearm, other than from a motor vehicle.

(3) Discharges a firearm from a motor vehicle.

(4) Wears a hood, robe, or mask to conceal his or her identity.

(5) Knowingly and without lawful justification shines or flashes a laser gun sight or other laser device attached to a firearm, or used in concert with a firearm, so that the laser beam strikes near or in the immediate vicinity of any person.

(6) Uses a firearm, other than by discharging the firearm, against a peace officer, community policing volunteer, fireman, private security officer, emergency management worker, emergency medical services personnel, employee of a police department, employee of a sheriff's department, or traffic control municipal employee:

(i) performing his or her official duties; (ii) assaulted to prevent performance of his or her official duties; or (iii) assaulted in retaliation for performing his or her official duties.

(7) Without justification operates a motor vehicle in a manner which places a person, other than a person listed in subdivision (b)(4), in reasonable apprehension of being struck by the moving motor vehicle.

(8) Without justification operates a motor vehicle in a manner which places a person listed in subdivision (b)(4), in reasonable apprehension of being struck by the moving motor vehicle.

(9) Knowingly video or audio records the offense with the intent to disseminate the recording.

(d) Sentence. Aggravated assault as defined in subdivision (a), (b)(1), (b)(2), (b)(3), (b)(4), (b)(7), (b)(8), (b)(9), (c)(1), (c)(4), or (c)(9) is a Class A misdemeanor, except that aggravated assault as defined in subdivision (b)(4) and (b)(7) is a Class 4 felony if a Category I, Category II, or Category III weapon is used in the commission of the assault. Aggravated assault as defined in subdivision (b)(4.1), (b)(5), (b)(6), (b)(10), (c)(2), (c)(5), (c)(6), or (c)(7) is a Class 4 felony. Aggravated assault as defined in subdivision (c)(3) or (c)(8) is a Class 3 felony.

(e) For the purposes of this Section, "Category I weapon", "Category II weapon", and "Category III weapon" have the meanings ascribed to those terms in Section 33A-1 of this Code.

720 ILCS 5/12-2.5

Sec. 12-2.5. (Renumbered).

720 ILCS 5/12-2.6

Sec. 12-2.6. (Renumbered).

720 ILCS 5/12-3 — Battery

Sec. 12-3. Battery.

(a) A person commits battery if he or she knowingly without legal justification by any means

(1) causes bodily harm to an individual or

(2) makes physical contact of an insulting or provoking nature with an individual.

(b) Sentence. Battery is a Class A misdemeanor.

720 ILCS 5/12-3.05 — Aggravated battery

Sec. 12-3.05. Aggravated battery.

(a) Offense based on injury. A person commits aggravated battery when, in committing a battery, other than by the discharge of a firearm, he or she knowingly does any of the following:

(1) Causes great bodily harm or permanent disability or disfigurement.

(2) Causes severe and permanent disability, great bodily harm, or disfigurement by means of a caustic or flammable substance, a poisonous gas, a deadly biological or chemical contaminant or agent, a radioactive substance, or a bomb or explosive compound.

(3) Causes great bodily harm or permanent disability or disfigurement to an individual whom the person knows to be a peace officer, community policing volunteer, fireman, private security officer, correctional institution employee, or Department of Human Services employee supervising or controlling sexually dangerous persons or sexually violent persons:

(i) performing his or her official duties; (ii) battered to prevent performance of his or her official duties; or (iii) battered in retaliation for performing his or her official duties.

(4) Causes great bodily harm or permanent disability or disfigurement to an individual 60 years of age or older.

(5) Strangles another individual.

(b) Offense based on injury to a child or person with an intellectual disability. A person who is at least 18 years of age commits aggravated battery when, in committing a battery, he or she knowingly and without legal justification by any means:

(1) causes great bodily harm or permanent disability or disfigurement to any child under the age of 13 years, or to any person with a severe or profound intellectual disability; or

(2) causes bodily harm or disability or disfigurement to any child under the age of 13 years or to any person with a severe or profound intellectual disability.

(c) Offense based on location of conduct. A person commits aggravated battery when, in committing a battery, other than by the discharge of a firearm, he or she is or the person battered is on or about a public way, public property, a public place of accommodation or amusement, a sports venue, or a domestic violence shelter, or in a church, synagogue, mosque, or other building, structure, or place used for religious worship.

(d) Offense based on status of victim. A person commits aggravated battery when, in committing a battery, other than by discharge of a firearm, he or she knows the individual battered to be any of the following:

(1) A person 60 years of age or older.

(2) A person who is pregnant or has a physical disability.

(3) A teacher or school employee upon school grounds or grounds adjacent to a school or in any part of a building used for school purposes.

(4) A peace officer, community policing volunteer, fireman, private security officer, correctional institution employee, or Department of Human Services employee supervising or controlling sexually dangerous persons or sexually violent persons:

(i) performing his or her official duties; (ii) battered to prevent performance of his or her official duties; or (iii) battered in retaliation for performing his or her official duties.

(5) A judge, emergency management worker, emergency medical services personnel, or utility worker:

(i) performing his or her official duties; (ii) battered to prevent performance of his or her official duties; or (iii) battered in retaliation for performing his or her official duties.

(6) An officer or employee of the State of Illinois, a unit of local government, or a school district, while performing his or her official duties.

(7) A transit employee performing his or her official duties, or a transit passenger.

(8) A taxi driver on duty.

(9) A merchant who detains the person for an alleged commission of retail theft under Section 16-26 of this Code and the person without legal justification by any means causes bodily harm to the merchant.

(10) A person authorized to serve process under Section 2-202 of the Code of Civil Procedure or a special process server appointed by the circuit court while that individual is in the performance of his or her duties as a process server.

(11) A nurse while in the performance of his or her duties as a nurse.

(12) A merchant:

(i) while performing his or her duties, including, but not limited to, relaying directions for healthcare or safety from his or her supervisor or employer or relaying health or safety guidelines, recommendations, regulations, or rules from a federal, State, or local public health agency; and (ii) during a disaster declared by the Governor, or a state of emergency declared by the mayor of the municipality in which the merchant is located, due to a public health emergency and for a period of 6 months after such declaration.

(e) Offense based on use of a firearm. A person commits aggravated battery when, in committing a battery, he or she knowingly does any of the following:

(1) Discharges a firearm, other than a machine gun or a firearm equipped with a silencer, and causes any injury to another person.

(2) Discharges a firearm, other than a machine gun or a firearm equipped with a silencer, and causes any injury to a person he or she knows to be a peace officer, community policing volunteer, person summoned by a police officer, fireman, private security officer, correctional institution employee, or emergency management worker:

(i) performing his or her official duties; (ii) battered to prevent performance of his or her official duties; or (iii) battered in retaliation for performing his or her official duties.

(3) Discharges a firearm, other than a machine gun or a firearm equipped with a silencer, and causes any injury to a person he or she knows to be emergency medical services personnel:

(i) performing his or her official duties; (ii) battered to prevent performance of his or her official duties; or (iii) battered in retaliation for performing his or her official duties.

(4) Discharges a firearm and causes any injury to a person he or she knows to be a teacher, a student in a school, or a school employee, and the teacher, student, or employee is upon school grounds or grounds adjacent to a school or in any part of a building used for school purposes.

(5) Discharges a machine gun or a firearm equipped with a silencer, and causes any injury to another person.

(6) Discharges a machine gun or a firearm equipped with a silencer, and causes any injury to a person he or she knows to be a peace officer, community policing volunteer, person summoned by a police officer, fireman, private security officer, correctional institution employee or emergency management worker:

(i) performing his or her official duties; (ii) battered to prevent performance of his or her official duties; or (iii) battered in retaliation for performing his or her official duties.

(7) Discharges a machine gun or a firearm equipped with a silencer, and causes any injury to a person he or she knows to be emergency medical services personnel:

(i) performing his or her official duties; (ii) battered to prevent performance of his or her official duties; or (iii) battered in retaliation for performing his or her official duties.

(8) Discharges a machine gun or a firearm equipped with a silencer, and causes any injury to a person he or she knows to be a teacher, or a student in a school, or a school employee, and the teacher, student, or employee is upon school grounds or grounds adjacent to a school or in any part of a building used for school purposes.

(f) Offense based on use of a weapon or device. A person commits aggravated battery when, in committing a battery, he or she does any of the following:

(1) Uses a deadly weapon other than by discharge of a firearm, or uses an air rifle as defined in Section 24.8-0.1 of this Code.

(2) Wears a hood, robe, or mask to conceal his or her identity.

(3) Knowingly and without lawful justification shines or flashes a laser gunsight or other laser device attached to a firearm, or used in concert with a firearm, so that the laser beam strikes upon or against the person of another.

(4) Knowingly video or audio records the offense with the intent to disseminate the recording.

(g) Offense based on certain conduct. A person commits aggravated battery when, other than by discharge of a firearm, he or she does any of the following:

(1) Violates Section 401 of the Illinois Controlled Substances Act by unlawfully delivering a controlled substance to another and any user experiences great bodily harm or permanent disability as a result of the injection, inhalation, or ingestion of any amount of the controlled substance.

(2) Knowingly administers to an individual or causes him or her to take, without his or her consent or by threat or deception, and for other than medical purposes, any intoxicating, poisonous, stupefying, narcotic, anesthetic, or controlled substance, or gives to another person any food containing any substance or object intended to cause physical injury if eaten.

(3) Knowingly causes or attempts to cause a correctional institution employee or Department of Human Services employee to come into contact with blood, seminal fluid, urine, or feces by throwing, tossing, or expelling the fluid or material, and the person is an inmate of a penal institution or is a sexually dangerous person or sexually violent person in the custody of the Department of Human Services.

(h) Sentence. Unless otherwise provided, aggravated battery is a Class 3 felony. Aggravated battery as defined in subdivision (a)(4), (d)(4), or (g)(3) is a Class 2 felony. Aggravated battery as defined in subdivision (a)(3) or (g)(1) is a Class 1 felony. Aggravated battery as defined in subdivision (a)(1) is a Class 1 felony when the aggravated battery was intentional and involved the infliction of torture, as defined in paragraph

(10) of subsection (b-5) of Section 5-8-1 of the Unified Code of Corrections, as the infliction of or subjection to extreme physical pain, motivated by an intent to increase or prolong the pain, suffering, or agony of the victim. Aggravated battery as defined in subdivision (a)(1) is a Class 2 felony when the person causes great bodily harm or permanent disability to an individual whom the person knows to be a member of a congregation engaged in prayer or other religious activities at a church, synagogue, mosque, or other building, structure, or place used for religious worship. Aggravated battery under subdivision (a)(5) is a Class 1 felony if: (A) the person used or attempted to use a dangerous instrument while committing the offense; (B) the person caused great bodily harm or permanent disability or disfigurement to the other person while committing the offense; or (C) the person has been previously convicted of a violation of subdivision (a)(5) under the laws of this State or laws similar to subdivision (a)(5) of any other state. Aggravated battery as defined in subdivision (e)(1) is a Class X felony. Aggravated battery as defined in subdivision (a)(2) is a Class X felony for which a person shall be sentenced to a term of imprisonment of a minimum of 6 years and a maximum of 45 years. Aggravated battery as defined in subdivision (e)(5) is a Class X felony for which a person shall be sentenced to a term of imprisonment of a minimum of 12 years and a maximum of 45 years. Aggravated battery as defined in subdivision (e)(2), (e)(3), or (e)(4) is a Class X felony for which a person shall be sentenced to a term of imprisonment of a minimum of 15 years and a maximum of 60 years. Aggravated battery as defined in subdivision (e)(6), (e)(7), or (e)(8) is a Class X felony for which a person shall be sentenced to a term of imprisonment of a minimum of 20 years and a maximum of 60 years. Aggravated battery as defined in subdivision (b)(1) is a Class X felony, except that:

(1) if the person committed the offense while armed with a firearm, 15 years shall be added to the term of imprisonment imposed by the court;

(2) if, during the commission of the offense, the person personally discharged a firearm, 20 years shall be added to the term of imprisonment imposed by the court;

(3) if, during the commission of the offense, the person personally discharged a firearm that proximately caused great bodily harm, permanent disability, permanent disfigurement, or death to another person, 25 years or up to a term of natural life shall be added to the term of imprisonment imposed by the court.

(i) Definitions. In this Section: "Building or other structure used to provide shelter" has the meaning ascribed to "shelter" in Section 1 of the Domestic Violence Shelters Act. "Domestic violence" has the meaning ascribed to it in Section 103 of the Illinois Domestic Violence Act of 1986. "Domestic violence shelter" means any building or other structure used to provide shelter or other services to victims or to the dependent children of victims of domestic violence pursuant to the Illinois Domestic Violence Act of 1986 or the Domestic Violence Shelters Act, or any place within 500 feet of such a building or other structure in the case of a person who is going to or from such a building or other structure. "Firearm" has the meaning provided under Section 1.1 of the Firearm Owners Identification Card Act, and does not include an air rifle as defined by Section 24.8-0.1 of this Code. "Machine gun" has the meaning ascribed to it in Section 24-1 of this Code. "Merchant" has the meaning ascribed to it in Section 16-0.1 of this Code. "Strangle" means intentionally impeding the normal breathing or circulation of the blood of an individual by applying pressure on the throat or neck of that individual or by blocking the nose or mouth of that individual.

720 ILCS 5/12-3.1 — Battery of an unborn child; aggravated battery of an unborn child

Sec. 12-3.1. Battery of an unborn child; aggravated battery of an unborn child.

(a) A person commits battery of an unborn child if he or she knowingly without legal justification and by any means causes bodily harm to an unborn child. (a-5) A person commits aggravated battery of an unborn child when, in committing a battery of an unborn child, he or she knowingly causes great bodily harm or permanent disability or disfigurement to an unborn child.

(b) For purposes of this Section,

(1) "unborn child" shall mean any individual of the human species from the implantation of an embryo until birth, and

(2) "person" shall not include the pregnant individual whose unborn child is harmed.

(c) Sentence. Battery of an unborn child is a Class A misdemeanor. Aggravated battery of an unborn child is a Class 2 felony.

(d) This Section shall not apply to acts which cause bodily harm to an unborn child if those acts were committed during any abortion, as defined in Section 1-10 of the Reproductive Health Act, to which the pregnant individual has consented. This Section shall not apply to acts which were committed pursuant to usual and customary standards of medical practice during diagnostic testing or therapeutic treatment.

720 ILCS 5/12-3.2 — Domestic battery

Sec. 12-3.2. Domestic battery.

(a) A person commits domestic battery if he or she knowingly without legal justification by any means:

(1) causes bodily harm to any family or household member;

(2) makes physical contact of an insulting or provoking nature with any family or household member.

(b) Sentence. Domestic battery is a Class A misdemeanor. Domestic battery is a Class 4 felony if the defendant has any prior conviction under this Code for violation of an order of protection (Section 12-3.4 or 12-30), or any prior conviction under the law of another jurisdiction for an offense which is substantially similar. Domestic battery is a Class 4 felony if the defendant has any prior conviction under this Code for first degree murder (Section 9-1), attempt to commit first degree murder (Section 8-4), aggravated domestic battery (Section 12-3.3), aggravated battery (Section 12-3.05 or 12-4), heinous battery (Section 12-4.1), aggravated battery with a firearm (Section 12-4.2), aggravated battery with a machine gun or a firearm equipped with a silencer (Section 12-4.2-5), aggravated battery of a child (Section 12-4.3), aggravated battery of an unborn child (subsection (a-5) of Section 12-3.1, or Section 12-4.4), aggravated battery of a senior citizen (Section 12-4.6), stalking (Section 12-7.3), aggravated stalking (Section 12-7.4), criminal sexual assault (Section 11-1.20 or 12-13), aggravated criminal sexual assault (Section 11-1.30 or 12-14), kidnapping (Section 10-1), aggravated kidnapping (Section 10-2), predatory criminal sexual assault of a child (Section 11-1.40 or 12-14.1), aggravated criminal sexual abuse (Section 11-1.60 or 12-16), unlawful restraint (Section 10-3), aggravated unlawful restraint (Section 10-3.1), aggravated arson (Section 20-1.1), or aggravated discharge of a firearm (Section 24-1.2), or any prior conviction under the law of another jurisdiction for any offense that is substantially similar to the offenses listed in this Section, when any of these offenses have been committed against a family or household member. Domestic battery is a Class 4 felony if the defendant has one or 2 prior convictions under this Code for domestic battery (Section 12-3.2), or one or 2 prior convictions under the law of another jurisdiction for any offense which is substantially similar. Domestic battery is a Class 3 felony if the defendant had 3 prior convictions under this Code for domestic battery (Section 12-3.2), or 3 prior convictions under the law of another jurisdiction for any offense which is substantially similar. Domestic battery is a Class 2 felony if the defendant had 4 or more prior convictions under this Code for domestic battery (Section 12-3.2), or 4 or more prior convictions under the law of another jurisdiction for any offense which is substantially similar. In addition to any other sentencing alternatives, for any second or subsequent conviction of violating this Section, the offender shall be mandatorily sentenced to a minimum of 72 consecutive hours of imprisonment. The imprisonment shall not be subject to suspension, nor shall the person be eligible for probation in order to reduce the sentence.

(c) Domestic battery committed in the presence of a child. In addition to any other sentencing alternatives, a defendant who commits, in the presence of a child, a felony domestic battery (enhanced under subsection (b)), aggravated domestic battery (Section 12-3.3), aggravated battery (Section 12-3.05 or 12-4), unlawful restraint (Section 10-3), or aggravated unlawful restraint (Section 10-3.1) against a family or household member shall be required to serve a mandatory minimum imprisonment of 10 days or perform 300 hours of community service, or both. The defendant shall further be liable for the cost of any counseling required for the child at the discretion of the court in accordance with subsection

(b) of Section 5-5-6 of the Unified Code of Corrections. For purposes of this Section, "child" means a person under 18 years of age who is the defendant's or victim's child or step-child or who is a minor child residing within or visiting the household of the defendant or victim.

(d) Upon conviction of domestic battery, the court shall advise the defendant orally or in writing, substantially as follows: "An individual convicted of domestic battery may be subject to federal criminal penalties for possessing, transporting, shipping, or receiving any firearm or ammunition in violation of the federal Gun Control Act of 1968 (18 U.S.C. 922(g)(8) and (9))." A notation shall be made in the court file that the admonition was given.

720 ILCS 5/12-3.3 — Aggravated domestic battery

Sec. 12-3.3. Aggravated domestic battery.

(a) A person who, in committing a domestic battery, knowingly causes great bodily harm, or permanent disability or disfigurement commits aggravated domestic battery. (a-5) A person who, in committing a domestic battery, strangles another individual commits aggravated domestic battery. For the purposes of this subsection (a-5), "strangle" means intentionally impeding the normal breathing or circulation of the blood of an individual by applying pressure on the throat or neck of that individual or by blocking the nose or mouth of that individual.

(b) Sentence. Aggravated domestic battery is a Class 2 felony. Any order of probation or conditional discharge entered following a conviction for an offense under this Section must include, in addition to any other condition of probation or conditional discharge, a condition that the offender serve a mandatory term of imprisonment of not less than 60 consecutive days. A person convicted of a second or subsequent violation of this Section must be sentenced to a mandatory term of imprisonment of not less than 3 years and not more than 7 years or an extended term of imprisonment of not less than 7 years and not more than 14 years.

(c) Upon conviction of aggravated domestic battery, the court shall advise the defendant orally or in writing, substantially as follows: "An individual convicted of aggravated domestic battery may be subject to federal criminal penalties for possessing, transporting, shipping, or receiving any firearm or ammunition in violation of the federal Gun Control Act of 1968 (18 U.S.C. 922(g)(8) and (9))." A notation shall be made in the court file that the admonition was given.

720 ILCS 5/12-3.4 — Violation of an order of protection

Sec. 12-3.4. Violation of an order of protection.

(a) A person commits violation of an order of protection if:

(1) He or she knowingly commits an act which was prohibited by a court or fails to commit an act which was ordered by a court in violation of:

(i) a remedy in a valid order of protection authorized under paragraphs (1), (2), (3), (14), or (14.5) of subsection

(b) of Section 214 of the Illinois Domestic Violence Act of 1986, (ii) a remedy, which is substantially similar to the remedies authorized under paragraphs (1), (2), (3),

(14) or (14.5) of subsection

(b) of Section 214 of the Illinois Domestic Violence Act of 1986, in a valid order of protection, which is authorized under the laws of another state, tribe or United States territory, (iii) any other remedy when the act constitutes a crime against the protected parties as the term protected parties is defined in Section 112A-4 of the Code of Criminal Procedure of 1963; and

(2) Such violation occurs after the offender has been served notice of the contents of the order, pursuant to the Illinois Domestic Violence Act of 1986 or any substantially similar statute of another state, tribe or United States territory, or otherwise has acquired actual knowledge of the contents of the order. An order of protection issued by a state, tribal or territorial court related to domestic or family violence shall be deemed valid if the issuing court had jurisdiction over the parties and matter under the law of the state, tribe or territory. There shall be a presumption of validity where an order is certified and appears authentic on its face. For purposes of this Section, an "order of protection" may have been issued in a criminal or civil proceeding. (a-5) Failure to provide reasonable notice and opportunity to be heard shall be an affirmative defense to any charge or process filed seeking enforcement of a foreign order of protection.

(b) Nothing in this Section shall be construed to diminish the inherent authority of the courts to enforce their lawful orders through civil or criminal contempt proceedings.

(c) The limitations placed on law enforcement liability by Section 305 of the Illinois Domestic Violence Act of 1986 apply to actions taken under this Section.

(d) Violation of an order of protection is a Class A misdemeanor. Violation of an order of protection is a Class 4 felony if the defendant has any prior conviction under this Code for domestic battery (Section 12-3.2) or violation of an order of protection (Section 12-3.4 or 12-30) or any prior conviction under the law of another jurisdiction for an offense that could be charged in this State as a domestic battery or violation of an order of protection. Violation of an order of protection is a Class 4 felony if the defendant has any prior conviction under this Code for first degree murder (Section 9-1), attempt to commit first degree murder (Section 8-4), aggravated domestic battery (Section 12-3.3), aggravated battery (Section 12-3.05 or 12-4), heinous battery (Section 12-4.1), aggravated battery with a firearm (Section 12-4.2), aggravated battery with a machine gun or a firearm equipped with a silencer (Section 12-4.2-5), aggravated battery of a child (Section 12-4.3), aggravated battery of an unborn child (subsection (a-5) of Section 12-3.1, or Section 12-4.4), aggravated battery of a senior citizen (Section 12-4.6), stalking (Section 12-7.3), aggravated stalking (Section 12-7.4), criminal sexual assault (Section 11-1.20 or 12-13), aggravated criminal sexual assault (Section 11-1.30 or 12-14), kidnapping (Section 10-1), aggravated kidnapping (Section 10-2), predatory criminal sexual assault of a child (Section 11-1.40 or 12-14.1), aggravated criminal sexual abuse (Section 11-1.60 or 12-16), unlawful restraint (Section 10-3), aggravated unlawful restraint (Section 10-3.1), aggravated arson (Section 20-1.1), aggravated discharge of a firearm (Section 24-1.2), or a violation of any former law of this State that is substantially similar to any listed offense, or any prior conviction under the law of another jurisdiction for an offense that could be charged in this State as one of the offenses listed in this Section, when any of these offenses have been committed against a family or household member as defined in Section 112A-3 of the Code of Criminal Procedure of 1963. The court shall impose a minimum penalty of 24 hours imprisonment for defendant's second or subsequent violation of any order of protection; unless the court explicitly finds that an increased penalty or such period of imprisonment would be manifestly unjust. In addition to any other penalties, the court may order the defendant to pay a fine as authorized under Section 5-9-1 of the Unified Code of Corrections or to make restitution to the victim under Section 5-5-6 of the Unified Code of Corrections.

(e) (Blank).

(f) A defendant who directed the actions of a third party to violate this Section, under the principles of accountability set forth in Article 5 of this Code, is guilty of violating this Section as if the same had been personally done by the defendant, without regard to the mental state of the third party acting at the direction of the defendant.

720 ILCS 5/12-3.5 — Interfering with the reporting of domestic violence

Sec. 12-3.5. Interfering with the reporting of domestic violence.

(a) A person commits interfering with the reporting of domestic violence when, after having committed an act of domestic violence, he or she knowingly prevents or attempts to prevent the victim or a witness to the act of domestic violence from calling a 9-1-1 emergency telephone system, obtaining medical assistance, or making a report to any law enforcement official.

(b) For the purposes of this Section: "Domestic violence" shall have the meaning ascribed to it in Section 112A-3 of the Code of Criminal Procedure of 1963.

(c) Sentence. Interfering with the reporting of domestic violence is a Class A misdemeanor.

720 ILCS 5/12-3.6 — Disclosing location of domestic violence victim

Sec. 12-3.6. Disclosing location of domestic violence victim.

(a) As used in this Section: "Domestic violence" means attempting to cause or causing abuse of a family or household member or high-risk adult with disabilities, or attempting to cause or causing neglect or exploitation of a high-risk adult with disabilities which threatens the adult's health and safety. "Family or household member" means a spouse, person living as a spouse, parent, or other adult person related by consanguinity or affinity, who is residing or has resided with the person committing domestic violence. "Family or household member" includes a high-risk adult with disabilities who resides with or receives care from any person who has the responsibility for a high-risk adult as a result of a family relationship or who has assumed responsibility for all or a portion of the care of an adult with disabilities voluntarily, by express or implied contract, or by court order. "High-risk adult with disabilities" means a person aged 18 or over whose physical or mental disability impairs his or her ability to seek or obtain protection from abuse, neglect, or exploitation. "Abuse", "exploitation", and "neglect" have the meanings ascribed to those terms in Section 103 of the Illinois Domestic

Violence Act of 1986.

(b) A person commits disclosure of location of domestic violence victim when he or she publishes, disseminates or otherwise discloses the location of any domestic violence victim, without that person's authorization, knowing the disclosure will result in, or has the substantial likelihood of resulting in, the threat of bodily harm.

(c) Nothing in this Section shall apply to confidential communications between an attorney and his or her client.

(d) Sentence. Disclosure of location of domestic violence victim is a Class A misdemeanor.

720 ILCS 5/12-3.8 — Violation of a civil no contact order

Sec. 12-3.8. Violation of a civil no contact order.

(a) A person commits violation of a civil no contact order if:

(1) he or she knowingly commits an act which was prohibited by a court or fails to commit an act which was ordered in violation of: (A) a remedy of a valid civil no contact order authorized under Section 213 of the Civil No Contact Order Act or Section 112A-14.5 of the Code of Criminal Procedure of 1963; or (B) a remedy, which is substantially similar to the remedies authorized under Section 213 of the Civil No Contact Order Act or Section 112A-14.5 of the Code of Criminal Procedure of 1963, or in a valid civil no contact order, which is authorized under the laws of another state, tribe, or United States territory; and

(2) the violation occurs after the offender has been served notice of the contents of the order under the Civil No Contact Order Act, Article 112A of the Code of Criminal Procedure of 1963, or any substantially similar statute of another state, tribe, or United States territory, or otherwise has acquired actual knowledge of the contents of the order. A civil no contact order issued by a state, tribal, or territorial court shall be deemed valid if the issuing court had jurisdiction over the parties and matter under the law of the state, tribe, or territory. There shall be a presumption of validity when an order is certified and appears authentic on its face. (a-3) For purposes of this Section, a "civil no contact order" may have been issued in a criminal or civil proceeding. (a-5) Failure to provide reasonable notice and opportunity to be heard shall be an affirmative defense to any charge or process filed seeking enforcement of a foreign civil no contact order.

(b) Prosecution for a violation of a civil no contact order shall not bar a concurrent prosecution for any other crime, including any crime that may have been committed at the time of the violation of the civil no contact order.

(c) Nothing in this Section shall be construed to diminish the inherent authority of the courts to enforce their lawful orders through civil or criminal contempt proceedings.

(d) A defendant who directed the actions of a third party to violate this Section, under the principles of accountability set forth in Article 5 of this Code, is guilty of violating this Section as if the same had been personally done by the defendant, without regard to the mental state of the third party acting at the direction of the defendant.

(e) Sentence. A violation of a civil no contact order is a Class A misdemeanor for a first violation, and a Class 4 felony for a second or subsequent violation.

720 ILCS 5/12-3.9 — Violation of a stalking no contact order

Sec. 12-3.9. Violation of a stalking no contact order.

(a) A person commits violation of a stalking no contact order if:

(1) he or she knowingly commits an act which was prohibited by a court or fails to commit an act which was ordered by a court in violation of: (A) a remedy in a valid stalking no contact order of protection authorized under Section 80 of the Stalking No Contact Order Act or Section 112A-14.7 of the Code of Criminal Procedure of 1963; or (B) a remedy, which is substantially similar to the remedies authorized under Section 80 of the Stalking No Contact Order Act or Section 112A-14.7 of the Code of Criminal Procedure of 1963, or in a valid stalking no contact order, which is authorized under the laws of another state, tribe, or United States territory; and

(2) the violation occurs after the offender has been served notice of the contents of the order, under the Stalking No Contact Order Act, Article 112A of the Code of Criminal Procedure of 1963, or any substantially similar statute of another state, tribe, or United States territory, or otherwise has acquired actual knowledge of the contents of the order. A stalking no contact order issued by a state, tribal, or territorial court shall be deemed valid if the issuing court had jurisdiction over the parties and matter under the law of the state, tribe, or territory. There shall be a presumption of validity when an order is certified and appears authentic on its face. (a-3) For purposes of this Section, a "stalking no contact order" may have been issued in a criminal or civil proceeding. (a-5) Failure to provide reasonable notice and opportunity to be heard shall

be an affirmative defense to any charge or process filed seeking enforcement of a foreign stalking no contact order.

(b) Prosecution for a violation of a stalking no contact order shall not bar a concurrent prosecution for any other crime, including any crime that may have been committed at the time of the violation of the civil no contact order.

(c) Nothing in this Section shall be construed to diminish the inherent authority of the courts to enforce their lawful orders through civil or criminal contempt proceedings.

(d) A defendant who directed the actions of a third party to violate this Section, under the principles of accountability set forth in Article 5 of this Code, is guilty of violating this Section as if the same had been personally done by the defendant, without regard to the mental state of the third party acting at the direction of the defendant.

(e) Sentence. A violation of a stalking no contact order is a Class A misdemeanor for a first violation, and a Class 4 felony for a second or subsequent violation.

720 ILCS 5/12-4

Sec. 12-4. (Renumbered).

720 ILCS 5/12-4.1

Sec. 12-4.1. (Repealed).

720 ILCS 5/12-4.2

Sec. 12-4.2. (Repealed).

720 ILCS 5/12-4.2-5

Sec. 12-4.2-5. (Repealed).

720 ILCS 5/12-4.3

Sec. 12-4.3. (Repealed).

720 ILCS 5/12-4.4

Sec. 12-4.4. (Repealed).

720 ILCS 5/12-4.4a

Sec. 12-4.4a. Abuse or criminal neglect of a long term care facility resident; criminal abuse or neglect of an elderly person or person with a disability.

(a) Abuse or criminal neglect of a long term care facility resident.

(1) A person or an owner or licensee commits abuse of a long term care facility resident when he or she knowingly causes any physical or mental injury to, or commits any sexual offense in this Code against, a resident.

(2) A person or an owner or licensee commits criminal neglect of a long term care facility resident when he or she recklessly: (A) performs acts that cause a resident's life to be endangered, health to be injured, or pre-existing physical or mental condition to deteriorate, or that create the substantial likelihood that a resident's life will be endangered, health will be injured, or pre-existing physical or mental condition will deteriorate; (B) fails to perform acts that he or she knows or reasonably should know are necessary to maintain or preserve the life or health of a resident, and that failure causes the resident's life to be endangered, health to be injured, or pre-existing physical or mental condition to deteriorate, or that create the substantial likelihood that a resident's life will be endangered, health will be injured, or pre-existing physical or mental condition will deteriorate; or (C) abandons a resident.

(3) A person or an owner or licensee commits neglect of a long term care facility resident when he or she negligently fails to provide adequate medical care, personal care, or maintenance to the resident which results in physical or mental injury or deterioration of the resident's physical or mental condition. An owner or licensee is guilty under this subdivision (a)(3), however, only if the owner or licensee failed to exercise reasonable care in the hiring, training, supervising, or providing of staff or other related routine administrative responsibilities.

(b) Criminal abuse or neglect of an elderly person or person with a disability.

(1) A caregiver commits criminal abuse or neglect of an elderly person or person with a disability when he or she knowingly does any of the following: (A) performs acts that cause the person's life to be endangered, health to be injured,

or pre-existing physical or mental condition to deteriorate; (B) fails to perform acts that he or she knows or reasonably should know are necessary to maintain or preserve the life or health of the person, and that failure causes the person's life to be endangered, health to be injured, or pre-existing physical or mental condition to deteriorate; (C) abandons the person; (D) physically abuses, harasses, intimidates, or interferes with the personal liberty of the person; or (E) exposes the person to willful deprivation.

(2) It is not a defense to criminal abuse or neglect of an elderly person or person with a disability that the caregiver reasonably believed that the victim was not an elderly person or person with a disability.

(c) Offense not applicable.

(1) Nothing in this Section applies to a physician licensed to practice medicine in all its branches or a duly licensed nurse providing care within the scope of his or her professional judgment and within the accepted standards of care within the community.

(2) Nothing in this Section imposes criminal liability on a caregiver who made a good faith effort to provide for the health and personal care of an elderly person or person with a disability, but through no fault of his or her own was unable to provide such care.

(3) Nothing in this Section applies to the medical supervision, regulation, or control of the remedial care or treatment of residents in a long term care facility conducted for those who rely upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well-recognized church or religious denomination as described in Section 3-803 of the Nursing Home Care Act, Section 1-102 of the Specialized Mental Health Rehabilitation Act of 2013, Section 3-803 of the ID/DD Community Care Act, or Section 3-803 of the MC/DD Act.

(4) Nothing in this Section prohibits a caregiver from providing treatment to an elderly person or person with a disability by spiritual means through prayer alone and care consistent therewith in lieu of medical care and treatment in accordance with the tenets and practices of any church or religious denomination of which the elderly person or person with a disability is a member.

(5) Nothing in this Section limits the remedies available to the victim under the Illinois Domestic Violence Act of 1986.

(d) Sentence.

(1) Long term care facility. Abuse of a long term care facility resident is a Class 3 felony. Criminal neglect of a long term care facility resident is a Class 4 felony, unless it results in the resident's death in which case it is a Class 3 felony. Neglect of a long term care facility resident is a petty offense.

(2) Caregiver. Criminal abuse or neglect of an elderly person or person with a disability is a Class 3 felony, unless it results in the person's death in which case it is a Class 2 felony, and if imprisonment is imposed it shall be for a minimum term of 3 years and a maximum term of 14 years.

(e) Definitions. For the purposes of this Section: "Abandon" means to desert or knowingly forsake a resident or an elderly person or person with a disability under circumstances in which a reasonable person would continue to provide care and custody. "Caregiver" means a person who has a duty to provide for an elderly person or person with a disability's health and personal care, at the elderly person or person with a disability's place of residence, including, but not limited to, food and nutrition, shelter, hygiene, prescribed medication, and medical care and treatment, and includes any of the following:

(1) A parent, spouse, adult child, or other relative by blood or marriage who resides with or resides in the same building with or regularly visits the elderly person or person with a disability, knows or reasonably should know of such person's physical or mental impairment, and knows or reasonably should know that such person is unable to adequately provide for his or her own health and personal care.

(2) A person who is employed by the elderly person or person with a disability or by another to reside with or regularly visit the elderly person or person with a disability and provide for such person's health and personal care.

(3) A person who has agreed for consideration to reside with or regularly visit the elderly person or person with a disability and provide for such person's health and personal care.

(4) A person who has been appointed by a private or public agency or by a court of competent jurisdiction to provide for the elderly person or person with a disability's health and personal care. "Caregiver" does not include a long-term care facility licensed or certified under the Nursing Home Care Act or a facility licensed or certified under the ID/DD Community Care Act, the MC/DD Act, or the Specialized Mental Health Rehabilitation Act of 2013, or any administrative, medical, or other personnel of such a facility, or a health care provider who is licensed under the Medical Practice Act of 1987 and

renders care in the ordinary course of his or her profession. "Elderly person" means a person 60 years of age or older who is incapable of adequately providing for his or her own health and personal care. "Licensee" means the individual or entity licensed to operate a facility under the Nursing Home Care Act, the Specialized Mental Health Rehabilitation Act of 2013, the ID/DD Community Care Act, the MC/DD Act, or the Assisted Living and Shared Housing Act. "Long term care facility" means a private home, institution, building, residence, or other place, whether operated for profit or not, or a county home for the infirm and chronically ill operated pursuant to Division 5-21 or 5-22 of the Counties Code, or any similar institution operated by the State of Illinois or a political subdivision thereof, which provides, through its ownership or management, personal care, sheltered care, or nursing for 3 or more persons not related to the owner by blood or marriage. The term also includes skilled nursing facilities and intermediate care facilities as defined in Titles XVIII and XIX of the federal Social Security Act and assisted living establishments and shared housing establishments licensed under the Assisted Living and Shared Housing Act. "Owner" means the owner of a long term care facility as provided in the Nursing Home Care Act, the owner of a facility as provided under the Specialized Mental Health Rehabilitation Act of 2013, the owner of a facility as provided in the ID/DD Community Care Act, the owner of a facility as provided in the MC/DD Act, or the owner of an assisted living or shared housing establishment as provided in the Assisted Living and Shared Housing Act. "Person with a disability" means a person who suffers from a permanent physical or mental impairment, resulting from disease, injury, functional disorder, or congenital condition, which renders the person incapable of adequately providing for his or her own health and personal care. "Resident" means a person residing in a long term care facility. "Willful deprivation" has the meaning ascribed to it in paragraph (15) of Section 103 of the Illinois Domestic Violence Act of 1986.

720 ILCS 5/12-4.5 — Tampering with food, drugs or cosmetics

Sec. 12-4.5. Tampering with food, drugs or cosmetics.

(a) A person who knowingly puts any substance capable of causing death or great bodily harm to a human being into any food, drug or cosmetic offered for sale or consumption commits tampering with food, drugs or cosmetics.

(b) Sentence. Tampering with food, drugs or cosmetics is a Class 2 felony.

720 ILCS 5/12-4.6

Sec. 12-4.6. (Repealed).

720 ILCS 5/12-4.7

Sec. 12-4.7. (Repealed).

720 ILCS 5/12-4.8

Sec. 12-4.8. (Repealed).

720 ILCS 5/12-4.9

Sec. 12-4.9. (Renumbered).

720 ILCS 5/12-4.10

Sec. 12-4.10. (Repealed).

720 ILCS 5/12-4.11

Sec. 12-4.11. (Repealed).

720 ILCS 5/12-4.12

Sec. 12-4.12. (Repealed).

720 ILCS 5/12-5 — Reckless conduct

Sec. 12-5. Reckless conduct.

(a) A person commits reckless conduct when he or she, by any means lawful or unlawful, recklessly performs an act or acts that:

- (1) cause bodily harm to or endanger the safety of another person; or
- (2) cause great bodily harm or permanent disability or disfigurement to another person.

(b) Sentence. Reckless conduct under subdivision (a)(1) is a Class A misdemeanor. Reckless conduct under subdivision (a)(2) is a Class 4 felony.

720 ILCS 5/12-5.01

Sec. 12-5.01. (Repealed).

720 ILCS 5/12-5.02 — Vehicular endangerment

Sec. 12-5.02. Vehicular endangerment.

(a) A person commits vehicular endangerment when he or she strikes a motor vehicle by causing an object to fall from an overpass or other elevated location in the direction of a moving motor vehicle with the intent to strike a motor vehicle while it is traveling upon a highway in this State.

(b) Sentence. Vehicular endangerment is a Class 2 felony, unless death results, in which case vehicular endangerment is a Class 1 felony.

(c) Definitions. For purposes of this Section: "Elevated location" means a bridge, overpass, highway ramp, building, artificial structure, hill, mound, or natural elevation above or adjacent to and above a highway. "Object" means any object or substance that by its size, weight, or consistency is likely to cause great bodily harm to any occupant of a motor vehicle. "Overpass" means any structure that passes over a highway. "Motor vehicle" and "highway" have the meanings as defined in the Illinois Vehicle Code.

720 ILCS 5/12-5.1 — Criminal housing management

Sec. 12-5.1. Criminal housing management.

(a) A person commits criminal housing management when, having personal management or control of residential real estate, whether as a legal or equitable owner or as a managing agent or otherwise, he or she recklessly permits the physical condition or facilities of the residential real estate to become or remain in any condition which endangers the health or safety of a person other than the defendant.

(b) Sentence. Criminal housing management is a Class A misdemeanor, and a subsequent conviction is a Class 4 felony.

720 ILCS 5/12-5.1a — Aggravated criminal housing management

Sec. 12-5.1a. Aggravated criminal housing management.

(a) A person commits aggravated criminal housing management when he or she commits criminal housing management and:

(1) the condition endangering the health or safety of a person other than the defendant is determined to be a contributing factor in the death of that person; and

(2) the person recklessly conceals or attempts to conceal the condition that endangered the health or safety of the person other than the defendant that is found to be a contributing factor in that death.

(b) Sentence. Aggravated criminal housing management is a Class 4 felony.

720 ILCS 5/12-5.2 — Injunction in connection with criminal housing management or aggravated criminal housing management

Sec. 12-5.2. Injunction in connection with criminal housing management or aggravated criminal housing management.

(a) In addition to any other remedies, the State's Attorney of the county where the residential property which endangers the health or safety of any person exists is authorized to file a complaint and apply to the circuit court for a temporary restraining order, and such circuit court shall upon hearing grant a temporary restraining order or a preliminary or permanent injunction, without bond, restraining any person who owns, manages, or has any equitable interest in the property, from collecting, receiving or benefiting from any rents or other monies available from the property, so long as the property remains in a condition which endangers the health or safety of any person.

(b) The court may order any rents or other monies owed to be paid into an escrow account. The funds are to be paid out of the escrow account only to satisfy the reasonable cost of necessary repairs of the property which had been incurred or will be incurred in ameliorating the condition of the property as described in subsection (a), payment of delinquent real estate taxes on the property or payment of other legal debts relating to the property. The court may order that funds remain in escrow for a reasonable time after the completion of all necessary repairs to assure continued upkeep of the

property and satisfaction of other outstanding legal debts of the property.

(c) The owner shall be responsible for contracting to have necessary repairs completed and shall be required to submit all bills, together with certificates of completion, to the manager of the escrow account within 30 days after their receipt by the owner.

(d) In contracting for any repairs required pursuant to this Section the owner of the property shall enter into a contract only after receiving bids from at least 3 independent contractors capable of making the necessary repairs. If the owner does not contract for the repairs with the lowest bidder, he shall file an affidavit with the court explaining why the lowest bid was not acceptable. At no time, under the provisions of this Section, shall the owner contract with anyone who is not a licensed contractor, except that a contractor need not be licensed if neither the State nor the county, township, or municipality where the residential real estate is located requires that the contractor be licensed. The court may order release of those funds in the escrow account that are in excess of the monies that the court determines to its satisfaction are needed to correct the condition of the property as described in subsection (a). For the purposes of this Section, "licensed contractor" means:

(i) a contractor licensed by the State, if the State requires the licensure of the contractor; or (ii) a contractor licensed by the county, township, or municipality where the residential real estate is located, if that jurisdiction requires the licensure of the contractor.

(e) The Clerk of the Circuit Court shall maintain a separate trust account entitled "Property Improvement Trust Account", which shall serve as the depository for the escrowed funds prescribed by this Section. The Clerk of the Court shall be responsible for the receipt, disbursement, monitoring and maintenance of all funds entrusted to this account, and shall provide to the court a quarterly accounting of the activities for any property, with funds in such account, unless the court orders accountings on a more frequent basis. The Clerk of the Circuit Court shall promulgate rules and procedures to administer the provisions of this Act.

(f) Nothing in this Section shall in any way be construed to limit or alter any existing liability incurred, or to be incurred, by the owner or manager except as expressly provided in this Act. Nor shall anything in this Section be construed to create any liability on behalf of the Clerk of the Court, the State's Attorney's office or any other governmental agency involved in this action. Nor shall anything in this Section be construed to authorize tenants to refrain from paying rent.

(g) Costs. As part of the costs of an action under this Section, the court shall assess a reasonable fee against the defendant to be paid to the Clerk of the Circuit Court. This amount is to be used solely for the maintenance of the Property Improvement Trust Account. No money obtained directly or indirectly from the property subject to the case may be used to satisfy this cost.

(h) The municipal building department or other entity responsible for inspection of property and the enforcement of such local requirements shall, within 5 business days of a request by the State's Attorney, provide all documents requested, which shall include, but not be limited to, all records of inspections, permits and other information relating to any property.

720 ILCS 5/12-5.3 — Use of a dangerous place for the commission of a controlled substance or cannabis offense

Sec. 12-5.3. Use of a dangerous place for the commission of a controlled substance or cannabis offense.

(a) A person commits use of a dangerous place for the commission of a controlled substance or cannabis offense when that person knowingly exercises control over any place with the intent to use that place to manufacture, produce, deliver, or possess with intent to deliver a controlled or counterfeit substance or controlled substance analog in violation of Section 401 of the Illinois Controlled Substances Act or to manufacture, produce, deliver, or possess with intent to deliver cannabis in violation of Section 5, 5.1, 5.2, 7, or 8 of the Cannabis Control Act and:

(1) the place, by virtue of the presence of the substance or substances used or intended to be used to manufacture a controlled or counterfeit substance, controlled substance analog, or cannabis, presents a substantial risk of injury to any person from fire, explosion, or exposure to toxic or noxious chemicals or gas; or

(2) the place used or intended to be used to manufacture, produce, deliver, or possess with intent to deliver a controlled or counterfeit substance, controlled substance analog, or cannabis has located within it or surrounding it devices, weapons, chemicals, or explosives designed, hidden, or arranged in a manner that would cause a person to be exposed to a substantial risk of great bodily harm.

(b) It may be inferred that a place was intended to be used to manufacture a controlled or counterfeit substance or controlled substance analog if a substance containing a controlled or counterfeit substance or controlled substance analog or a substance containing a chemical important to the manufacture of a controlled or counterfeit substance or controlled substance analog is found at the place of the alleged illegal controlled substance manufacturing in close proximity to equipment or a chemical used for facilitating the manufacture of the controlled or counterfeit substance or controlled substance analog that is alleged to have been intended to be manufactured.

(c) As used in this Section, "place" means a premises, conveyance, or location that offers seclusion, shelter, means, or facilitation for manufacturing, producing, possessing, or possessing with intent to deliver a controlled or counterfeit substance, controlled substance analog, or cannabis.

(d) Use of a dangerous place for the commission of a controlled substance or cannabis offense is a Class 1 felony.

720 ILCS 5/12-5.5 — Common carrier recklessness

Sec. 12-5.5. Common carrier recklessness.

(a) A person commits common carrier recklessness when he or she, having personal management or control of or over a public conveyance used for the common carriage of persons, recklessly endangers the safety of others.

(b) Sentence. Common carrier recklessness is a Class 4 felony.

720 ILCS 5/12-5.15

Sec. 12-5.15. (Renumbered).

720 ILCS 5/12-6 — Intimidation

Sec. 12-6. Intimidation.

(a) A person commits intimidation when, with intent to cause another to perform or to omit the performance of any act, he or she communicates to another, directly or indirectly by any means, a threat to perform without lawful authority any of the following acts:

- (1) Inflict physical harm on the person threatened or any other person or on property; or
- (2) Subject any person to physical confinement or restraint; or
- (3) Commit a felony or Class A misdemeanor; or
- (4) Accuse any person of an offense; or
- (5) Expose any person to hatred, contempt or ridicule; or
- (6) Take action as a public official against anyone or anything, or withhold official action, or cause such action or withholding; or
- (7) Bring about or continue a strike, boycott or other collective action.

(b) Sentence. Intimidation is a Class 3 felony for which an offender may be sentenced to a term of imprisonment of not less than 2 years and not more than 10 years.

720 ILCS 5/12-6.1

Sec. 12-6.1. (Renumbered).

720 ILCS 5/12-6.2 — Aggravated intimidation

Sec. 12-6.2. Aggravated intimidation.

(a) A person commits aggravated intimidation when he or she commits intimidation and:

- (1) the person committed the offense in furtherance of the activities of an organized gang or because of the person's membership in or allegiance to an organized gang; or
- (2) the offense is committed with the intent to prevent any person from becoming a community policing volunteer; or
- (3) the following conditions are met: (A) the person knew that the victim was a peace officer, a correctional institution employee, a fireman, a community policing volunteer, or a civilian reporting information regarding a forcible felony to a law enforcement agency; and (B) the offense was committed:

(i) while the victim was engaged in the execution of his or her official duties; or (ii) to prevent the victim from performing his or her official duties; (iii) in retaliation for the victim's performance of his or her official duties; (iv) by reason of any person's activity as a community policing volunteer; or

(v) because the person reported information regarding a forcible felony to a law enforcement agency.

(b) Sentence. Aggravated intimidation as defined in paragraph (a)(1) is a Class 1 felony. Aggravated intimidation as defined in paragraph (a)(2) or (a)(3) is a Class 2 felony for which the offender may be sentenced to a term of imprisonment of not less than 3 years nor more than 14 years.

(c) (Blank).

720 ILCS 5/12-6.3

Sec. 12-6.3. (Renumbered).

720 ILCS 5/12-6.4

Sec. 12-6.4. Criminal street gang recruitment on school grounds or public property adjacent to school grounds and criminal street gang recruitment of a minor.

(a) A person commits criminal street gang recruitment on school grounds or public property adjacent to school grounds when on school grounds or public property adjacent to school grounds, he or she knowingly threatens the use of physical force to coerce, solicit, recruit, or induce another person to join or remain a member of a criminal street gang, or conspires to do so. (a-5) A person commits the offense of criminal street gang recruitment of a minor when he or she threatens the use of physical force to coerce, solicit, recruit, or induce another person to join or remain a member of a criminal street gang, or conspires to do so, whether or not such threat is communicated in person, by means of the Internet, or by means of a telecommunications device.

(b) Sentence. Criminal street gang recruitment on school grounds or public property adjacent to school grounds is a Class 1 felony and criminal street gang recruitment of a minor is a Class 1 felony.

(c) In this Section: "School grounds" means the building or buildings or real property comprising a public or private elementary or secondary school, community college, college, or university and includes a school yard, school playing field, or school playground. "Minor" means any person under 18 years of age. "Internet" means an interactive computer service or system or an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, and includes, but is not limited to, an information service, system, or access software provider that provides access to a network system commonly known as the Internet, or any comparable system or service and also includes, but is not limited to, a World Wide Web page, newsgroup, message board, mailing list, or chat area on any interactive computer service or system or other online service. "Telecommunications device" means a device that is capable of receiving or transmitting speech, data, signals, text, images, sounds, codes, or other information including, but not limited to, paging devices, telephones, and cellular and mobile telephones.

720 ILCS 5/12-6.5 — Compelling organization membership of persons

Sec. 12-6.5. Compelling organization membership of persons. A person who knowingly, expressly or impliedly, threatens to do bodily harm or does bodily harm to an individual or to that individual's family or uses any other criminally unlawful means to solicit or cause any person to join, or deter any person from leaving, any organization or association regardless of the nature of such organization or association, is guilty of a Class 2 felony. Any person of the age of 18 years or older who knowingly, expressly or impliedly, threatens to do bodily harm or does bodily harm to a person under 18 years of age or uses any other criminally unlawful means to solicit or cause any person under 18 years of age to join, or deter any person under 18 years of age from leaving, any organization or association regardless of the nature of such organization or association is guilty of a Class 1 felony. A person convicted of an offense under this Section shall not be eligible to receive a sentence of probation, conditional discharge, or periodic imprisonment.

720 ILCS 5/12-7 — Compelling confession or information by force or threat

Sec. 12-7. Compelling confession or information by force or threat.

(a) A person who, with intent to obtain a confession, statement or information regarding any offense, knowingly inflicts or threatens imminent bodily harm upon the person threatened or upon any other person commits compelling a confession or information by force or threat.

(b) Sentence. Compelling a confession or information is a:

- (1) Class 4 felony if the defendant threatens imminent bodily harm to obtain a confession, statement, or information but does not inflict bodily harm on the victim,
- (2) Class 3 felony if the defendant inflicts bodily harm on the victim to obtain a confession, statement, or information, and
- (3) Class 2 felony if the defendant inflicts great bodily harm to obtain a confession, statement, or information.

720 ILCS 5/12-7.1 — Hate crime

Sec. 12-7.1. Hate crime.

(a) A person commits hate crime when, by reason of the actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, citizenship, immigration status, or national origin of another individual or group of individuals, regardless of the existence of any other motivating factor or factors, he or she commits assault, battery, aggravated assault, intimidation, stalking, cyberstalking, misdemeanor theft, criminal trespass to residence, misdemeanor criminal damage to property, criminal trespass to vehicle, criminal trespass to real property, mob action, disorderly conduct, transmission of obscene messages, harassment by telephone, or harassment through electronic communications as these crimes are defined in Sections 12-1, 12-2, 12-3(a), 12-7.3, 12-7.5, 16-1, 19-4, 21-1, 21-2, 21-3, 25-1, 26-1, 26.5-1, 26.5-2, paragraphs (a)(1), (a)(2), and (a)(3) of Section 12-6, and paragraphs (a)(2) and (a)(5) of Section 26.5-3 of this Code, respectively.

(b) Except as provided in subsection (b-5), hate crime is a Class 4 felony for a first offense and a Class 2 felony for a second or subsequent offense. (b-5) Hate crime is a Class 3 felony for a first offense and a Class 2 felony for a second or subsequent offense if committed:

- (1) in, or upon the exterior or grounds of, a church, synagogue, mosque, or other building, structure, or place identified or associated with a particular religion or used for religious worship or other religious purpose;
- (2) in a cemetery, mortuary, or other facility used for the purpose of burial or memorializing the dead;
- (3) in a school or other educational facility, including an administrative facility or public or private dormitory facility of or associated with the school or other educational facility;
- (4) in a public park or an ethnic or religious community center;
- (5) on the real property comprising any location specified in clauses

(1) through

(4) of this subsection (b-5); or

(6) on a public way within 1,000 feet of the real property comprising any location specified in clauses

(1) through

(4) of this subsection (b-5). (b-10) Upon imposition of any sentence, the trial court shall also either order restitution paid to the victim or impose a fine in an amount to be determined by the court based on the severity of the crime and the injury or damages suffered by the victim. In addition, any order of probation or conditional discharge entered following a conviction or an adjudication of delinquency shall include a condition that the offender perform public or community service of no less than 200 hours if that service is established in the county where the offender was convicted of hate crime. In addition, any order of probation or conditional discharge entered following a conviction or an adjudication of delinquency shall include a condition that the offender enroll in an educational program discouraging hate crimes involving the protected class identified in subsection

(a) that gave rise to the offense the offender committed. The educational program must be attended by the offender in-person and may be administered, as determined by the court, by a university, college, community college, non-profit organization, the Illinois Holocaust and Genocide Commission, or any other organization that provides educational programs discouraging hate crimes, except that programs administered online or that can otherwise be attended remotely are prohibited. The court may also impose any other condition of probation or conditional discharge under this Section. If the court sentences the offender to imprisonment or periodic imprisonment for a violation of this Section, as a condition of the offender's mandatory supervised release, the court shall require that the offender perform public or community service of no less than 200 hours and enroll in an educational program discouraging hate crimes involving the protected class identified in subsection

(a) that gave rise to the offense the offender committed.

(c) Independent of any criminal prosecution or the result of a criminal prosecution, any person suffering injury to his or her person, damage to his or her property, intimidation as defined in paragraphs (a)(1), (a)(2), and (a)(3) of Section 12-6 of this Code, stalking as defined in Section 12-7.3 of this Code, cyberstalking as defined in Section 12-7.5 of this Code, disorderly conduct as defined in paragraph (a)(1), (a)(4), (a)(5), or (a)(6) of Section 26-1 of this Code, transmission of obscene messages as defined in Section 26.5-1 of this Code, harassment by telephone as defined in Section 26.5-2 of this Code, or harassment through electronic communications as defined in paragraphs (a)(2) and (a)(5) of Section 26.5-3 of this Code as a result of a hate crime may bring a civil action for damages, injunction or other appropriate relief. The court may award actual damages, including damages for emotional distress, as well as punitive damages. The court may impose a civil penalty up to \$25,000 for each violation of this subsection (c). A judgment in favor of a person who brings a civil action under this subsection

(c) shall include attorney's fees and costs. After consulting with the local State's Attorney, the Attorney General may bring a civil action in the name of the People of the State for an injunction or other equitable relief under this subsection (c). In addition, the Attorney General may request and the court may impose a civil penalty up to \$25,000 for each violation under this subsection (c). The parents or legal guardians, other than guardians appointed pursuant to the Juvenile Court Act or the Juvenile Court Act of 1987, of an unemancipated minor shall be liable for the amount of any judgment for all damages rendered against such minor under this subsection

(c) in any amount not exceeding the amount provided under Section 5 of the Parental Responsibility Law.

(d) "Sexual orientation" has the meaning ascribed to it in paragraph (O-1) of Section 1-103 of the Illinois Human Rights Act.

720 ILCS 5/12-7.2 — Educational intimidation

Sec. 12-7.2. Educational intimidation.

(a) A person commits educational intimidation when he knowingly interferes with the right of any child who is or is believed to be afflicted with a chronic infectious disease to attend or participate in the activities of an elementary or secondary school in this State:

- (1) by actual or threatened physical harm to the person or property of the child or the child's family; or
- (2) by impeding or obstructing the child's right of ingress to, egress from, or freedom of movement at school facilities or activities; or
- (3) by exposing or threatening to expose the child, or the family or friends of the child, to public hatred, contempt or ridicule.

(b) Subsection

(a) does not apply to the actions of school officials or the school's infectious disease review team who are acting within the course of their professional duties and in accordance with applicable law.

(c) Educational intimidation is a Class C misdemeanor, except that a second or subsequent offense shall be a Class A misdemeanor.

(d) Independent of any criminal prosecution or the result thereof, any person suffering injury to his person or damage to his property as a result of educational intimidation may bring a civil action for damages, injunction or other appropriate relief. The court may award actual damages, including damages for emotional distress, or punitive damages. A judgment may include attorney's fees and costs. The parents or legal guardians of an unemancipated minor, other than guardians appointed pursuant to the Juvenile Court Act or the Juvenile Court Act of 1987, shall be liable for the amount of any judgment for actual damages awarded against such minor under this subsection

(d) in any amount not exceeding the amount provided under Section of the Parental Responsibility Law.

720 ILCS 5/12-7.3 — Stalking

Sec. 12-7.3. Stalking.

(a) A person commits stalking when he or she knowingly engages in a course of conduct directed at a specific person, and he or she knows or should know that this course of conduct would cause a reasonable person to:

- (1) fear for his or her safety or the safety of a third person; or

(2) suffer other emotional distress. (a-3) A person commits stalking when he or she, knowingly and without lawful justification, on at least 2 separate occasions follows another person or places the person under surveillance or any combination thereof and:

(1) at any time transmits a threat of immediate or future bodily harm, sexual assault, confinement or restraint and the threat is directed towards that person or a family member of that person; or

(2) places that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement or restraint to or of that person or a family member of that person. (a-5) A person commits stalking when he or she has previously been convicted of stalking another person and knowingly and without lawful justification on one occasion:

(1) follows that same person or places that same person under surveillance; and

(2) transmits a threat of immediate or future bodily harm, sexual assault, confinement or restraint to that person or a family member of that person. (a-7) A person commits stalking when he or she knowingly makes threats that are a part of a course of conduct and is aware of the threatening nature of his or her speech.

(b) Sentence. Stalking is a Class 4 felony; a second or subsequent conviction is a Class 3 felony.

(c) Definitions. For purposes of this Section:

(1) "Course of conduct" means 2 or more acts, including but not limited to acts in which a defendant directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, engages in other non-consensual contact, or interferes with or damages a person's property or pet. A course of conduct may include contact via electronic communications.

(2) "Electronic communication" means any transfer of signs, signals, writings, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectric, or photo-optical system. "Electronic communication" includes transmissions by a computer through the Internet to another computer.

(3) "Emotional distress" means significant mental suffering, anxiety or alarm.

(4) "Family member" means a parent, grandparent, brother, sister, or child, whether by whole blood, half-blood, or adoption and includes a step-grandparent, step-parent, step-brother, step-sister or step-child. "Family member" also means any other person who regularly resides in the household, or who, within the prior 6 months, regularly resided in the household.

(5) "Follows another person" means

(i) to move in relative proximity to a person as that person moves from place to place or (ii) to remain in relative proximity to a person who is stationary or whose movements are confined to a small area. "Follows another person" does not include a following within the residence of the defendant.

(6) "Non-consensual contact" means any contact with the victim that is initiated or continued without the victim's consent, including but not limited to being in the physical presence of the victim; appearing within the sight of the victim; approaching or confronting the victim in a public place or on private property; appearing at the workplace or residence of the victim; entering onto or remaining on property owned, leased, or occupied by the victim; or placing an object on, or delivering an object to, property owned, leased, or occupied by the victim.

(7) "Places a person under surveillance" means:

(1) remaining present outside the person's school, place of employment, vehicle, other place occupied by the person, or residence other than the residence of the defendant; or

(2) placing an electronic tracking device on the person or the person's property.

(8) "Reasonable person" means a person in the victim's situation.

(9) "Transmits a threat" means a verbal or written threat or a threat implied by a pattern of conduct or a combination of verbal or written statements or conduct.

(d) Exemptions.

(1) This Section does not apply to any individual or organization

(i) monitoring or attentive to compliance with public or worker safety laws, wage and hour requirements, or other statutory requirements, or (ii) picketing occurring at the workplace that is otherwise lawful and arises out of a bona fide labor dispute, including any controversy concerning wages, salaries, hours, working conditions or benefits, including health and

welfare, sick leave, insurance, and pension or retirement provisions, the making or maintaining of collective bargaining agreements, and the terms to be included in those agreements.

(2) This Section does not apply to an exercise of the right to free speech or assembly that is otherwise lawful.

(3) Telecommunications carriers, commercial mobile service providers, and providers of information services, including, but not limited to, Internet service providers and hosting service providers, are not liable under this Section, except for willful and wanton misconduct, by virtue of the transmission, storage, or caching of electronic communications or messages of others or by virtue of the provision of other related telecommunications, commercial mobile services, or information services used by others in violation of this Section. (d-5) The incarceration of a person in a penal institution who commits the course of conduct or transmits a threat is not a bar to prosecution under this Section. (d-10) A defendant who directed the actions of a third party to violate this Section, under the principles of accountability set forth in Article 5 of this Code, is guilty of violating this Section as if the same had been personally done by the defendant, without regard to the mental state of the third party acting at the direction of the defendant.

720 ILCS 5/12-7.4 — Aggravated stalking

Sec. 12-7.4. Aggravated stalking.

(a) A person commits aggravated stalking when he or she commits stalking and:

(1) causes bodily harm to the victim;

(2) confines or restrains the victim; or

(3) violates a temporary restraining order, an order of protection, a stalking no contact order, a civil no contact order, or an injunction prohibiting the behavior described in subsection (b)(1) of Section 214 of the Illinois Domestic Violence Act of 1986. (a-1) A person commits aggravated stalking when he or she is required to register under the Sex Offender Registration Act or has been previously required to register under that Act and commits the offense of stalking when the victim of the stalking is also the victim of the offense for which the sex offender is required to register under the Sex Offender Registration Act or a family member of the victim.

(b) Sentence. Aggravated stalking is a Class 3 felony; a second or subsequent conviction is a Class 2 felony.

(c) Exemptions.

(1) This Section does not apply to any individual or organization

(i) monitoring or attentive to compliance with public or worker safety laws, wage and hour requirements, or other statutory requirements, or (ii) picketing occurring at the workplace that is otherwise lawful and arises out of a bona fide labor dispute including any controversy concerning wages, salaries, hours, working conditions or benefits, including health and welfare, sick leave, insurance, and pension or retirement provisions, the managing or maintenance of collective bargaining agreements, and the terms to be included in those agreements.

(2) This Section does not apply to an exercise of the right of free speech or assembly that is otherwise lawful.

(3) Telecommunications carriers, commercial mobile service providers, and providers of information services, including, but not limited to, Internet service providers and hosting service providers, are not liable under this Section, except for willful and wanton misconduct, by virtue of the transmission, storage, or caching of electronic communications or messages of others or by virtue of the provision of other related telecommunications, commercial mobile services, or information services used by others in violation of this Section.

(d) A defendant who directed the actions of a third party to violate this Section, under the principles of accountability set forth in Article 5 of this Code, is guilty of violating this Section as if the same had been personally done by the defendant, without regard to the mental state of the third party acting at the direction of the defendant.

720 ILCS 5/12-7.5 — Cyberstalking

Sec. 12-7.5. Cyberstalking.

(a) A person commits cyberstalking when he or she engages in a course of conduct using electronic communication directed at a specific person, and he or she knows or should know that would cause a reasonable person to:

(1) fear for his or her safety or the safety of a third person; or

(2) suffer other emotional distress. (a-3) A person commits cyberstalking when he or she, knowingly and without lawful justification, on at least 2 separate occasions, harasses another person through the use of electronic communication and:

(1) at any time transmits a threat of immediate or future bodily harm, sexual assault, confinement, or restraint and the threat is directed towards that person or a family member of that person; or

(2) places that person or a family member of that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement, or restraint; or

(3) at any time knowingly solicits the commission of an act by any person which would be a violation of this Code directed towards that person or a family member of that person. (a-4) A person commits cyberstalking when he or she knowingly, surreptitiously, and without lawful justification, installs or otherwise places electronic monitoring software or spyware on an electronic communication device as a means to harass another person and:

(1) at any time transmits a threat of immediate or future bodily harm, sexual assault, confinement, or restraint and the threat is directed towards that person or a family member of that person;

(2) places that person or a family member of that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement, or restraint; or

(3) at any time knowingly solicits the commission of an act by any person which would be a violation of this Code directed towards that person or a family member of that person. For purposes of this Section, an installation or placement is not surreptitious if:

(1) with respect to electronic software, hardware, or computer applications, clear notice regarding the use of the specific type of tracking software or spyware is provided by the installer in advance to the owners and primary users of the electronic software, hardware, or computer application; or

(2) written or electronic consent of all owners and primary users of the electronic software, hardware, or computer application on which the tracking software or spyware will be installed has been sought and obtained through a mechanism that does not seek to obtain any other approvals or acknowledgement from the owners and primary users.

(a-5) A person commits cyberstalking when he or she, knowingly and without lawful justification, creates and maintains an Internet website or webpage which is accessible to one or more third parties for a period of at least 24 hours, and which contains statements harassing another person and:

(1) which communicates a threat of immediate or future bodily harm, sexual assault, confinement, or restraint, where the threat is directed towards that person or a family member of that person, or

(2) which places that person or a family member of that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement, or restraint, or

(3) which knowingly solicits the commission of an act by any person which would be a violation of this Code directed towards that person or a family member of that person.

(b) Sentence. Cyberstalking is a Class 4 felony; a second or subsequent conviction is a Class 3 felony.

(c) For purposes of this Section: (0.5) "Anxiety" means excessive worry and apprehensive expectations, occurring more days than not for at least 6 months, about a number of events or activities, such as work or school performance and is associated with 3 or more of the following 6 symptoms with at least some symptoms present for more days than not for the past 6 months:

(1) restlessness or feeling keyed up or on edge;

(2) easily fatigued;

(3) difficulty concentrating or mind going blank;

(4) irritability;

(5) muscle tension; and

(6) sleep disturbance such as difficulty falling or staying asleep, or restless and unsatisfying sleep. The anxiety, worry, or physical symptoms cause clinically significant distress or impairment in social, occupational, or other important areas of functioning.

(1) "Course of conduct" means 2 or more acts, including but not limited to acts in which a defendant directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, engages in other non-consensual contact, or interferes with or damages a person's property or pet. The incarceration in a penal institution of a person who commits the course of conduct is not a bar to prosecution under this Section.

(2) "Electronic communication" means any transfer of signs, signals, writings, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectric, or photo-optical system. "Electronic communication" includes transmissions through an electronic device including, but not limited to, a telephone, cellular phone, computer, or pager, which communication includes, but is not limited to, e-mail, instant message, text message, or voice mail. (2.1) "Electronic communication device" means an electronic device, including, but not limited to, a wireless telephone, personal digital assistant, or a portable or mobile computer. (2.2) "Electronic monitoring software or spyware" means software or an application that surreptitiously tracks computer activity on a device and records and transmits the information to third parties with the intent to cause injury or harm. For the purposes of this paragraph (2.2), "intent to cause injury or harm" does not include activities carried out in furtherance of the prevention of fraud or crime or of protecting the security of networks, online services, applications, software, other computer programs, users, or electronic communication devices or similar devices.

(3) "Emotional distress" means significant mental suffering, anxiety or alarm.

(4) "Harass" means to engage in a knowing and willful course of conduct directed at a specific person that alarms, torments, or terrorizes that person.

(5) "Non-consensual contact" means any contact with the victim that is initiated or continued without the victim's consent, including but not limited to being in the physical presence of the victim; appearing within the sight of the victim; approaching or confronting the victim in a public place or on private property; appearing at the workplace or residence of the victim; entering onto or remaining on property owned, leased, or occupied by the victim; or placing an object on, or delivering an object to, property owned, leased, or occupied by the victim.

(6) "Reasonable person" means a person in the victim's circumstances, with the victim's knowledge of the defendant and the defendant's prior acts.

(7) "Third party" means any person other than the person violating these provisions and the person or persons towards whom the violator's actions are directed.

(d) Telecommunications carriers, commercial mobile service providers, and providers of information services, including, but not limited to, Internet service providers and hosting service providers, are not liable under this Section, except for willful and wanton misconduct, by virtue of the transmission, storage, or caching of electronic communications or messages of others or by virtue of the provision of other related telecommunications, commercial mobile services, or information services used by others in violation of this Section.

(e) A defendant who directed the actions of a third party to violate this Section, under the principles of accountability set forth in Article 5 of this Code, is guilty of violating this Section as if the same had been personally done by the defendant, without regard to the mental state of the third party acting at the direction of the defendant.

(f) It is not a violation of this Section to:

(1) provide, protect, maintain, update, or upgrade networks, online services, applications, software, other computer programs, electronic communication devices, or similar devices under the terms of use applicable to those networks, services, applications, software, programs, or devices;

(2) interfere with or prohibit terms or conditions in a contract or license related to networks, online services, applications, software, other computer programs, electronic communication devices, or similar devices; or

(3) create any liability by reason of terms or conditions adopted, or technical measures implemented, to prevent the transmission of unsolicited electronic mail or communications.

720 ILCS 5/12-7.6 — Cross burning

Sec. 12-7.6. Cross burning.

(a) A person commits cross burning when he or she, with the intent to intimidate any other person or group of persons, burns or causes to be burned a cross.

(b) Sentence. Cross burning is a Class A misdemeanor for a first offense and a Class 4 felony for a second or subsequent offense.

(c) For the purposes of this Section, a person acts with the "intent to intimidate" when he or she intentionally places or attempts to place another person in fear of physical injury or fear of damage to that other person's property.

720 ILCS 5/12-8

Sec. 12-8. (Repealed).

720 ILCS 5/12-9 — Threatening public officials; human service providers

Sec. 12-9. Threatening public officials; human service providers.

(a) A person commits threatening a public official or human service provider when:

(1) that person knowingly delivers or conveys, directly or indirectly, to a public official or human service provider by any means a communication:

(i) containing a threat that would place the public official or human service provider or a member of his or her immediate family in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement, or restraint; or (ii) containing a threat that would place the public official or human service provider or a member of his or her immediate family in reasonable apprehension that damage will occur to property in the custody, care, or control of the public official or his or her immediate family; and

(2) the threat was conveyed because of the performance or nonperformance of some public duty or duty as a human service provider, because of hostility of the person making the threat toward the status or position of the public official or the human service provider, or because of any other factor related to the official's public existence. (a-5) For purposes of a threat to a sworn law enforcement officer, the threat must contain specific facts indicative of a unique threat to the person, family or property of the officer and not a generalized threat of harm. (a-6) For purposes of a threat to a social worker, caseworker, investigator, or human service provider, the threat must contain specific facts indicative of a unique threat to the person, family or property of the individual and not a generalized threat of harm.

(b) For purposes of this Section:

(1) "Public official" means a person who is elected to office in accordance with a statute or who is appointed to an office which is established, and the qualifications and duties of which are prescribed, by statute, to discharge a public duty for the State or any of its political subdivisions or in the case of an elective office any person who has filed the required documents for nomination or election to such office. "Public official" includes a duly appointed assistant State's Attorney, assistant Attorney General, or Appellate Prosecutor; a sworn law enforcement or peace officer; a social worker, caseworker, attorney, or investigator employed by the Department of Healthcare and Family Services, the Department of Human Services, the Department of Children and Family Services, or the Guardianship and Advocacy Commission; or an assistant public guardian, attorney, social worker, case manager, or investigator employed by a duly appointed public guardian. (1.5) "Human service provider" means a social worker, case worker, or investigator employed by an agency or organization providing social work, case work, or investigative services under a contract with or a grant from the Department of Human Services, the Department of Children and Family Services, the Department of Healthcare and Family Services, or the Department on Aging.

(2) "Immediate family" means a public official's spouse or child or children.

(c) Threatening a public official or human service provider is a Class 3 felony for a first offense and a Class 2 felony for a second or subsequent offense.

720 ILCS 5/12-10

Sec. 12-10. (Renumbered).

720 ILCS 5/12-10.1

Sec. 12-10.1. (Renumbered).

720 ILCS 5/12-10.2 — Tongue splitting

Sec. 12-10.2. Tongue splitting.

(a) In this Section, "tongue splitting" means the cutting of a human tongue into 2 or more parts.

(b) A person may not knowingly perform tongue splitting on another person unless the person performing the tongue splitting is licensed to practice medicine in all its branches under the Medical Practice Act of 1987 or licensed under the Illinois Dental Practice Act.

(c) Sentence. Tongue splitting performed in violation of this Section is a Class A misdemeanor for a first offense and a Class 4 felony for a second or subsequent offense.

720 ILCS 5/12-10.3 — False representation to a tattoo or body piercing business as the parent or legal guardian of a minor

Sec. 12-10.3. False representation to a tattoo or body piercing business as the parent or legal guardian of a minor.

(a) A person, other than the parent or legal guardian of a minor, commits the offense of false representation to a tattoo or body piercing business as the parent or legal guardian of a minor when he or she falsely represents himself or herself as the parent or legal guardian of the minor to an owner or employee of a tattoo or body piercing business for the purpose of:

(1) accompanying the minor to a business that provides tattooing as required under Section 12-10 of this Code (tattooing body of minor);

(2) accompanying the minor to a business that provides body piercing as required under Section 12-10.1 of this Code (piercing the body of a minor); or

(3) furnishing the written consent required under Section 12-10.1 of this Code (piercing the body of a minor).

(b) Sentence. False representation to a tattoo or body piercing business as the parent or legal guardian of a minor is a Class C misdemeanor.

720 ILCS 5/12-11

Sec. 12-11. (Renumbered).

720 ILCS 5/12-11.1

Sec. 12-11.1. (Renumbered).

720 ILCS 5/12-12

Sec. 12-12. (Repealed).

720 ILCS 5/12-13

Sec. 12-13. (Renumbered).

720 ILCS 5/12-14

Sec. 12-14. (Renumbered).

720 ILCS 5/12-14.1

Sec. 12-14.1. (Renumbered).

720 ILCS 5/12-15

Sec. 12-15. (Renumbered).

720 ILCS 5/12-16

Sec. 12-16. (Renumbered).

720 ILCS 5/12-16.2

Sec. 12-16.2. (Renumbered).

720 ILCS 5/12-17

Sec. 12-17. (Renumbered).

720 ILCS 5/12-18

Sec. 12-18. (Renumbered).

720 ILCS 5/12-18.1

Sec. 12-18.1. (Renumbered).

720 ILCS 5/12-19

Sec. 12-19. (Repealed).

720 ILCS 5/12-20 — Sale of body parts

Sec. 12-20. Sale of body parts.

(a) Except as provided in subsection (b), any person who knowingly buys or sells, or offers to buy or sell, a human body or any part of a human body, is guilty of a Class A misdemeanor for the first conviction and a Class 4 felony for subsequent convictions.

(b) This Section does not prohibit:

(1) An anatomical gift made in accordance with the Illinois Anatomical Gift Act.

(2) (Blank).

(3) Reimbursement of actual expenses incurred by a living person in donating an organ, tissue or other body part or fluid for transplantation, implantation, infusion, injection, or other medical or scientific purpose, including medical costs, loss of income, and travel expenses.

(4) Payments provided under a plan of insurance or other health care coverage.

(5) Reimbursement of reasonable costs associated with the removal, storage or transportation of a human body or part thereof donated for medical or scientific purposes.

(6) Purchase or sale of blood, plasma, blood products or derivatives, other body fluids, or human hair.

(7) Purchase or sale of drugs, reagents or other substances made from human bodies or body parts, for use in medical or scientific research, treatment or diagnosis.

720 ILCS 5/12-20.5 — Dismembering a human body

Sec. 12-20.5. Dismembering a human body.

(a) A person commits dismembering a human body when he or she knowingly dismembers, severs, separates, dissects, or mutilates any body part of a deceased's body.

(b) This Section does not apply to:

(1) an anatomical gift made in accordance with the Illinois Anatomical Gift Act;

(2) (blank);

(3) the purchase or sale of drugs, reagents, or other substances made from human body parts, for the use in medical or scientific research, treatment, or diagnosis;

(4) persons employed by a county medical examiner's office or coroner's office acting within the scope of their employment while performing an autopsy;

(5) the acts of a licensed funeral director or embalmer while performing acts authorized by the Funeral Directors and Embalmers Licensing Code;

(6) the acts of emergency medical personnel or physicians performed in good faith and according to the usual and customary standards of medical practice in an attempt to resuscitate a life; or

(7) physicians licensed to practice medicine in all of its branches or holding a visiting professor, physician, or resident permit under the Medical Practice Act of 1987, performing acts in accordance with usual and customary standards of medical practice, or a currently enrolled student in an accredited medical school in furtherance of his or her education at the accredited medical school.

(c) It is not a defense to a violation of this Section that the decedent died due to natural, accidental, or suicidal causes.

(d) Sentence. Dismembering a human body is a Class X felony.

720 ILCS 5/12-20.6 — Abuse of a corpse

Sec. 12-20.6. Abuse of a corpse.

(a) In this Section: "Corpse" means the dead body of a human being. "Sexual conduct" has the meaning ascribed to the term in Section 11-0.1 of this Code.

(b) A person commits abuse of a corpse if he or she intentionally:

(1) engages in sexual conduct with a corpse or involving a corpse; or

(2) removes or carries away a corpse and is not authorized by law to do so.

(c) Sentence.

(1) A person convicted of violating paragraph

(1) of subsection

(b) of this Section is guilty of a Class 2 felony.

(2) A person convicted of violating paragraph

(2) of subsection

(b) of this Section is guilty of a Class 4 felony.

(d) Paragraph

(2) of subsection

(b) of this Section does not apply to:

(1) persons employed by a county medical examiner's office or coroner's office acting within the scope of their employment;

(2) the acts of a licensed funeral director or embalmer while performing acts authorized by the Funeral Directors and Embalmers Licensing Code;

(3) cemeteries and cemetery personnel while performing acts pursuant to a bona fide request from the involved cemetery consumer or his or her heirs, or pursuant to an interment or disinterment permit or a court order, or as authorized under Section 14.5 of the Cemetery Protection Act, or any other actions legally authorized for cemetery employees;

(4) the acts of emergency medical personnel or physicians performed in good faith and according to the usual and customary standards of medical practice in an attempt to resuscitate a life;

(5) physicians licensed to practice medicine in all of its branches or holding a visiting professor, physician, or resident permit under the Medical Practice Act of 1987, performing acts in accordance with usual and customary standards of medical practice, or a currently enrolled student in an accredited medical school in furtherance of his or her education at the accredited medical school; or

(6) removing or carrying away a corpse by the employees, independent contractors, or other persons designated by the federally designated organ procurement agency engaged in the organ and tissue procurement process.

720 ILCS 5/12-21

Sec. 12-21. (Repealed).

720 ILCS 5/12-21.5

Sec. 12-21.5. (Renumbered).

720 ILCS 5/12-21.6

Sec. 12-21.6. (Renumbered).

720 ILCS 5/12-21.6-5 — Parent or guardian leaving custody or control of child with child sex offender

Sec. 12-21.6-5. Parent or guardian leaving custody or control of child with child sex offender.

(a) For the purposes of this Section, "minor" means a person under 18 years of age; and "child sex offender" means a sex offender who is required to register under the Sex Offender Registration Act and is a child sex offender as defined in Sections 11-9.3 and 11-9.4 of this Code.

(b) It is unlawful for a parent or guardian of a minor to knowingly leave that minor in the custody or control of a child sex offender, or allow the child sex offender unsupervised access to the minor.

(c) This Section does not apply to leaving the minor in the custody or control of, or allowing unsupervised access to the minor by:

(1) a child sex offender who is the parent of the minor;

(2) a person convicted of a violation of subsection

(c) of Section 12-15 of this Code; or

(3) a child sex offender who is married to and living in the same household with the parent or guardian of the minor. This subsection

(c) shall not be construed to allow a child sex offender to knowingly reside within 500 feet of the minor victim of the sex offense if prohibited by subsection (b-6) of Section 11-9.4 of this Code.

(d) Sentence. A person who violates this Section is guilty of a Class A misdemeanor.

(e) Nothing in this Section shall prohibit the filing of a petition or the instituting of any proceeding under Article II of the Juvenile Court Act of 1987 relating to abused minors.

720 ILCS 5/12-21.7

Sec. 12-21.7. (Repealed).

720 ILCS 5/12-22

Sec. 12-22. (Renumbered).

720 ILCS 5/12-30

Sec. 12-30. (Renumbered).

720 ILCS 5/12-31

Sec. 12-31. (Renumbered).

720 ILCS 5/12-32 — Ritual mutilation

Sec. 12-32. Ritual mutilation.

(a) A person commits ritual mutilation when he or she knowingly mutilates, dismembers or tortures another person as part of a ceremony, rite, initiation, observance, performance or practice, and the victim did not consent or under such circumstances that the defendant knew or should have known that the victim was unable to render effective consent.

(b) Ritual mutilation does not include the practice of male circumcision or a ceremony, rite, initiation, observance, or performance related thereto.

(c) Sentence. Ritual mutilation is a Class 2 felony.

720 ILCS 5/12-33 — Ritualized abuse of a child

Sec. 12-33. Ritualized abuse of a child.

(a) A person commits ritualized abuse of a child when he or she knowingly commits any of the following acts with, upon, or in the presence of a child as part of a ceremony, rite or any similar observance:

(1) actually or in simulation, tortures, mutilates, or sacrifices any warm-blooded animal or human being;

(2) forces ingestion, injection or other application of any narcotic, drug, hallucinogen or anaesthetic for the purpose of dulling sensitivity, cognition, recollection of, or resistance to any criminal activity;

(3) forces ingestion, or external application, of human or animal urine, feces, flesh, blood, bones, body secretions, nonprescribed drugs or chemical compounds;

(4) involves the child in a mock, unauthorized or unlawful marriage ceremony with another person or representation of any force or deity, followed by sexual contact with the child;

(5) places a living child into a coffin or open grave containing a human corpse or remains;

(6) threatens death or serious harm to a child, his or her parents, family, pets, or friends that instills a well-founded fear in the child that the threat will be carried out; or

(7) unlawfully dissects, mutilates, or incinerates a human corpse.

(b) The provisions of this Section shall not be construed to apply to:

(1) lawful agricultural, animal husbandry, food preparation, or wild game hunting and fishing practices and specifically the branding or identification of livestock;

(2) the lawful medical practice of male circumcision or any ceremony related to male circumcision;

(3) any state or federally approved, licensed, or funded research project; or

(4) the ingestion of animal flesh or blood in the performance of a religious service or ceremony. (b-5) For the purposes of this Section, "child" means any person under 18 years of age.

(c) Ritualized abuse of a child is a Class 1 felony for a first offense. A second or subsequent conviction for ritualized abuse of a child is a Class X felony for which an offender who has attained the age of 18 years at the time of the commission of the offense may be sentenced to a term of natural life imprisonment and an offender under the age of 18 years at the time of the commission of the offense shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections.

(d) (Blank).

720 ILCS 5/12-34 — Female genital mutilation

Sec. 12-34. Female genital mutilation.

(a) Except as otherwise permitted in subsection (b), whoever knowingly circumcises, excises, or infibulates, in whole or in part, the labia majora, labia minora, or clitoris of another commits female genital mutilation. Consent to the procedure by a minor on whom it is performed or by the minor's parent or guardian is not a defense to a violation of this Section. (a-5) A parent, guardian, or other person having physical custody or control of a child who knowingly facilitates or permits the circumcision, excision, or infibulation, in whole or in part, of the labia majora, labia minora, or clitoris of the child commits female genital mutilation.

(b) A surgical procedure is not a violation of subsection

(a) if the procedure is performed by a physician licensed to practice medicine in all its branches and:

(1) is necessary to the health of the person on whom it is performed; or

(2) is performed on a person who is in labor or who has just given birth and is performed for medical purposes connected with that labor or birth.

(c) Sentence. Female genital mutilation as described in subsection

(a) is a Class X felony. Female genital mutilation as described in subsection (a-5) is a Class 1 felony.

720 ILCS 5/12-34.5 — Inducement to commit suicide

Sec. 12-34.5. Inducement to commit suicide.

(a) A person commits inducement to commit suicide when he or she does either of the following:

(1) Knowingly coerces another to commit suicide and the other person commits or attempts to commit suicide as a direct result of the coercion, and he or she exercises substantial control over the other person through

(i) control of the other person's physical location or circumstances; (ii) use of psychological pressure; or (iii) use of actual or ostensible religious, political, social, philosophical or other principles.

(2) With knowledge that another person intends to commit or attempt to commit suicide, intentionally

(i) offers and provides the physical means by which another person commits or attempts to commit suicide, or (ii) participates in a physical act by which another person commits or attempts to commit suicide. For the purposes of this Section, "attempts to commit suicide" means any act done with the intent to commit suicide and which constitutes a substantial step toward commission of suicide.

(b) Sentence. Inducement to commit suicide under paragraph (a)(1) when the other person commits suicide as a direct result of the coercion is a Class 2 felony. Inducement to commit suicide under paragraph (a)(2) when the other person commits suicide as a direct result of the assistance provided is a Class 4 felony. Inducement to commit suicide under paragraph (a)(1) when the other person attempts to commit suicide as a direct result of the coercion is a Class 3 felony. Inducement to commit suicide under paragraph (a)(2) when the other person attempts to commit suicide as a direct result of the assistance provided is a Class A misdemeanor.

(c) The lawful compliance or a good-faith attempt at lawful compliance with the Illinois Living Will Act, the Health Care Surrogate Act, or the Powers of Attorney for Health Care Law is not inducement to commit suicide under paragraph (a)(2) of this Section.

720 ILCS 5/12-35 — Sexual conduct or sexual contact with an animal

Sec. 12-35. Sexual conduct or sexual contact with an animal.

(a) A person may not knowingly engage in any sexual conduct or sexual contact with an animal.

(b) A person may not knowingly cause, aid, or abet another person to engage in any sexual conduct or sexual contact with an animal.

(c) A person may not knowingly permit any sexual conduct or sexual contact with an animal to be conducted on any premises under his or her charge or control.

(d) A person may not knowingly engage in, promote, aid, or abet any activity involving any sexual conduct or sexual contact with an animal for a commercial or recreational purpose.

(e) Sentence. A person who violates this Section is guilty of a Class 4 felony. A person who violates this Section in the presence of a person under 18 years of age or causes the animal serious physical injury or death is guilty of a Class 3 felony.

(f) In addition to the penalty imposed in subsection (e), the court may order that the defendant do any of the following:

(1) Not harbor animals or reside in any household where animals are present for a reasonable period of time or permanently, if necessary.

(2) Relinquish and permanently forfeit all animals residing in the household to a recognized or duly organized animal shelter or humane society.

(3) Undergo a psychological evaluation and counseling at defendant's expense.

(4) Reimburse the animal shelter or humane society for any reasonable costs incurred for the care and maintenance of the animal involved in the sexual conduct or sexual contact in addition to any animals relinquished to the animal shelter or humane society.

(g) Nothing in this Section shall be construed to prohibit accepted animal husbandry practices or accepted veterinary medical practices by a licensed veterinarian or certified veterinary technician.

(h) If the court has reasonable grounds to believe that a violation of this Section has occurred, the court may order the seizure of all animals involved in the alleged violation as a condition of bond of a person charged with a violation of this Section.

(i) In this Section: "Animal" means every creature, either alive or dead, other than a human being. "Sexual conduct" means any knowing touching or fondling by a person, either directly or through clothing, of the sex organs or anus of an animal or any transfer or transmission of semen by the person upon any part of the animal, for the purpose of sexual gratification or arousal of the person. "Sexual contact" means any contact, however slight, between the sex organ or anus of a person and the sex organ, mouth, or anus of an animal, or any intrusion, however slight, of any part of the body of the person into the sex organ or anus of an animal, for the purpose of sexual gratification or arousal of the person. Evidence of emission of semen is not required to prove sexual contact.

720 ILCS 5/12-36 — Possession of unsterilized or vicious dogs by felons prohibited

Sec. 12-36. Possession of unsterilized or vicious dogs by felons prohibited.

(a) For a period of 10 years commencing upon the release of a person from incarceration, it is unlawful for a person convicted of a forcible felony, a felony violation of the Humane Care for Animals Act, a felony violation of Section 26-5 or 48-1 of this Code, a felony violation of Article 24 of this Code, a felony violation of Class 3 or higher of the Illinois Controlled Substances Act, a felony violation of Class 3 or higher of the Cannabis Control Act, or a felony violation of Class 2 or higher of the Methamphetamine Control and Community Protection Act, to knowingly own, possess, have custody of, or reside in a residence with, either:

(1) an unsprayed or unneutered dog or puppy older than 12 weeks of age; or

(2) irrespective of whether the dog has been spayed or neutered, any dog that has been determined to be a vicious dog under Section 15 of the Animal Control Act.

(b) Any dog owned, possessed by, or in the custody of a person convicted of a felony, as described in subsection (a), must be microchipped for permanent identification.

(c) Sentence. A person who violates this Section is guilty of a Class A misdemeanor.

(d) It is an affirmative defense to prosecution under this Section that the dog in question is neutered or spayed, or that the dog in question was neutered or spayed within 7 days of the defendant being charged with a violation of this Section. Medical records from, or the certificate of, a doctor of veterinary medicine licensed to practice in the State of Illinois who

has personally examined or operated upon the dog, unambiguously indicating whether the dog in question has been spayed or neutered, shall be prima facie true and correct, and shall be sufficient evidence of whether the dog in question has been spayed or neutered. This subsection

(d) is not applicable to any dog that has been determined to be a vicious dog under Section 15 of the Animal Control Act.

720 ILCS 5/12-37 — Possession and sale of caustic and noxious substances

Sec. 12-37. Possession and sale of caustic and noxious substances.

(a) Except as provided in subsection (b), it is unlawful for any person knowingly to have in his or her possession or to carry about any of the substances which are regulated by Title 16 CFR Section 1500.129 of the Federal Caustic Poison Act and are required to contain the words "causes severe burns" as the affirmative statement of principal hazard on its label.

(b) Provided that the product is not used to threaten, intimidate, injure, or cause distress to another, the restrictions of subsection

(a) do not apply to:

(1) persons while engaged in the legitimate commercial manufacture, distribution, storage, or use of the specified substances;

(2) persons while engaged in legitimate scientific or medical research, study, teaching or treatment involving the use of such substances, including without limitation physicians, pharmacists, scientists, teachers, students, and employees of regularly established laboratories, manufacturing and wholesale pharmacies, retail pharmacies, medical treatment facilities, schools, colleges, and universities;

(3) persons who have procured any of the specified substances for medicinal purposes upon a prescription of a physician licensed to practice medicine in all its branches under the Medical Practice Act of 1987;

(4) commercial or consumer products that contain any of the specified substances found in subsection

(a) including, but not limited to, batteries;

(5) production agriculture as defined in Section 3-5 of the Use Tax Act;

(6) persons while engaged in the possession or transportation, or both, of a commercial product containing any of the substances specified in subsection

(a) for retail sale;

(7) persons while engaged in the possession, transportation, or use, unrelated to a retail sale, of any of the substances specified in subsection (a); or

(8) persons engaged in the possession, transportation, or use of a commercial product containing any of the substances specified in subsection (a).

(c) Sentence. A violation of this Section is a Class 4 felony.

(d) The regulation of the possession and carrying of caustic and noxious substances under this Section is an exclusive power and function of the State. A home rule unit may not regulate the possession and carrying of caustic and noxious substances and any ordinance or local law contrary to this Section is declared void. This is a denial and limitation of home rule powers and functions under subsection

(h) of Section 6 of Article VII of the Illinois Constitution.

720 ILCS 5/12-38 — Restrictions on purchase or acquisition of corrosive or caustic acid

Sec. 12-38. Restrictions on purchase or acquisition of corrosive or caustic acid.

(a) A person seeking to purchase a substance which is regulated by Title 16 CFR Section 1500.129 of the Federal Caustic Poison Act and is required to contain the words "causes severe burns" as the affirmative statement of principal hazard on its label, must prior to taking possession:

(1) provide a valid driver's license or other government-issued identification showing the person's name, date of birth, and photograph; and

(2) sign a log documenting the name and address of the person, date and time of the transaction, and the brand, product name and net weight of the item.

(b) Exemption. The requirements of subsection

(a) do not apply to batteries or household products. For the purposes of this Section, "household product" means any product which is customarily produced or distributed for sale for consumption or use, or customarily stored, by individuals in or about the household, including, but not limited to, products which are customarily produced and distributed for use in or about a household as a cleaning agent, drain cleaner, pesticide, epoxy, paint, stain, or similar substance.

(c) Rules and Regulations. The Illinois State Police shall have the authority to promulgate rules for the implementation and enforcement of this Section.

(d) Sentence. Any violation of this Section is a business offense for which a fine not exceeding \$150 for the first violation, \$500 for the second violation, or \$1,500 for the third and subsequent violations within a 12-month period shall be imposed.

(e) Preemption. The regulation of the purchase or acquisition, or both, of a caustic or corrosive substance and any registry regarding the sale or possession, or both, of a caustic or corrosive substance is an exclusive power and function of the State. A home rule unit may not regulate the purchase or acquisition of caustic or corrosive substances and any ordinance or local law contrary to this Section is declared void. This is a denial and limitation of home rule powers and functions under subsection

(h) of Section 6 of Article VII of the Illinois Constitution.

720 ILCS 5/12A-1 — Short title

Sec. 12A-1. Short title. This Article may be cited as the Violent Video Games Law.

720 ILCS 5/12A-5 — Findings

Sec. 12A-5. Findings.

(a) The General Assembly finds that minors who play violent video games are more likely to:

(1) Exhibit violent, asocial, or aggressive behavior.

(2) Experience feelings of aggression.

(3) Experience a reduction of activity in the frontal lobes of the brain which is responsible for controlling behavior.

(b) While the video game industry has adopted its own voluntary standards describing which games are appropriate for minors, those standards are not adequately enforced.

(c) Minors are capable of purchasing and do purchase violent video games.

(d) The State has a compelling interest in assisting parents in protecting their minor children from violent video games.

(e) The State has a compelling interest in preventing violent, aggressive, and asocial behavior.

(f) The State has a compelling interest in preventing psychological harm to minors who play violent video games.

(g) The State has a compelling interest in eliminating any societal factors that may inhibit the physiological and neurological development of its youth.

(h) The State has a compelling interest in facilitating the maturation of Illinois' children into law-abiding, productive adults.

720 ILCS 5/12A-10 — Definitions

Sec. 12A-10. Definitions. For the purposes of this Article, the following terms have the following meanings:

(a) "Video game retailer" means a person who sells or rents video games to the public.

(b) "Video game" means an object or device that stores recorded data or instructions, receives data or instructions generated by a person who uses it, and, by processing the data or instructions, creates an interactive game capable of being played, viewed, or experienced on or through a computer, gaming system, console, or other technology.

(c) "Minor" means a person under 18 years of age.

(d) "Person" includes but is not limited to an individual, corporation, partnership, and association.

(e) "Violent" video games include depictions of or simulations of human-on-human violence in which the player kills or otherwise causes serious physical harm to another human. "Serious physical harm" includes depictions of death, dismemberment, amputation, decapitation, maiming, disfigurement, mutilation of body parts, or rape.

720 ILCS 5/12A-15 — Restricted sale or rental of violent video games

Sec. 12A-15. Restricted sale or rental of violent video games.

- (a) A person who sells, rents, or permits to be sold or rented, any violent video game to any minor, commits a petty offense for which a fine of \$1,000 may be imposed.
- (b) A person who sells, rents, or permits to be sold or rented any violent video game via electronic scanner must program the electronic scanner to prompt sales clerks to check identification before the sale or rental transaction is completed. A person who violates this subsection
 - (b) commits a petty offense for which a fine of \$1,000 may be imposed.
 - (c) A person may not sell or rent, or permit to be sold or rented, any violent video game through a self-scanning checkout mechanism. A person who violates this subsection
 - (c) commits a petty offense for which a fine of \$1,000 may be imposed.
 - (d) A retail sales clerk shall not be found in violation of this Section unless he or she has complete knowledge that the party to whom he or she sold or rented a violent video game was a minor and the clerk sold or rented the video game to the minor with the specific intent to do so.

720 ILCS 5/12A-20 — Affirmative defenses

Sec. 12A-20. Affirmative defenses. In any prosecution arising under this Article, it is an affirmative defense:

- (1) that the defendant was a family member of the minor for whom the video game was purchased. "Family member" for the purpose of this Section, includes a parent, sibling, grandparent, aunt, uncle, or first cousin;
- (2) that the minor who purchased the video game exhibited a draft card, driver's license, birth certificate or other official or apparently official document purporting to establish that the minor was 18 years of age or older, which the defendant reasonably relied on and reasonably believed to be authentic;
- (3) for the video game retailer, if the retail sales clerk had complete knowledge that the party to whom he or she sold or rented a violent video game was a minor and the clerk sold or rented the video game to the minor with the specific intent to do so; or
- (4) that the video game sold or rented was pre-packaged and rated EC, E10+, E, or T by the Entertainment Software Ratings Board.

720 ILCS 5/12A-25 — Labeling of violent video games

Sec. 12A-25. Labeling of violent video games.

- (a) Video game retailers shall label all violent video games as defined in this Article, with a solid white "18" outlined in black. The "18" shall have dimensions of no less than 2 inches by 2 inches. The "18" shall be displayed on the front face of the video game package.
- (b) A retailer's failure to comply with this Section is a petty offense punishable by a fine of \$500 for the first 3 violations, and \$1,000 for every subsequent violation.

720 ILCS 5/12B-1 — Short title

Sec. 12B-1. Short title. This Article may be cited as the Sexually Explicit Video Games Law.

720 ILCS 5/12B-5 — Findings

Sec. 12B-5. Findings. The General Assembly finds sexually explicit video games inappropriate for minors and that the State has a compelling interest in assisting parents in protecting their minor children from sexually explicit video games.

720 ILCS 5/12B-10 — Definitions

Sec. 12B-10. Definitions. For the purposes of this Article, the following terms have the following meanings:

- (a) "Video game retailer" means a person who sells or rents video games to the public.
- (b) "Video game" means an object or device that stores recorded data or instructions, receives data or instructions generated by a person who uses it, and, by processing the data or instructions, creates an interactive game capable of being played, viewed, or experienced on or through a computer, gaming system, console, or other technology.

(c) "Minor" means a person under 18 years of age.

(d) "Person" includes but is not limited to an individual, corporation, partnership, and association.

(e) "Sexually explicit" video games include those that the average person, applying contemporary community standards would find, with respect to minors, is designed to appeal or pander to the prurient interest and depict or represent in a manner patently offensive with respect to minors, an actual or simulated sexual act or sexual contact, an actual or simulated normal or perverted sexual act or a lewd exhibition of the genitals or post-pubescent female breast.

720 ILCS 5/12B-15 — Restricted sale or rental of sexually explicit video games

Sec. 12B-15. Restricted sale or rental of sexually explicit video games.

(a) A person who sells, rents, or permits to be sold or rented, any sexually explicit video game to any minor, commits a petty offense for which a fine of \$1,000 may be imposed.

(b) A person who sells, rents, or permits to be sold or rented any sexually explicit video game via electronic scanner must program the electronic scanner to prompt sales clerks to check identification before the sale or rental transaction is completed. A person who violates this subsection

(b) commits a petty offense for which a fine of \$1,000 may be imposed.

(c) A person may not sell or rent, or permit to be sold or rented, any sexually explicit video game through a self-scanning checkout mechanism. A person who violates this subsection

(c) commits a petty offense for which a fine of \$1,000 may be imposed.

(d) A retail sales clerk shall not be found in violation of this Section unless he or she has complete knowledge that the party to whom he or she sold or rented a sexually explicit video game was a minor and the clerk sold or rented the video game to the minor with the specific intent to do so.

720 ILCS 5/12B-20 — Affirmative defenses

Sec. 12B-20. Affirmative defenses. In any prosecution arising under this Article, it is an affirmative defense:

(1) that the defendant was a family member of the minor for whom the video game was purchased. "Family member" for the purpose of this Section, includes a parent, sibling, grandparent, aunt, uncle, or first cousin;

(2) that the minor who purchased the video game exhibited a draft card, driver's license, birth certificate or other official or apparently official document purporting to establish that the minor was 18 years of age or older, which the defendant reasonably relied on and reasonably believed to be authentic;

(3) for the video game retailer, if the retail sales clerk had complete knowledge that the party to whom he or she sold or rented a violent video game was a minor and the clerk sold or rented the video game to the minor with the specific intent to do so; or

(4) that the video game sold or rented was pre-packaged and rated EC, E10+, E, or T by the Entertainment Software Ratings Board.

720 ILCS 5/12B-25 — Labeling of sexually explicit video games

Sec. 12B-25. Labeling of sexually explicit video games.

(a) Video game retailers shall label all sexually explicit video games as defined in this Act, with a solid white "18" outlined in black. The "18" shall have dimensions of no less than 2 inches by 2 inches. The "18" shall be displayed on the front face of the video game package.

(b) A retailer who fails to comply with this Section is guilty of a petty offense punishable by a fine of \$500 for the first 3 violations, and \$1,000 for every subsequent violation.

720 ILCS 5/12B-30 — Posting notification of video games rating system

Sec. 12B-30. Posting notification of video games rating system.

(a) A retailer who sells or rents video games shall post a sign that notifies customers that a video game rating system, created by the Entertainment Software Ratings Board, is available to aid in the selection of a game. The sign shall be prominently posted in, or within 5 feet of, the area in which games are displayed for sale or rental, at the information desk if one exists, and at the point of purchase.

(b) The lettering of each sign shall be printed, at a minimum, in 36-point type and shall be in black ink against a light colored background, with dimensions of no less than 18 by 24 inches.

(c) A retailer's failure to comply with this Section is a petty offense punishable by a fine of \$500 for the first 3 violations, and \$1,000 for every subsequent violation.

720 ILCS 5/12B-35 — Availability of brochure describing rating system

Sec. 12B-35. Availability of brochure describing rating system.

(a) A video game retailer shall make available upon request a brochure to customers that explains the Entertainment Software Ratings Board ratings system.

(b) A retailer who fails to comply with this Section shall receive the punishment described in subsection

(b) of Section 12B-25.

720 ILCS 5/12C-5 — Endangering the life or health of a child

Sec. 12C-5. Endangering the life or health of a child.

(a) A person commits endangering the life or health of a child when he or she knowingly:

(1) causes or permits the life or health of a child under the age of 18 to be endangered; or

(2) causes or permits a child to be placed in circumstances that endanger the child's life or health. It is not a violation of this Section for a person to relinquish a child in accordance with the Abandoned Newborn Infant Protection Act.

(b) A trier of fact may infer that a child 6 years of age or younger is unattended if that child is left in a motor vehicle for more than 10 minutes.

(c) "Unattended" means either:

(i) not accompanied by a person 14 years of age or older; or (ii) if accompanied by a person 14 years of age or older, out of sight of that person.

(d) Sentence. A violation of this Section is a Class A misdemeanor. A second or subsequent violation of this Section is a Class 3 felony. A violation of this Section that is a proximate cause of the death of the child is a Class 3 felony for which a person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 2 years and not more than 10 years. A parent, who is found to be in violation of this Section with respect to his or her child, may be sentenced to probation for this offense pursuant to Section 12C-15.

720 ILCS 5/12C-10 — Child abandonment

Sec. 12C-10. Child abandonment.

(a) A person commits child abandonment when he or she, as a parent, guardian, or other person having physical custody or control of a child, without regard for the mental or physical health, safety, or welfare of that child, knowingly permits a child to engage in independent activities that were unreasonable under the circumstances or for an unreasonable period of time without regard for the minor's mental or physical health, safety, or well-being. For the purposes of this Section, no specific age shall be determinative of reasonableness. Reasonableness shall be determined by the maturity of each individual child. It is not a violation of this Section for a person to relinquish a child in accordance with the Abandoned Newborn Infant Protection Act.

(b) For the purposes of determining whether the child was left without regard for the mental or physical health, safety, or welfare of that child, the trier of fact shall consider the following factors:

(1) the age of the child;

(2) the number of children left at the location;

(3) special needs of the child, including whether the child is a person with a physical or mental disability, or otherwise in need of ongoing prescribed medical treatment such as periodic doses of insulin or other medications;

(4) the duration of time in which the child was left without supervision;

(5) the condition and location of the place where the child was left without supervision;

(6) the time of day or night when the child was left without supervision;

- (7) the weather conditions, including whether the child was left in a location with adequate protection from the natural elements such as adequate heat or light;
 - (8) the location of the parent, guardian, or other person having physical custody or control of the child at the time the child was left without supervision, the physical distance the child was from the parent, guardian, or other person having physical custody or control of the child at the time the child was without supervision;
 - (9) whether the child's movement was restricted, or the child was otherwise locked within a room or other structure;
 - (10) whether the child was given a phone number of a person or location to call in the event of an emergency and whether the child was capable of making an emergency call;
 - (11) whether there was food and other provision left for the child;
 - (12) whether any of the conduct is attributable to economic hardship or illness and the parent, guardian or other person having physical custody or control of the child made a good faith effort to provide for the health and safety of the child;
 - (13) the age and physical and mental capabilities of the person or persons who provided supervision for the child;
 - (14) any other factor that would endanger the health or safety of that particular child;
 - (15) whether the child was left under the supervision of another person.
- (c) Child abandonment is a Class 4 felony. A second or subsequent offense after a prior conviction is a Class 3 felony. A parent, who is found to be in violation of this Section with respect to his or her child, may be sentenced to probation for this offense pursuant to Section 12C-15.

720 ILCS 5/12C-15 — Child abandonment or endangerment; probation

Sec. 12C-15. Child abandonment or endangerment; probation.

- (a) Whenever a parent of a child as determined by the court on the facts before it, pleads guilty to or is found guilty of, with respect to his or her child, child abandonment under Section 12C-10 of this Article or endangering the life or health of a child under Section 12C-5 of this Article, the court may, without entering a judgment of guilt and with the consent of the person, defer further proceedings and place the person upon probation upon the reasonable terms and conditions as the court may require. At least one term of the probation shall require the person to cooperate with the Department of Children and Family Services at the times and in the programs that the Department of Children and Family Services may require.
- (b) Upon fulfillment of the terms and conditions imposed under subsection (a), the court shall discharge the person and dismiss the proceedings. Discharge and dismissal under this Section shall be without court adjudication of guilt and shall not be considered a conviction for purposes of disqualification or disabilities imposed by law upon conviction of a crime. However, a record of the disposition shall be reported by the clerk of the circuit court to the Illinois State Police under Section 2.1 of the Criminal Identification Act, and the record shall be maintained and provided to any civil authority in connection with a determination of whether the person is an acceptable candidate for the care, custody and supervision of children.
- (c) Discharge and dismissal under this Section may occur only once.
- (d) Probation under this Section may not be for a period of less than 2 years.
- (e) If the child dies of the injuries alleged, this Section shall be inapplicable.

720 ILCS 5/12C-20 — Abandonment of a school bus containing children

Sec. 12C-20. Abandonment of a school bus containing children.

- (a) A school bus driver commits abandonment of a school bus containing children when he or she knowingly abandons the school bus while it contains any children who are without other adult supervision, except in an emergency where the driver is seeking help or otherwise acting in the best interests of the children.
- (b) Sentence. A violation of this Section is a Class A misdemeanor for a first offense, and a Class 4 felony for a second or subsequent offense.

720 ILCS 5/12C-25 — Contributing to the dependency and neglect of a minor

Sec. 12C-25. Contributing to the dependency and neglect of a minor.

(a) Any parent, legal guardian or person having the custody of a child under the age of 18 years commits contributing to the dependency and neglect of a minor when he or she knowingly:

(1) causes, aids, or encourages such minor to be or to become a dependent and neglected minor;

(2) does acts which directly tend to render any such minor so dependent and neglected; or

(3) fails to do that which will directly tend to prevent such state of dependency and neglect. It is not a violation of this Section for a person to relinquish a child in accordance with the Abandoned Newborn Infant Protection Act.

(b) "Dependent and neglected minor" means any child who, while under the age of 18 years, for any reason is destitute, homeless or abandoned; or dependent upon the public for support; or has not proper parental care or guardianship; or habitually begs or receives alms; or is found living in any house of ill fame or with any vicious or disreputable person; or has a home which by reason of neglect, cruelty or depravity on the part of its parents, guardian or any other person in whose care it may be is an unfit place for such child; and any child who while under the age of 10 years is found begging, peddling or selling any articles or singing or playing any musical instrument for gain upon the street or giving any public entertainments or accompanies or is used in aid of any person so doing.

(c) Sentence. A violation of this Section is a Class A misdemeanor.

(d) The husband or wife of the defendant shall be a competent witness to testify in any case under this Section and to all matters relevant thereto.

720 ILCS 5/12C-30 — Contributing to the delinquency or criminal delinquency of a minor

Sec. 12C-30. Contributing to the delinquency or criminal delinquency of a minor.

(a) Contributing to the delinquency of a minor. A person commits contributing to the delinquency of a minor when he or she knowingly:

(1) causes, aids, or encourages a minor to be or to become a delinquent minor; or

(2) does acts which directly tend to render any minor so delinquent.

(b) Contributing to the criminal delinquency of a minor. A person of the age of 21 years and upwards commits contributing to the criminal delinquency of a minor when he or she, with the intent to promote or facilitate the commission of an offense solicits, compels or directs a minor in the commission of the offense that is either:

(i) a felony when the minor is under the age of 17 years; or (ii) a misdemeanor when the minor is under the age of 18 years.

(c) "Delinquent minor" means any minor who prior to his or her 17th birthday has violated or attempted to violate, regardless of where the act occurred, any federal or State law or county or municipal ordinance, and any minor who prior to his or her 18th birthday has violated or attempted to violate, regardless of where the act occurred, any federal or State law or county or municipal ordinance classified as a misdemeanor offense.

(d) Sentence.

(1) A violation of subsection

(a) is a Class A misdemeanor.

(2) A violation of subsection

(b) is:

(i) a Class C misdemeanor if the offense committed is a petty offense or a business offense; (ii) a Class B misdemeanor if the offense committed is a Class C misdemeanor; (iii) a Class A misdemeanor if the offense committed is a Class B misdemeanor; (iv) a Class 4 felony if the offense committed is a Class A misdemeanor;

(v) a Class 3 felony if the offense committed is a Class 4 felony; (vi) a Class 2 felony if the offense committed is a Class 3 felony; (vii) a Class 1 felony if the offense committed is a Class 2 felony; and (viii) a Class X felony if the offense committed is a Class 1 felony or a Class X felony.

(3) A violation of subsection

(b) incurs the same penalty as first degree murder if the committed offense is first degree murder.

(e) The husband or wife of the defendant shall be a competent witness to testify in any case under this Section and to all matters relevant thereto.

720 ILCS 5/12C-35 — Tattooing the body of a minor

Sec. 12C-35. Tattooing the body of a minor.

(a) A person, other than a person licensed to practice medicine in all its branches, commits tattooing the body of a minor when he or she knowingly or recklessly tattoos or offers to tattoo a person under the age of 18.

(b) A person who is an owner or employee of a business that performs tattooing, other than a person licensed to practice medicine in all its branches, may not permit a person under 18 years of age to enter or remain on the premises where tattooing is being performed unless the person under 18 years of age is accompanied by his or her parent or legal guardian.

(c) "Tattoo" means to insert pigment under the surface of the skin of a human being, by pricking with a needle or otherwise, so as to produce an indelible mark or figure visible through the skin.

(d) Subsection

(a) of this Section does not apply to a person under 18 years of age who tattoos or offers to tattoo another person under 18 years of age away from the premises of any business at which tattooing is performed. (d-5) Subsections

(a) and

(b) of this Section do not apply to the removal of a tattoo from a person under 18 years of age, who is a victim of a violation of Section 10-9 of this Code or who is or has been a streetgang member as defined in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act, if the removal of the tattoo is performed in an establishment or multi-type establishment which has received a certificate of registration from the Department of Public Health or its agent under the Tattoo and Body Piercing Establishment Registration Act and the removal of the tattoo is performed by the operator or an authorized employee of the operator of the establishment or multi-type establishment. For the purposes of this subsection (d-5), "tattoo" also means the indelible mark or figure visible through the skin created by tattooing.

(e) Sentence. A violation of this Section is a Class A misdemeanor.

720 ILCS 5/12C-40 — Piercing the body of a minor

Sec. 12C-40. Piercing the body of a minor. (a)(1) A person commits piercing the body of a minor when he or she knowingly or recklessly pierces the body of a person under 18 years of age without written consent of a parent or legal guardian of that person. Before the oral cavity of a person under 18 years of age may be pierced, the written consent form signed by the parent or legal guardian must contain a provision in substantially the following form: "I understand that the oral piercing of the tongue, lips, cheeks, or any other area of the oral cavity carries serious risk of infection or damage to the mouth and teeth, or both infection and damage to those areas, that could result but is not limited to nerve damage, numbness, and life threatening blood clots.". A person who pierces the oral cavity of a person under 18 years of age without obtaining a signed written consent form from a parent or legal guardian of the person that includes the provision describing the health risks of body piercing, violates this Section.

(2) A person who is an owner or employed by a business that performs body piercing may not permit a person under 18 years of age to enter or remain on the premises where body piercing is being performed unless the person under 18 years of age is accompanied by his or her parent or legal guardian.

(b) "Pierce" means to make a hole in the body in order to insert or allow the insertion of any ring, hoop, stud, or other object for the purpose of ornamentation of the body. "Piercing" does not include tongue splitting as defined in Section 12-10.2. The term "body" includes the oral cavity.

(c) Exceptions. This Section may not be construed in any way to prohibit any injection, incision, acupuncture, or similar medical or dental procedure performed by a licensed health care professional or other person authorized to perform that procedure or the presence on the premises where that procedure is being performed by a health care professional or other person authorized to perform that procedure of a person under 18 years of age who is not accompanied by a parent or legal guardian. This Section does not prohibit ear piercing. This Section does not apply to a minor emancipated under the Juvenile Court Act of 1987 or the Emancipation of Minors Act or by marriage. This Section does not apply to a person under 18 years of age who pierces the body or oral cavity of another person under 18 years of age away from the premises of any business at which body piercing or oral cavity piercing is performed.

(d) Sentence. A violation of this Section is a Class A misdemeanor.

720 ILCS 5/12C-45 — Drug induced infliction of harm to a child athlete

Sec. 12C-45. Drug induced infliction of harm to a child athlete.

(a) A person commits drug induced infliction of harm to a child athlete when he or she knowingly distributes a drug to or encourages the ingestion of a drug by a person under the age of 18 with the intent that the person under the age of 18 ingest the drug for the purpose of a quick weight gain or loss in connection with participation in athletics.

(b) This Section does not apply to care under usual and customary standards of medical practice by a physician licensed to practice medicine in all its branches or to the sale of drugs or products by a retail merchant.

(c) Drug induced infliction of harm to a child athlete is a Class A misdemeanor. A second or subsequent violation is a Class 4 felony.

720 ILCS 5/12C-50 — Hazing

Sec. 12C-50. Hazing.

(a) A person commits hazing when he or she knowingly requires the performance of any act by a student or other person in a school, college, university, or other educational institution of this State, for the purpose of induction or admission into any group, organization, or society associated or connected with that institution, if:

(1) the act is not sanctioned or authorized by that educational institution; and

(2) the act results in bodily harm to any person. (a-1) It is not a defense to a prosecution under subsection

(a) that the person against whom the hazing was directed consented to or acquiesced in the hazing.

(b) Sentence. Hazing is a Class A misdemeanor, except that hazing that results in death or great bodily harm is a Class 4 felony.

720 ILCS 5/12C-50.1 — Failure to report hazing

Sec. 12C-50.1. Failure to report hazing.

(a) For purposes of this Section, "school official" includes any and all paid school administrators, teachers, counselors, support staff, and coaches and any and all volunteer coaches employed by a school, college, university, or other educational institution of this State.

(b) A school official commits failure to report hazing when:

(1) while fulfilling his or her official responsibilities as a school official, he or she personally observes an act which is not sanctioned or authorized by that educational institution;

(2) the act results in bodily harm to any person; and

(3) the school official knowingly fails to report the act to supervising educational authorities or, in the event of death or great bodily harm, to law enforcement.

(c) Sentence. Failure to report hazing is a Class B misdemeanor. If the act which the person failed to report resulted in death or great bodily harm, the offense is a Class A misdemeanor.

(d) It is an affirmative defense to a charge of failure to report hazing under this Section that the person who personally observed the act had a reasonable apprehension that timely action to stop the act would result in the imminent infliction of death, great bodily harm, permanent disfigurement, or permanent disability to that person or another in retaliation for reporting.

(e) Nothing in this Section shall be construed to allow prosecution of a person who personally observes the act of hazing and assists with an investigation and any subsequent prosecution of the offender.

720 ILCS 5/12C-60 — Curfew

Sec. 12C-60. Curfew.

(a) Curfew offenses.

(1) A minor commits a curfew offense when he or she remains in any public place or on the premises of any establishment during curfew hours.

(2) A parent or guardian of a minor or other person in custody or control of a minor commits a curfew offense when he or she knowingly permits the minor to remain in any public place or on the premises of any establishment during curfew hours.

(b) Curfew defenses. It is a defense to prosecution under subsection

(a) that the minor was:

- (1) accompanied by the minor's parent or guardian or other person in custody or control of the minor;
- (2) on an errand at the direction of the minor's parent or guardian, without any detour or stop;
- (3) in a motor vehicle involved in interstate travel;
- (4) engaged in an employment activity or going to or returning home from an employment activity, without any detour or stop;
- (5) involved in an emergency;
- (6) on the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;
- (7) attending an official school, religious, or other recreational activity supervised by adults and sponsored by a government or governmental agency, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by a government or governmental agency, a civic organization, or another similar entity that takes responsibility for the minor;
- (8) exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
- (9) married or had been married or is an emancipated minor under the Emancipation of Minors Act.

(c) Enforcement. Before taking any enforcement action under this Section, a law enforcement officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this Section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in subsection

(b) is present.

(d) Definitions. In this Section:

- (1) "Curfew hours" means: (A) Between 12:01 a.m. and 6:00 a.m. on Saturday; (B) Between 12:01 a.m. and 6:00 a.m. on Sunday; and (C) Between 11:00 p.m. on Sunday to Thursday, inclusive, and 6:00 a.m. on the following day.
 - (2) "Emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile crash, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
 - (3) "Establishment" means any privately-owned place of business operated for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment.
 - (4) "Guardian" means: (A) a person who, under court order, is the guardian of the person of a minor; or (B) a public or private agency with whom a minor has been placed by a court.
 - (5) "Minor" means any person under 17 years of age.
 - (6) "Parent" means a person who is: (A) a natural parent, adoptive parent, or step-parent of another person; or (B) at least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.
 - (7) "Public place" means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.
 - (8) "Remain" means to: (A) linger or stay; or (B) fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.
 - (9) "Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.
- (e) Sentence. A violation of this Section is a petty offense with a fine of not less than \$10 nor more than \$500, except that neither a person who has been made a ward of the court under the Juvenile Court Act of 1987, nor that person's legal guardian, shall be subject to any fine. In addition to or instead of the fine imposed by this Section, the court may order a parent, legal guardian, or other person convicted of a violation of subsection

(a) of this Section to perform community service as determined by the court, except that the legal guardian of a person subject to delinquency proceedings or who has been made a ward of the court under the Juvenile Court Act of 1987 may not be ordered to perform community service. The dates and times established for the performance of community service by the parent, legal guardian, or other person convicted of a violation of subsection

(a) of this Section shall not conflict with the dates and times that the person is employed in his or her regular occupation. Fines and assessments, such as fees or administrative costs, shall not be ordered or imposed against a minor under the age of 18 transferred to adult court or excluded from juvenile court jurisdiction under Article V of the Juvenile Court Act of 1987, or the minor's parent, guardian, or legal custodian.

(f) County, municipal and other local boards and bodies authorized to adopt local police laws and regulations under the constitution and laws of this State may exercise legislative or regulatory authority over this subject matter by ordinance or resolution incorporating the substance of this Section or increasing the requirements thereof or otherwise not in conflict with this Section.

720 ILCS 5/12C-65 — Unlawful transfer of a telecommunications device to a minor

Sec. 12C-65. Unlawful transfer of a telecommunications device to a minor.

(a) A person commits unlawful transfer of a telecommunications device to a minor when he or she gives, sells or otherwise transfers possession of a telecommunications device to a person under 18 years of age with the intent that the device be used to commit any offense under this Code, the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act.

(b) "Telecommunications device" or "device" means a device which is portable or which may be installed in a motor vehicle, boat or other means of transportation, and which is capable of receiving or transmitting speech, data, signals or other information, including but not limited to paging devices, cellular and mobile telephones, and radio transceivers, transmitters and receivers, but not including radios designed to receive only standard AM and FM broadcasts.

(c) Sentence. A violation of this Section is a Class A misdemeanor.

(d) Seizure and forfeiture of property. Any person who commits the offense of unlawful transfer of a telecommunications device to a minor as set forth in this Section is subject to the property forfeiture provisions in Article 124B of the Code of Criminal Procedure of 1963.

720 ILCS 5/12C-70 — Adoption compensation prohibited

Sec. 12C-70. Adoption compensation prohibited.

(a) Receipt of compensation for placing out prohibited; exception. No person and no agency, association, corporation, institution, society, or other organization, except a child welfare agency as defined by the Child Care Act of 1969, shall knowingly request, receive or accept any compensation or thing of value, directly or indirectly, for providing adoption services, as defined in Section 2.24 of the Child Care Act of 1969.

(b) Payment of compensation for placing out prohibited. No person shall knowingly pay or give any compensation or thing of value, directly or indirectly, for providing adoption services, as defined in Section 2.24 of the Child Care Act of 1969, including placing out of a child to any person or to any agency, association, corporation, institution, society, or other organization except a child welfare agency as defined by the Child Care Act of 1969.

(c) Certain payments of salaries and medical expenses not prevented.

(1) The provisions of this Section shall not be construed to prevent the payment of salaries or other compensation by a licensed child welfare agency providing adoption services, as that term is defined by the Child Care Act of 1969, to the officers, employees, agents, contractors, or any other persons acting on behalf of the child welfare agency, provided that such salaries and compensation are consistent with subsection

(a) of Section 14.5 of the Child Care Act of 1969.

(2) The provisions of this Section shall not be construed to prevent the payment by a prospective adoptive parent of reasonable and actual medical fees or hospital charges for services rendered in connection with the birth of such child, if such payment is made to the physician or hospital who or which rendered the services or to the biological mother of the child or to prevent the receipt of such payment by such physician, hospital, or mother.

(3) The provisions of this Section shall not be construed to prevent a prospective adoptive parent from giving a gift or gifts or other thing or things of value to a biological parent provided that the total value of such gift or gifts or thing or things of

value does not exceed \$200.

(d) Payment of certain expenses.

(1) A prospective adoptive parent shall be permitted to pay the reasonable living expenses of the biological parents of the child sought to be adopted, in addition to those expenses set forth in subsection (c), only in accordance with the provisions of this subsection (d). "Reasonable living expenses" means those expenses related to activities of daily living and meeting basic needs, including, but not limited to, lodging, food, and clothing for the biological parents during the biological mother's pregnancy and for no more than 120 days prior to the biological mother's expected date of delivery and for no more than 60 days after the birth of the child. The term does not include expenses for lost wages, gifts, educational expenses, or other similar expenses of the biological parents. (2)(A) The prospective adoptive parents may seek leave of the court to pay the reasonable living expenses of the biological parents. They shall be permitted to pay the reasonable living expenses of the biological parents only upon prior order of the circuit court where the petition for adoption will be filed, or if the petition for adoption has been filed in the circuit court where the petition is pending. (B) Notwithstanding clause (2)(A) of this subsection (d), a prospective adoptive parent may advance a maximum of \$1,000 for reasonable birth parent living expenses without prior order of court. The prospective adoptive parents shall present a final accounting of all expenses to the court prior to the entry of a final judgment order for adoption. (C) If the court finds an accounting by the prospective adoptive parents to be incomplete or deceptive or to contain amounts which are unauthorized or unreasonable, the court may order a new accounting or the repayment of amounts found to be excessive or unauthorized or make any other orders it deems appropriate.

(3) Payments under this subsection

(d) shall be permitted only in those circumstances where there is a demonstrated need for the payment of such expenses to protect the health of the biological parents or the health of the child sought to be adopted.

(4) Payment of their reasonable living expenses, as provided in this subsection (d), shall not obligate the biological parents to place the child for adoption. In the event the biological parents choose not to place the child for adoption, the prospective adoptive parents shall have no right to seek reimbursement from the biological parents, or from any relative or associate of the biological parents, of moneys paid to, or on behalf of, the biological parents pursuant to a court order under this subsection (d).

(5) Notwithstanding paragraph

(4) of this subsection (d), a prospective adoptive parent may seek reimbursement of reasonable living expenses from a person who receives such payments only if the person who accepts payment of reasonable living expenses before the child's birth, as described in paragraph

(4) of this subsection (d), knows that the person on whose behalf he or she is accepting payment is not pregnant at the time of the receipt of such payments or the person receives reimbursement for reasonable living expenses simultaneously from more than one prospective adoptive parent without the knowledge of the prospective adoptive parent.

(6) No person or entity shall offer, provide, or co-sign a loan or any other credit accommodation, directly or indirectly, with a biological parent or a relative or associate of a biological parent based on the contingency of a surrender or placement of a child for adoption.

(7) Within 14 days after the completion of all payments for reasonable living expenses of the biological parents under this subsection (d), the prospective adoptive parents shall present a final accounting of all those expenses to the court. The accounting shall also include the verified statements of the prospective adoptive parents, each attorney of record, and the biological parents or parents to whom or on whose behalf the payments were made attesting to the accuracy of the accounting.

(8) If the placement of a child for adoption is made in accordance with the Interstate Compact on the Placement of Children, and if the sending state permits the payment of any expenses of biological parents that are not permitted under this Section, then the payment of those expenses shall not be a violation of this Section. In that event, the prospective adoptive parents shall file an accounting of all payments of the expenses of the biological parent or parents with the court in which the petition for adoption is filed or is to be filed. The accounting shall include a copy of the statutory provisions of the sending state that permit payments in addition to those permitted by this Section and a copy of all orders entered in the sending state that relate to expenses of the biological parents paid by the prospective adoptive parents in the sending state.

(9) The prospective adoptive parents shall be permitted to pay the reasonable attorney's fees of a biological parent's attorney in connection with proceedings under this Section or in connection with proceedings for the adoption of the child if the amount of fees of the attorney is \$1,000 or less. If the amount of attorney's fees of each biological parent exceeds \$1,000, the attorney's fees shall be paid only after a petition seeking leave to pay those fees is filed with the court in which the adoption proceeding is filed or to be filed. The court shall review the petition for leave to pay attorney's fees, and if the court determines that the fees requested are reasonable, the court shall permit the petitioners to pay them. If the court determines that the fees requested are not reasonable, the court shall determine and set the reasonable attorney's fees of the biological parents' attorney which may be paid by the petitioners. The prospective adoptive parents shall present a final accounting of all those fees to the court prior to the entry of a final judgment order for adoption.

(10) The court may appoint a guardian ad litem for an unborn child to represent the interests of the child in proceedings under this subsection (d).

(11) The provisions of this subsection

(d) apply to a person who is a prospective adoptive parent. This subsection

(d) does not apply to a licensed child welfare agency, as that term is defined in the Child Care Act of 1969, whose payments are governed by the Child Care Act of 1969 and the Department of Children and Family Services rules adopted thereunder.

(e) Injunctive relief. (A) Whenever it appears that any person, agency, association, corporation, institution, society, or other organization is engaged or about to engage in any acts or practices that constitute or will constitute a violation of this Section, the Department of Children and Family Services shall inform the Attorney General and the State's Attorney of the appropriate county. Under such circumstances, the Attorney General or the State's Attorney may initiate injunction proceedings. Upon a proper showing, any circuit court may enter a permanent or preliminary injunction or temporary restraining order without bond to enforce this Section or any rule adopted under this Section in addition to any other penalties and other remedies provided in this Section. (B) Whenever it appears that any person, agency, association, corporation, institution, society, or other organization is engaged or is about to engage in any act or practice that constitutes or will constitute a violation of any rule adopted under the authority of this Section, the Department of Children and Family Services may inform the Attorney General and the State's Attorney of the appropriate county. Under such circumstances, the Attorney General or the State's Attorney may initiate injunction proceedings. Upon a proper showing, any circuit court may enter a permanent or preliminary injunction or a temporary restraining order without bond to enforce this Section or any rule adopted under this Section, in addition to any other penalties and remedies provided in this Section.

(f) A violation of this Section on a first conviction is a Class 4 felony, and on a second or subsequent conviction is a Class 3 felony.

(g) "Adoption services" has the meaning given that term in the Child Care Act of 1969.

(h) "Placing out" means to arrange for the free care or placement of a child in a family other than that of the child's parent, stepparent, grandparent, brother, sister, uncle or aunt or legal guardian, for the purpose of adoption or for the purpose of providing care.

(i) "Prospective adoptive parent" means a person or persons who have filed or intend to file a petition to adopt a child under the Adoption Act.

720 ILCS 5/14-1 — Definitions

Sec. 14-1. Definitions.

(a) Eavesdropping device. An eavesdropping device is any device capable of being used to hear or record oral conversation or intercept, or transcribe electronic communications whether such conversation or electronic communication is conducted in person, by telephone, or by any other means; Provided, however, that this definition shall not include devices used for the restoration of the deaf or hard-of-hearing to normal or partial hearing.

(b) Eavesdropper. An eavesdropper is any person, including any law enforcement officer and any party to a private conversation, who operates or participates in the operation of any eavesdropping device contrary to the provisions of this Article or who acts as a principal, as defined in this Article.

(c) Principal. A principal is any person who:

- (1) Knowingly employs another who illegally uses an eavesdropping device in the course of such employment; or
- (2) Knowingly derives any benefit or information from the illegal use of an eavesdropping device by another; or
- (3) Directs another to use an eavesdropping device illegally on his or her behalf.

(d) Private conversation. For the purposes of this Article, "private conversation" means any oral communication between 2 or more persons, whether in person or transmitted between the parties by wire or other means, when one or more of the parties intended the communication to be of a private nature under circumstances reasonably justifying that expectation. A reasonable expectation shall include any expectation recognized by law, including, but not limited to, an expectation derived from a privilege, immunity, or right established by common law, Supreme Court rule, or the Illinois or United States Constitution.

(e) Private electronic communication. For purposes of this Article, "private electronic communication" means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or part by a wire, radio, pager, computer, electromagnetic, photo electronic or photo optical system, when the sending or receiving party intends the electronic communication to be private under circumstances reasonably justifying that expectation. A reasonable expectation shall include any expectation recognized by law, including, but not limited to, an expectation derived from a privilege, immunity, or right established by common law, Supreme Court rule, or the Illinois or United States Constitution. Electronic communication does not include any communication from a tracking device.

(f) Bait car. For purposes of this Article, "bait car" means any motor vehicle that is not occupied by a law enforcement officer and is used by a law enforcement agency to deter, detect, identify, and assist in the apprehension of an auto theft suspect in the act of stealing a motor vehicle.

(g) Surreptitious. For purposes of this Article, "surreptitious" means obtained or made by stealth or deception, or executed through secrecy or concealment.

720 ILCS 5/14-2 — Elements of the offense; affirmative defense

Sec. 14-2. Elements of the offense; affirmative defense.

(a) A person commits eavesdropping when he or she knowingly and intentionally:

(1) Uses an eavesdropping device, in a surreptitious manner, for the purpose of overhearing, transmitting, or recording all or any part of any private conversation to which he or she is not a party unless he or she does so with the consent of all of the parties to the private conversation;

(2) Uses an eavesdropping device, in a surreptitious manner, for the purpose of transmitting or recording all or any part of any private conversation to which he or she is a party unless he or she does so with the consent of all other parties to the private conversation;

(3) Intercepts, records, or transcribes, in a surreptitious manner, any private electronic communication to which he or she is not a party unless he or she does so with the consent of all parties to the private electronic communication;

(4) Manufactures, assembles, distributes, or possesses any electronic, mechanical, eavesdropping, or other device knowing that or having reason to know that the design of the device renders it primarily useful for the purpose of the surreptitious overhearing, transmitting, or recording of private conversations or the interception, or transcription of private electronic communications and the intended or actual use of the device is contrary to the provisions of this Article; or

(5) Uses or discloses any information which he or she knows or reasonably should know was obtained from a private conversation or private electronic communication in violation of this Article, unless he or she does so with the consent of all of the parties. (a-5) It does not constitute a violation of this Article to surreptitiously use an eavesdropping device to overhear, transmit, or record a private conversation, or to surreptitiously intercept, record, or transcribe a private electronic communication, if the overhearing, transmitting, recording, interception, or transcription is done in accordance with Article 108A or Article 108B of the Code of Criminal Procedure of 1963.

(b) It is an affirmative defense to a charge brought under this Article relating to the interception of a privileged communication that the person charged: 1. was a law enforcement officer acting pursuant to an order of interception, entered pursuant to Section 108A-1 or 108B-5 of the Code of Criminal Procedure of 1963; and 2. at the time the communication was intercepted, the officer was unaware that the communication was privileged; and 3. stopped the interception within a reasonable time after discovering that the communication was privileged; and 4. did not disclose the contents of the communication.

(c) It is not unlawful for a manufacturer or a supplier of eavesdropping devices, or a provider of wire or electronic communication services, their agents, employees, contractors, or vendors to manufacture, assemble, sell, or possess an eavesdropping device within the normal course of their business for purposes not contrary to this Article or for law enforcement officers and employees of the Illinois Department of Corrections to manufacture, assemble, purchase, or possess an eavesdropping device in preparation for or within the course of their official duties.

(d) The interception, recording, or transcription of an electronic communication by an employee of a penal institution is not prohibited under this Act, provided that the interception, recording, or transcription is:

(1) otherwise legally permissible under Illinois law;

(2) conducted with the approval of the penal institution for the purpose of investigating or enforcing a State criminal law or a penal institution rule or regulation with respect to inmates in the institution; and

(3) within the scope of the employee's official duties. For the purposes of this subsection (d), "penal institution" has the meaning ascribed to it in clause (c)(1) of Section 31A-1.1.

(e) Nothing in this Article shall prohibit any individual, not a law enforcement officer, from recording a law enforcement officer in the performance of his or her duties in a public place or in circumstances in which the officer has no reasonable expectation of privacy. However, an officer may take reasonable action to maintain safety and control, secure crime scenes and accident sites, protect the integrity and confidentiality of investigations, and protect the public safety and order.

720 ILCS 5/14-3 — Exemptions

Sec. 14-3. Exemptions. The following activities shall be exempt from the provisions of this Article:

(a) Listening to radio, wireless electronic communications, and television communications of any sort where the same are publicly made;

(b) Hearing conversation when heard by employees of any common carrier by wire incidental to the normal course of their employment in the operation, maintenance or repair of the equipment of such common carrier by wire so long as no information obtained thereby is used or divulged by the hearer;

(c) Any broadcast by radio, television or otherwise whether it be a broadcast or recorded for the purpose of later broadcasts of any function where the public is in attendance and the conversations are overheard incidental to the main purpose for which such broadcasts are then being made;

(d) Recording or listening with the aid of any device to any emergency communication made in the normal course of operations by any federal, state or local law enforcement agency or institutions dealing in emergency services, including, but not limited to, hospitals, clinics, ambulance services, fire fighting agencies, any public utility, emergency repair facility, civilian defense establishment or military installation;

(e) Recording the proceedings of any meeting required to be open by the Open Meetings Act, as amended;

(f) Recording or listening with the aid of any device to incoming telephone calls of phone lines publicly listed or advertised as consumer "hotlines" by manufacturers or retailers of food and drug products. Such recordings must be destroyed, erased or turned over to local law enforcement authorities within 24 hours from the time of such recording and shall not be otherwise disseminated. Failure on the part of the individual or business operating any such recording or listening device to comply with the requirements of this subsection shall eliminate any civil or criminal immunity conferred upon that individual or business by the operation of this Section;

(g) With prior notification to the State's Attorney of the county in which it is to occur, recording or listening with the aid of any device to any conversation where a law enforcement officer, or any person acting at the direction of law enforcement, is a party to the conversation and has consented to it being intercepted or recorded under circumstances where the use of the device is necessary for the protection of the law enforcement officer or any person acting at the direction of law enforcement, in the course of an investigation of a forcible felony, a felony offense of involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons under Section 10-9 of this Code, an offense involving prostitution, solicitation of a sexual act, or pandering, a felony violation of the Illinois Controlled Substances Act, a felony violation of the Cannabis Control Act, a felony violation of the Methamphetamine Control and Community Protection Act, any "streetgang related" or "gang-related" felony as those terms are defined in the Illinois Streetgang Terrorism Omnibus Prevention Act, or any felony offense involving any weapon listed in paragraphs

(1) through

(11) of subsection

(a) of Section 24-1 of this Code. Any recording or evidence derived as the result of this exemption shall be inadmissible in any proceeding, criminal, civil or administrative, except

(i) where a party to the conversation suffers great bodily injury or is killed during such conversation, or (ii) when used as direct impeachment of a witness concerning matters contained in the interception or recording. The Director of the Illinois State Police shall issue regulations as are necessary concerning the use of devices, retention of tape recordings, and reports regarding their use; (g-5) (Blank); (g-6) With approval of the State's Attorney of the county in which it is to occur, recording or listening with the aid of any device to any conversation where a law enforcement officer, or any person acting at the direction of law enforcement, is a party to the conversation and has consented to it being intercepted or recorded in the course of an investigation of child sexual abuse material, aggravated child pornography, indecent solicitation of a child, luring of a minor, sexual exploitation of a child, aggravated criminal sexual abuse in which the victim of the offense was at the time of the commission of the offense under 18 years of age, or criminal sexual abuse by force or threat of force in which the victim of the offense was at the time of the commission of the offense under 18 years of age. In all such cases, an application for an order approving the previous or continuing use of an eavesdropping device must be made within 48 hours of the commencement of such use. In the absence of such an order, or upon its denial, any continuing use shall immediately terminate. The Director of the Illinois State Police shall issue rules as are necessary concerning the use of devices, retention of recordings, and reports regarding their use. Any recording or evidence obtained or derived in the course of an investigation of child sexual abuse material, aggravated child pornography, indecent solicitation of a child, luring of a minor, sexual exploitation of a child, aggravated criminal sexual abuse in which the victim of the offense was at the time of the commission of the offense under 18 years of age, or criminal sexual abuse by force or threat of force in which the victim of the offense was at the time of the commission of the offense under 18 years of age shall, upon motion of the State's Attorney or Attorney General prosecuting any case involving child sexual abuse material, aggravated child pornography, indecent solicitation of a child, luring of a minor, sexual exploitation of a child, aggravated criminal sexual abuse in which the victim of the offense was at the time of the commission of the offense under 18 years of age, or criminal sexual abuse by force or threat of force in which the victim of the offense was at the time of the commission of the offense under 18 years of age be reviewed in camera with notice to all parties present by the court presiding over the criminal case, and, if ruled by the court to be relevant and otherwise admissible, it shall be admissible at the trial of the criminal case. Absent such a ruling, any such recording or evidence shall not be admissible at the trial of the criminal case;

(h) Recordings made simultaneously with the use of an in-car video camera recording of an oral conversation between a uniformed peace officer, who has identified his or her office, and a person in the presence of the peace officer whenever

(i) an officer assigned a patrol vehicle is conducting an enforcement stop; or (ii) patrol vehicle emergency lights are activated or would otherwise be activated if not for the need to conceal the presence of law enforcement. For the purposes of this subsection (h), "enforcement stop" means an action by a law enforcement officer in relation to enforcement and investigation duties, including but not limited to, traffic stops, pedestrian stops, abandoned vehicle contacts, motorist assists, commercial motor vehicle stops, roadside safety checks, requests for identification, or responses to requests for emergency assistance; (h-5) Recordings of utterances made by a person while in the presence of a uniformed peace officer and while an occupant of a police vehicle including, but not limited to,

(i) recordings made simultaneously with the use of an in-car video camera and (ii) recordings made in the presence of the peace officer utilizing video or audio systems, or both, authorized by the law enforcement agency; (h-10) Recordings made simultaneously with a video camera recording during the use of a taser or similar weapon or device by a peace officer if the weapon or device is equipped with such camera; (h-15) Recordings made under subsection (h), (h-5), or (h-10) shall be retained by the law enforcement agency that employs the peace officer who made the recordings for a storage period of 90 days, unless the recordings are made as a part of an arrest or the recordings are deemed evidence in any criminal, civil, or administrative proceeding and then the recordings must only be destroyed upon a final disposition and an order from the court. Under no circumstances shall any recording be altered or erased prior to the expiration of the designated storage period. Upon completion of the storage period, the recording medium may be erased and reissued for operational use;

(i) Recording of a conversation made by or at the request of a person, not a law enforcement officer or agent of a law enforcement officer, who is a party to the conversation, under reasonable suspicion that another party to the conversation

is committing, is about to commit, or has committed a criminal offense against the person or a member of his or her immediate household, and there is reason to believe that evidence of the criminal offense may be obtained by the recording;

(j) The use of a telephone monitoring device by either

(1) a corporation or other business entity engaged in marketing or opinion research or

(2) a corporation or other business entity engaged in telephone solicitation, as defined in this subsection, to record or listen to oral telephone solicitation conversations or marketing or opinion research conversations by an employee of the corporation or other business entity when:

(i) the monitoring is used for the purpose of service quality control of marketing or opinion research or telephone solicitation, the education or training of employees or contractors engaged in marketing or opinion research or telephone solicitation, or internal research related to marketing or opinion research or telephone solicitation; and (ii) the monitoring is used with the consent of at least one person who is an active party to the marketing or opinion research conversation or telephone solicitation conversation being monitored. No communication or conversation or any part, portion, or aspect of the communication or conversation made, acquired, or obtained, directly or indirectly, under this exemption (j), may be, directly or indirectly, furnished to any law enforcement officer, agency, or official for any purpose or used in any inquiry or investigation, or used, directly or indirectly, in any administrative, judicial, or other proceeding, or divulged to any third party. When recording or listening authorized by this subsection

(j) on telephone lines used for marketing or opinion research or telephone solicitation purposes results in recording or listening to a conversation that does not relate to marketing or opinion research or telephone solicitation; the person recording or listening shall, immediately upon determining that the conversation does not relate to marketing or opinion research or telephone solicitation, terminate the recording or listening and destroy any such recording as soon as is practicable. Business entities that use a telephone monitoring or telephone recording system pursuant to this exemption

(j) shall provide current and prospective employees with notice that the monitoring or recordings may occur during the course of their employment. The notice shall include prominent signage notification within the workplace. Business entities that use a telephone monitoring or telephone recording system pursuant to this exemption

(j) shall provide their employees or agents with access to personal-only telephone lines, which may be pay telephones, that are not subject to telephone monitoring or telephone recording. For the purposes of this subsection (j), "telephone solicitation" means a communication through the use of a telephone by live operators:

(i) soliciting the sale of goods or services; (ii) receiving orders for the sale of goods or services; (iii) assisting in the use of goods or services; or (iv) engaging in the solicitation, administration, or collection of bank or retail credit accounts. For the purposes of this subsection (j), "marketing or opinion research" means a marketing or opinion research interview conducted by a live telephone interviewer engaged by a corporation or other business entity whose principal business is the design, conduct, and analysis of polls and surveys measuring the opinions, attitudes, and responses of respondents toward products and services, or social or political issues, or both;

(k) Electronic recordings, including but not limited to, a motion picture, videotape, digital, or other visual or audio recording, made of a custodial interrogation of an individual at a police station or other place of detention by a law enforcement officer under Section 5-401.5 of the Juvenile Court Act of 1987 or Section 103-2.1 of the Code of Criminal Procedure of 1963;

(l) Recording the interview or statement of any person when the person knows that the interview is being conducted by a law enforcement officer or prosecutor and the interview takes place at a police station that is currently participating in the Custodial Interview Pilot Program established under the Illinois Criminal Justice Information Act;

(m) An electronic recording, including but not limited to, a motion picture, videotape, digital, or other visual or audio recording, made of the interior of a school bus while the school bus is being used in the transportation of students to and from school and school-sponsored activities, when the school board has adopted a policy authorizing such recording, notice of such recording policy is included in student handbooks and other documents including the policies of the school, notice of the policy regarding recording is provided to parents of students, and notice of such recording is clearly posted on the door of and inside the school bus. Recordings made pursuant to this subsection

(m) shall be confidential records and may only be used by school officials (or their designees) and law enforcement personnel for investigations, school disciplinary actions and hearings, proceedings under the Juvenile Court Act of 1987, and criminal prosecutions, related to incidents occurring in or around the school bus;

(n) Recording or listening to an audio transmission from a microphone placed by a person under the authority of a law enforcement agency inside a bait car surveillance vehicle while simultaneously capturing a photographic or video image;

(o) The use of an eavesdropping camera or audio device during an ongoing hostage or barricade situation by a law enforcement officer or individual acting on behalf of a law enforcement officer when the use of such device is necessary to protect the safety of the general public, hostages, or law enforcement officers or anyone acting on their behalf;

(p) Recording or listening with the aid of any device to incoming telephone calls of phone lines publicly listed or advertised as the "CPS Violence Prevention Hotline", but only where the notice of recording is given at the beginning of each call as required by Section 34-21.8 of the School Code. The recordings may be retained only by the Chicago Police Department or other law enforcement authorities, and shall not be otherwise retained or disseminated; (q)(1) With prior request to and written or verbal approval of the State's Attorney of the county in which the conversation is anticipated to occur, recording or listening with the aid of an eavesdropping device to a conversation in which a law enforcement officer, or any person acting at the direction of a law enforcement officer, is a party to the conversation and has consented to the conversation being intercepted or recorded in the course of an investigation of a qualified offense. The State's Attorney may grant this approval only after determining that reasonable cause exists to believe that inculpatory conversations concerning a qualified offense will occur with a specified individual or individuals within a designated period of time.

(2) Request for approval. To invoke the exception contained in this subsection (q), a law enforcement officer shall make a request for approval to the appropriate State's Attorney. The request may be written or verbal; however, a written memorialization of the request must be made by the State's Attorney. This request for approval shall include whatever information is deemed necessary by the State's Attorney but shall include, at a minimum, the following information about each specified individual whom the law enforcement officer believes will commit a qualified offense: (A) his or her full or partial name, nickname or alias; (B) a physical description; or (C) failing either (A) or (B) of this paragraph (2), any other supporting information known to the law enforcement officer at the time of the request that gives rise to reasonable cause to believe that the specified individual will participate in an inculpatory conversation concerning a qualified offense.

(3) Limitations on approval. Each written approval by the State's Attorney under this subsection (q) shall be limited to: (A) a recording or interception conducted by a specified law enforcement officer or person acting at the direction of a law enforcement officer; (B) recording or intercepting conversations with the individuals specified in the request for approval, provided that the verbal approval shall be deemed to include the recording or intercepting of conversations with other individuals, unknown to the law enforcement officer at the time of the request for approval, who are acting in conjunction with or as co-conspirators with the individuals specified in the request for approval in the commission of a qualified offense; (C) a reasonable period of time but in no event longer than 24 consecutive hours; (D) the written request for approval, if applicable, or the written memorialization must be filed, along with the written approval, with the circuit clerk of the jurisdiction on the next business day following the expiration of the authorized period of time, and shall be subject to review by the Chief Judge or his or her designee as deemed appropriate by the court. (3.5) The written memorialization of the request for approval and the written approval by the State's Attorney may be in any format, including via facsimile, email, or otherwise, so long as it is capable of being filed with the circuit clerk. (3.10) Beginning March 1, 2015, each State's Attorney shall annually submit a report to the General Assembly disclosing: (A) the number of requests for each qualified offense for approval under this subsection; and (B) the number of approvals for each qualified offense given by the State's Attorney.

(4) Admissibility of evidence. No part of the contents of any wire, electronic, or oral communication that has been recorded or intercepted as a result of this exception may be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of this State, or a political subdivision of the State, other than in a prosecution of: (A) the qualified offense for which approval was given to record or intercept a conversation under this subsection (q); (B) a forcible felony committed directly in the course of the investigation of the qualified offense for which approval was given to record or intercept a conversation under this subsection (q); or (C) any other forcible felony committed while the recording or interception was approved in accordance with this subsection (q), but for this specific category of prosecutions, only if the law enforcement officer or person acting at the direction of a law enforcement officer who has consented to the conversation being intercepted or recorded suffers great bodily injury or is killed during the commission of the charged forcible felony.

(5) Compliance with the provisions of this subsection is a prerequisite to the admissibility in evidence of any part of the contents of any wire, electronic or oral communication that has been intercepted as a result of this exception, but nothing in this subsection shall be deemed to prevent a court from otherwise excluding the evidence on any other ground

recognized by State or federal law, nor shall anything in this subsection be deemed to prevent a court from independently reviewing the admissibility of the evidence for compliance with the Fourth Amendment to the U.S. Constitution or with Article I, Section 6 of the Illinois Constitution.

(6) Use of recordings or intercepts unrelated to qualified offenses. Whenever any private conversation or private electronic communication has been recorded or intercepted as a result of this exception that is not related to an offense for which the recording or intercept is admissible under paragraph

(4) of this subsection (q), no part of the contents of the communication and evidence derived from the communication may be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of this State, or a political subdivision of the State, nor may it be publicly disclosed in any way. (6.5) The Illinois State Police shall adopt rules as are necessary concerning the use of devices, retention of recordings, and reports regarding their use under this subsection (q).

(7) Definitions. For the purposes of this subsection

(q) only: "Forcible felony" includes and is limited to those offenses contained in Section 2-8 of the Criminal Code of 1961 as of the effective date of this amendatory Act of the 97th General Assembly, and only as those offenses have been defined by law or judicial interpretation as of that date. "Qualified offense" means and is limited to: (A) a felony violation of the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act, except for violations of:

(i) Section 4 of the Cannabis Control Act; (ii) Section 402 of the Illinois Controlled Substances Act; and (iii) Section 60 of the Methamphetamine Control and Community Protection Act; and (B) first degree murder, solicitation of murder for hire, predatory criminal sexual assault of a child, criminal sexual assault, aggravated criminal sexual assault, aggravated arson, kidnapping, aggravated kidnapping, child abduction, trafficking in persons, involuntary servitude, involuntary sexual servitude of a minor, or gunrunning. "State's Attorney" includes and is limited to the State's Attorney or an assistant State's Attorney designated by the State's Attorney to provide verbal approval to record or intercept conversations under this subsection (q).

(8) Sunset. This subsection

(q) is inoperative on and after January 1, 2027. No conversations intercepted pursuant to this subsection (q), while operative, shall be inadmissible in a court of law by virtue of the inoperability of this subsection

(q) on January 1, 2027.

(9) Recordings, records, and custody. Any private conversation or private electronic communication intercepted by a law enforcement officer or a person acting at the direction of law enforcement shall, if practicable, be recorded in such a way as will protect the recording from editing or other alteration. Any and all original recordings made under this subsection

(q) shall be inventoried without unnecessary delay pursuant to the law enforcement agency's policies for inventorying evidence. The original recordings shall not be destroyed except upon an order of a court of competent jurisdiction; and

(r) Electronic recordings, including but not limited to, motion picture, videotape, digital, or other visual or audio recording, made of a lineup under Section 107A-2 of the Code of Criminal Procedure of 1963.

720 ILCS 5/14-3A — Recordings, records, and custody

Sec. 14-3A. Recordings, records, and custody.

(a) Any private oral communication intercepted in accordance with subsection

(g) of Section 14-3 shall, if practicable, be recorded by tape or other comparable method. The recording shall, if practicable, be done in such a way as will protect it from editing or other alteration. During an interception, the interception shall be carried out by a law enforcement officer, and the officer shall keep a signed, written record, including:

- (1) The day and hours of interception or recording;
- (2) The time and duration of each intercepted communication;
- (3) The parties, if known, to each intercepted communication; and
- (4) A summary of the contents of each intercepted communication.

(b) Both the written record of the interception or recording and any and all recordings of the interception or recording shall immediately be inventoried and shall be maintained where the chief law enforcement officer of the county in which the

interception or recording occurred directs. The written records of the interception or recording conducted under subsection

(g) of Section 14-3 shall not be destroyed except upon an order of a court of competent jurisdiction and in any event shall be kept for 10 years.

720 ILCS 5/14-3B — Notice of interception or recording

Sec. 14-3B. Notice of interception or recording.

(a) Within a reasonable time, but not later than 60 days after the termination of the investigation for which the interception or recording was conducted, or immediately upon the initiation of criminal proceedings, the person who was the subject of an interception or recording under subsection

(g) of Section 14-3 shall be served with an inventory that shall include:

- (1) Notice to any person who was the subject of the interception or recording;
 - (2) Notice of any interception or recording if the defendant was arrested or indicted or otherwise charged as a result of the interception of his or her private oral communication;
 - (3) The date of the interception or recording;
 - (4) The period of interception or recording; and
 - (5) Notice of whether during the period of interception or recording devices were or were not used to overhear and record various conversations and whether or not the conversations are recorded.
- (b) A court of competent jurisdiction, upon filing of a motion, may in its discretion make available to those persons or their attorneys for inspection those portions of the intercepted communications as the court determines to be in the interest of justice.

720 ILCS 5/14-4 — Sentence

Sec. 14-4. Sentence.

- (a) Eavesdropping, for a first offense, is a Class 4 felony and, for a second or subsequent offense, is a Class 3 felony.
- (b) The eavesdropping of an oral conversation or an electronic communication of any law enforcement officer, State's Attorney, Assistant State's Attorney, the Attorney General, Assistant Attorney General, or a judge, while in the performance of his or her official duties, if not authorized by this Article or proper court order, is a Class 3 felony, and for a second or subsequent offense, is a Class 2 felony.

720 ILCS 5/14-5 — Evidence inadmissible

Sec. 14-5. Evidence inadmissible. Any evidence obtained in violation of this Article is not admissible in any civil or criminal trial, or any administrative or legislative inquiry or proceeding, nor in any grand jury proceedings; provided, however, that so much of the contents of an alleged unlawfully intercepted, overheard or recorded conversation as is clearly relevant, as determined as a matter of law by the court in chambers, to the proof of such allegation may be admitted into evidence in any criminal trial or grand jury proceeding brought against any person charged with violating any provision of this Article. Nothing in this Section bars admission of evidence if all parties to the private conversation or private electronic communication consent to admission of the evidence.

720 ILCS 5/14-6 — Civil remedies to injured parties

Sec. 14-6. Civil remedies to injured parties.

- (1) Any or all parties to any conversation or electronic communication upon which eavesdropping is practiced contrary to this Article shall be entitled to the following remedies:
- (a) To an injunction by the circuit court prohibiting further eavesdropping by the eavesdropper and by or on behalf of his principal, or either;
 - (b) To all actual damages against the eavesdropper or his principal or both;
 - (c) To any punitive damages which may be awarded by the court or by a jury;
 - (d) To all actual damages against any landlord, owner or building operator, or any common carrier by wire who aids, abets, or knowingly permits the eavesdropping concerned;

(e) To any punitive damages which may be awarded by the court or by a jury against any landlord, owner or building operator, or common carrier by wire who aids, abets, or knowingly permits the eavesdropping concerned.

(2) No cause of action shall lie in any court against any common carrier by wire or its officers, agents or employees for providing information, assistance or facilities in accordance with the terms of a court order entered under Article 108A of the Code of Criminal Procedure of 1963.

(3) No civil claim, cause of action, or remedy shall lie against a parent, step-parent, guardian, or grandparent for eavesdropping of electronic communications through access to their minor's electronic accounts during that parent, step-parent, guardian, or grandparent's exercise of his or her parental rights to supervise, monitor, and control the activities of a minor in his or her care, custody, or control. This provision does not diminish the protections given to electronic accounts of a minor under any existing law other than this Article.

720 ILCS 5/14-7 — Common carrier to aid in detection

Sec. 14-7. Common carrier to aid in detection. Subject to regulation by the Illinois Commerce Commission, any common carrier by wire shall, upon request of any subscriber and upon responsible offer to pay the reasonable cost thereof, furnish whatever services may be within its command for the purpose of detecting any eavesdropping involving its wires which are used by said subscriber. All such requests by subscribers shall be kept confidential unless divulgence is authorized in writing by the requesting subscriber.

720 ILCS 5/14-8

Sec. 14-8. Discovery of eavesdropping device by an individual, common carrier, private investigative agency or non-governmental corporation). Any agent, officer or employee of a private investigative agency or non-governmental corporation, or of a common carrier by wire, or any individual, who discovers any physical evidence of an eavesdropping device being used which such person does not know to be a legal eavesdropping device shall, within a reasonable time after such discovery disclose the existence of such eavesdropping device to the State's Attorney of the county where such device was found. The State's Attorney shall within a reasonable time notify the person or persons apparently being eavesdropped upon of the existence of that device if the device is illegal. A violation of this Section is a Business Offense for which a fine shall be imposed not to exceed \$500.

720 ILCS 5/14-9 — Discovery of eavesdropping device by common carrier by wire - disclosure to subscriber

Sec. 14-9. Discovery of eavesdropping device by common carrier by wire - disclosure to subscriber.) Any agent, officer or employee of any common carrier by wire who discovers any physical evidence of an eavesdropping device which such person does not know to be a legal eavesdropping device shall, within a reasonable time after such discovery, disclose the existence of the eavesdropping device to the State's Attorney of the County where such device was found. The State's Attorney shall within a reasonable time notify the person or persons apparently being eavesdropped upon of the existence of that device if the device is illegal. A violation of this Section is a Business Offense for which a fine shall be imposed not to exceed \$500.

720 ILCS 5/15-1 — Property

Sec. 15-1. Property. As used in this Part C, "property" means anything of value. Property includes real estate, money, commercial instruments, admission or transportation tickets, written instruments representing or embodying rights concerning anything of value, labor, or services, or otherwise of value to the owner; things growing on, affixed to, or found on land, or part of or affixed to any building; electricity, gas and water; telecommunications services; birds, animals and fish, which ordinarily are kept in a state of confinement; food and drink; samples, cultures, microorganisms, specimens, records, recordings, documents, blueprints, drawings, maps, and whole or partial copies, descriptions, photographs, computer programs or data, prototypes or models thereof, or any other articles, materials, devices, substances and whole or partial copies, descriptions, photographs, prototypes, or models thereof which constitute, represent, evidence, reflect or record a secret scientific, technical, merchandising, production or management information, design, process, procedure, formula, invention, or improvement.

720 ILCS 5/15-2 — Owner

Sec. 15-2. Owner. As used in this Part C, "owner" means a person, other than the offender, who has possession of or any other interest in the property involved, even though such interest or possession is unlawful, and without whose consent

the offender has no authority to exert control over the property.

720 ILCS 5/15-3 — Permanent deprivation

Sec. 15-3. Permanent deprivation. As used in this Part C, to "permanently deprive" means to:

- (a) Defeat all recovery of the property by the owner; or
- (b) Deprive the owner permanently of the beneficial use of the property; or
- (c) Retain the property with intent to restore it to the owner only if the owner purchases or leases it back, or pays a reward or other compensation for its return; or
- (d) Sell, give, pledge, or otherwise transfer any interest in the property or subject it to the claim of a person other than the owner.

720 ILCS 5/15-4 — Deception

Sec. 15-4. Deception. As used in this Part C "deception" means knowingly to:

- (a) Create or confirm another's impression which is false and which the offender does not believe to be true; or
- (b) Fail to correct a false impression which the offender previously has created or confirmed; or
- (c) Prevent another from acquiring information pertinent to the disposition of the property involved; or
- (d) Sell or otherwise transfer or encumber property, failing to disclose a lien, adverse claim, or other legal impediment to the enjoyment of the property, whether such impediment is or is not valid, or is or is not a matter of official record; or
- (e) Promise performance which the offender does not intend to perform or knows will not be performed. Failure to perform standing alone is not evidence that the offender did not intend to perform.

720 ILCS 5/15-5 — Threat

Sec. 15-5. Threat. As used in this Part C, "threat" means a menace, however communicated, to:

- (a) Inflict physical harm on the person threatened or any other person or on property; or
- (b) Subject any person to physical confinement or restraint; or
- (c) Commit any criminal offense; or
- (d) Accuse any person of a criminal offense; or
- (e) Expose any person to hatred, contempt or ridicule; or
- (f) Harm the credit or business repute of any person; or
- (g) Reveal any information sought to be concealed by the person threatened; or
- (h) Take action as an official against anyone or anything, or withhold official action, or cause such action or withholding; or
- (i) Bring about or continue a strike, boycott or other similar collective action if the property is not demanded or received for the benefit of the group which he purports to represent; or
- (j) Testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or
- (k) Inflict any other harm which would not benefit the offender.

720 ILCS 5/15-6 — Stolen property

Sec. 15-6. Stolen property. As used in this Part C, "stolen property" means property over which control has been obtained by theft.

720 ILCS 5/15-7 — Obtain

Sec. 15-7. Obtain. As used in this Part C, "obtain" means:

- (a) In relation to property, to bring about a transfer of interest or possession, whether to the offender or to another, and
- (b) In relation to labor or services, to secure the performance thereof.

720 ILCS 5/15-8 — Obtains control

Sec. 15-8. Obtains control. As used in this Part C, the phrase "obtains or exerts control" over property, includes but is not limited to the taking, carrying away, or the sale, conveyance, or transfer of title to, or interest in, or possession of property.

720 ILCS 5/15-9 — Value

Sec. 15-9. Value. As used in this Part C, the "value" of property consisting of any commercial instrument or any written instrument representing or embodying rights concerning anything of value, labor, or services or otherwise of value to the owner shall be:

- (a) The "market value" of such instrument if such instrument is negotiable and has a market value; and
- (b) The "actual value" of such instrument if such instrument is not negotiable or is otherwise without a market value. For the purpose of establishing such "actual value", the interest of any owner or owners entitled to part or all of the property represented by such instrument, by reason of such instrument, may be shown, even if another "owner" may be named in the complaint, information or indictment.

720 ILCS 5/15-10 — Governmental property

Sec. 15-10. Governmental property. As used in this Part C, "governmental property" means funds or other property owned by the State, a unit of local government, or a school district.

720 ILCS 5/16-0.1 — Definitions

Sec. 16-0.1. Definitions. In this Article, unless the context clearly requires otherwise, the following terms are defined as indicated: "Access" means to use, instruct, communicate with, store data in, retrieve or intercept data from, or otherwise utilize any services of a computer. "Coin-operated machine" includes any automatic vending machine or any part thereof, parking meter, coin telephone, coin-operated transit turnstile, transit fare box, coin laundry machine, coin dry cleaning machine, amusement machine, music machine, vending machine dispensing goods or services, or money changer. "Communication device" means any type of instrument, device, machine, or equipment which is capable of transmitting, acquiring, decrypting, or receiving any telephonic, electronic, data, Internet access, audio, video, microwave, or radio transmissions, signals, communications, or services, including the receipt, acquisition, transmission, or decryption of all such communications, transmissions, signals, or services provided by or through any cable television, fiber optic, telephone, satellite, microwave, radio, Internet-based, data transmission, or wireless distribution network, system or facility; or any part, accessory, or component thereof, including any computer circuit, security module, smart card, software, computer chip, electronic mechanism or other component, accessory or part of any communication device which is capable of facilitating the transmission, decryption, acquisition or reception of all such communications, transmissions, signals, or services. "Communication service" means any service lawfully provided for a charge or compensation to facilitate the lawful origination, transmission, emission, or reception of signs, signals, data, writings, images, and sounds or intelligence of any nature by telephone, including cellular telephones or a wire, wireless, radio, electromagnetic, photo-electronic or photo-optical system; and also any service lawfully provided by any radio, telephone, cable television, fiber optic, satellite, microwave, Internet-based or wireless distribution network, system, facility or technology, including, but not limited to, any and all electronic, data, video, audio, Internet access, telephonic, microwave and radio communications, transmissions, signals and services, and any such communications, transmissions, signals and services lawfully provided directly or indirectly by or through any of those networks, systems, facilities or technologies. "Communication service provider" means:

- (1) any person or entity providing any communication service, whether directly or indirectly, as a reseller, including, but not limited to, a cellular, paging or other wireless communications company or other person or entity which, for a fee, supplies the facility, cell site, mobile telephone switching office or other equipment or communication service;
- (2) any person or entity owning or operating any cable television, fiber optic, satellite, telephone, wireless, microwave, radio, data transmission or Internet-based distribution network, system or facility; and
- (3) any person or entity providing any communication service directly or indirectly by or through any such distribution system, network or facility. "Computer" means a device that accepts, processes, stores, retrieves or outputs data, and includes but is not limited to auxiliary storage and telecommunications devices connected to computers. "Continuing course of conduct" means a series of acts, and the accompanying mental state necessary for the crime in question, irrespective of whether the series of acts are continuous or intermittent. "Delivery container" means any bakery basket of wire or plastic used to transport or store bread or bakery products, any dairy case of wire or plastic used to transport or store dairy products, and any dolly or cart of 2 or 4 wheels used to transport or store any bakery or dairy product. "Document-making implement" means any implement, impression, template, computer file, computer disc, electronic device, computer hardware, computer software, instrument, or device that is used to make a real or fictitious or fraudulent

personal identification document. "Financial transaction device" means any of the following:

(1) An electronic funds transfer card.

(2) A credit card.

(3) A debit card.

(4) A point-of-sale card.

(5) Any instrument, device, card, plate, code, account number, personal identification number, or a record or copy of a code, account number, or personal identification number or other means of access to a credit account or deposit account, or a driver's license or State identification card used to access a proprietary account, other than access originated solely by a paper instrument, that can be used alone or in conjunction with another access device, for any of the following purposes: (A) Obtaining money, cash refund or credit account, credit, goods, services, or any other thing of value. (B) Certifying or guaranteeing to a person or business the availability to the device holder of funds on deposit to honor a draft or check payable to the order of that person or business. (C) Providing the device holder access to a deposit account for the purpose of making deposits, withdrawing funds, transferring funds between deposit accounts, obtaining information pertaining to a deposit account, or making an electronic funds transfer. "Full retail value" means the merchant's stated or advertised price of the merchandise. "Full retail value" includes the aggregate value of property obtained from retail thefts committed by the same person as part of a continuing course of conduct from one or more mercantile establishments in a single transaction or in separate transactions over a period of one year. "Internet" means an interactive computer service or system or an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, and includes, but is not limited to, an information service, system, or access software provider that provides access to a network system commonly known as the Internet, or any comparable system or service and also includes, but is not limited to, a World Wide Web page, newsgroup, message board, mailing list, or chat area on any interactive computer service or system or other online service. "Library card" means a card or plate issued by a library facility for purposes of identifying the person to whom the library card was issued as authorized to borrow library material, subject to all limitations and conditions imposed on the borrowing by the library facility issuing such card. "Library facility" includes any public library or museum, or any library or museum of an educational, historical or eleemosynary institution, organization or society. "Library material" includes any book, plate, picture, photograph, engraving, painting, sculpture, statue, artifact, drawing, map, newspaper, pamphlet, broadside, magazine, manuscript, document, letter, microfilm, sound recording, audiovisual material, magnetic or other tape, electronic data processing record or other documentary, written or printed material regardless of physical form or characteristics, or any part thereof, belonging to, or on loan to or otherwise in the custody of a library facility. "Manufacture or assembly of an unlawful access device" means to make, produce or assemble an unlawful access device or to modify, alter, program or re-program any instrument, device, machine, equipment or software so that it is capable of defeating or circumventing any technology, device or software used by the provider, owner or licensee of a communication service or of any data, audio or video programs or transmissions to protect any such communication, data, audio or video services, programs or transmissions from unauthorized access, acquisition, disclosure, receipt, decryption, communication, transmission or re-transmission. "Manufacture or assembly of an unlawful communication device" means to make, produce or assemble an unlawful communication or wireless device or to modify, alter, program or reprogram a communication or wireless device to be capable of acquiring, disrupting, receiving, transmitting, decrypting, or facilitating the acquisition, disruption, receipt, transmission or decryption of, a communication service without the express consent or express authorization of the communication service provider, or to knowingly assist others in those activities. "Master sound recording" means the original physical object on which a given set of sounds were first recorded and which the original object from which all subsequent sound recordings embodying the same set of sounds are directly or indirectly derived. "Merchandise" means any item of tangible personal property, including motor fuel. "Merchant" means an owner or operator of any retail mercantile establishment or any agent, employee, lessee, consignee, officer, director, franchisee, or independent contractor of the owner or operator. "Merchant" also means a person who receives from an authorized user of a payment card, or someone the person believes to be an authorized user, a payment card or information from a payment card, or what the person believes to be a payment card or information from a payment card, as the instrument for obtaining, purchasing or receiving goods, services, money, or anything else of value from the person. "Motor fuel" means a liquid, regardless of its properties, used to propel a vehicle, including gasoline and diesel. "Online" means the use of any electronic or wireless device to access the Internet. "Payment card" means a credit card, charge card, debit card, or any other card that is issued to an authorized card user and that allows the user to obtain, purchase, or receive goods, services, money, or anything else of value from a

merchant. "Person with a disability" means a person who suffers from a physical or mental impairment resulting from disease, injury, functional disorder or congenital condition that impairs the individual's mental or physical ability to independently manage his or her property or financial resources, or both. "Personal identification document" means a birth certificate, a driver's license, a State identification card, a public, government, or private employment identification card, a social security card, a firearm owner's identification card, a credit card, a debit card, or a passport issued to or on behalf of a person other than the offender, or any document made or issued, or falsely purported to have been made or issued, by or under the authority of the United States Government, the State of Illinois, or any other state political subdivision of any state, or any other governmental or quasi-governmental organization that is of a type intended for the purpose of identification of an individual, or any such document made or altered in a manner that it falsely purports to have been made on behalf of or issued to another person or by the authority of one who did not give that authority. "Personal identifying information" means any of the following information:

- (1) A person's name.
- (2) A person's address.
- (3) A person's date of birth.
- (4) A person's telephone number.
- (5) A person's driver's license number or State of Illinois identification card as assigned by the Secretary of State of the State of Illinois or a similar agency of another state.
- (6) A person's social security number.
- (7) A person's public, private, or government employer, place of employment, or employment identification number.
- (8) The maiden name of a person's mother.
- (9) The number assigned to a person's depository account, savings account, or brokerage account.
- (10) The number assigned to a person's credit or debit card, commonly known as a "Visa Card", "MasterCard", "American Express Card", "Discover Card", or other similar cards whether issued by a financial institution, corporation, or business entity.
- (11) Personal identification numbers.
- (12) Electronic identification numbers.
- (13) Digital signals.
- (14) User names, passwords, and any other word, number, character or combination of the same usable in whole or part to access information relating to a specific individual, or to the actions taken, communications made or received, or other activities or transactions of a specific individual.
- (15) Any other numbers or information which can be used to access a person's financial resources, or to identify a specific individual, or the actions taken, communications made or received, or other activities or transactions of a specific individual. "Premises of a retail mercantile establishment" includes, but is not limited to, the retail mercantile establishment; any common use areas in shopping centers; and all parking areas set aside by a merchant or on behalf of a merchant for the parking of vehicles for the convenience of the patrons of such retail mercantile establishment. "Public water, gas, or power supply, or other public services" mean any service subject to regulation by the Illinois Commerce Commission; any service furnished by a public utility that is owned and operated by any political subdivision, public institution of higher education or municipal corporation of this State; any service furnished by any public utility that is owned by such political subdivision, public institution of higher education, or municipal corporation and operated by any of its lessees or operating agents; any service furnished by an electric cooperative as defined in Section 3.4 of the Electric Supplier Act; or wireless service or other service regulated by the Federal Communications Commission. "Publish" means to communicate or disseminate information to any one or more persons, either orally, in person, or by telephone, radio or television or in writing of any kind, including, without limitation, a letter or memorandum, circular or handbill, newspaper or magazine article or book. "Radio frequency identification device" means any implement, computer file, computer disc, electronic device, computer hardware, computer software, or instrument that is used to activate, read, receive, or decode information stored on a RFID tag or transponder attached to a personal identification document. "RFID tag or transponder" means a chip or device that contains personal identifying information from which the personal identifying information can be read or decoded by another device emitting a radio frequency that activates or powers a radio frequency emission response from the chip or transponder. "Reencoder" means an electronic device that places encoded

information from the magnetic strip or stripe of a payment card onto the magnetic strip or stripe of a different payment card. "Retail mercantile establishment" means any place where merchandise is displayed, held, stored or offered for sale to the public. "Scanning device" means a scanner, reader, or any other electronic device that is used to access, read, scan, obtain, memorize, or store, temporarily or permanently, information encoded on the magnetic strip or stripe of a payment card. "Shopping cart" means those push carts of the type or types which are commonly provided by grocery stores, drug stores or other retail mercantile establishments for the use of the public in transporting commodities in stores and markets and, incidentally, from the stores to a place outside the store. "Sound or audio visual recording" means any sound or audio visual phonograph record, disc, pre-recorded tape, film, wire, magnetic tape or other object, device or medium, now known or hereafter invented, by which sounds or images may be reproduced with or without the use of any additional machine, equipment or device. "Stored value card" means any card, gift card, instrument, or device issued with or without fee for the use of the cardholder to obtain money, goods, services, or anything else of value. Stored value cards include, but are not limited to, cards issued for use as a stored value card or gift card, and an account identification number or symbol used to identify a stored value card. "Stored value card" does not include a prepaid card usable at multiple, unaffiliated merchants or at automated teller machines, or both. "Stored value card" shall only apply to Section 16-25.1 of this Act. "Theft detection device remover" means any tool or device specifically designed and intended to be used to remove any theft detection device from any merchandise. "Under-ring" means to cause the cash register or other sales recording device to reflect less than the full retail value of the merchandise. "Unidentified sound or audio visual recording" means a sound or audio visual recording without the actual name and full and correct street address of the manufacturer, and the name of the actual performers or groups prominently and legibly printed on the outside cover or jacket and on the label of such sound or audio visual recording. "Unlawful access device" means any type of instrument, device, machine, equipment, technology, or software which is primarily possessed, used, designed, assembled, manufactured, sold, distributed or offered, promoted or advertised for the purpose of defeating or circumventing any technology, device or software, or any component or part thereof, used by the provider, owner or licensee of any communication service or of any data, audio or video programs or transmissions to protect any such communication, audio or video services, programs or transmissions from unauthorized access, acquisition, receipt, decryption, disclosure, communication, transmission or re-transmission. "Unlawful communication device" means any electronic serial number, mobile identification number, personal identification number or any communication or wireless device that is capable of acquiring or facilitating the acquisition of a communication service without the express consent or express authorization of the communication service provider, or that has been altered, modified, programmed or reprogrammed, alone or in conjunction with another communication or wireless device or other equipment, to so acquire or facilitate the unauthorized acquisition of a communication service. "Unlawful communication device" also means:

- (1) any phone altered to obtain service without the express consent or express authorization of the communication service provider, tumbler phone, counterfeit or clone phone, tumbler microchip, counterfeit or clone microchip, scanning receiver of wireless communication service or other instrument capable of disguising its identity or location or of gaining unauthorized access to a communications or wireless system operated by a communication service provider; and
- (2) any communication or wireless device which is capable of, or has been altered, designed, modified, programmed or reprogrammed, alone or in conjunction with another communication or wireless device or devices, so as to be capable of, facilitating the disruption, acquisition, receipt, transmission or decryption of a communication service without the express consent or express authorization of the communication service provider, including, but not limited to, any device, technology, product, service, equipment, computer software or component or part thereof, primarily distributed, sold, designed, assembled, manufactured, modified, programmed, reprogrammed or used for the purpose of providing the unauthorized receipt of, transmission of, disruption of, decryption of, access to or acquisition of any communication service provided by any communication service provider. "Vehicle" means a motor vehicle, motorcycle, or farm implement that is self-propelled and that uses motor fuel for propulsion. "Wireless device" includes any type of instrument, device, machine, or equipment that is capable of transmitting or receiving telephonic, electronic or radio communications, or any part of such instrument, device, machine, or equipment, or any computer circuit, computer chip, electronic mechanism, or other component that is capable of facilitating the transmission or reception of telephonic, electronic, or radio communications.

720 ILCS 5/16-1 — Theft

Sec. 16-1. Theft.

- (a) A person commits theft when he or she knowingly:

- (1) Obtains or exerts unauthorized control over property of the owner; or
- (2) Obtains by deception control over property of the owner; or
- (3) Obtains by threat control over property of the owner; or
- (4) Obtains control over stolen property knowing the property to have been stolen or under such circumstances as would reasonably induce him or her to believe that the property was stolen; or
- (5) Obtains or exerts control over property in the custody of any law enforcement agency which any law enforcement officer or any individual acting in behalf of a law enforcement agency explicitly represents to the person as being stolen or represents to the person such circumstances as would reasonably induce the person to believe that the property was stolen, and (A) Intends to deprive the owner permanently of the use or benefit of the property; or (B) Knowingly uses, conceals or abandons the property in such manner as to deprive the owner permanently of such use or benefit; or (C) Uses, conceals, or abandons the property knowing such use, concealment or abandonment probably will deprive the owner permanently of such use or benefit.

(b) Sentence.

(1) Theft of property not from the person and not exceeding \$500 in value is a Class A misdemeanor. (1.1) Theft of property not from the person and not exceeding \$500 in value is a Class 4 felony if the theft was committed in a school or place of worship or if the theft was of governmental property.

(2) A person who has been convicted of theft of property not from the person and not exceeding \$500 in value who has been previously convicted of any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, home invasion, forgery, a violation of Section 4-103, 4-103.1, 4-103.2, or 4-103.3 of the Illinois Vehicle Code relating to the possession of a stolen or converted motor vehicle, or a violation of Section 17-36 of the Criminal Code of 1961 or the Criminal Code of 2012, or Section 8 of the Illinois Credit Card and Debit Card Act is guilty of a Class 4 felony.

(3) (Blank).

(4) Theft of property from the person not exceeding \$500 in value, or theft of property exceeding \$500 and not exceeding \$10,000 in value, is a Class 3 felony. (4.1) Theft of property from the person not exceeding \$500 in value, or theft of property exceeding \$500 and not exceeding \$10,000 in value, is a Class 2 felony if the theft was committed in a school or place of worship or if the theft was of governmental property.

(5) Theft of property exceeding \$10,000 and not exceeding \$100,000 in value is a Class 2 felony. (5.1) Theft of property exceeding \$10,000 and not exceeding \$100,000 in value is a Class 1 felony if the theft was committed in a school or place of worship or if the theft was of governmental property.

(6) Theft of property exceeding \$100,000 and not exceeding \$500,000 in value is a Class 1 felony. (6.1) Theft of property exceeding \$100,000 in value is a Class X felony if the theft was committed in a school or place of worship or if the theft was of governmental property. (6.2) Theft of property exceeding \$500,000 and not exceeding \$1,000,000 in value is a Class 1 non-probationable felony. (6.3) Theft of property exceeding \$1,000,000 in value is a Class X felony.

(7) Theft by deception, as described by paragraph

(2) of subsection

(a) of this Section, in which the offender obtained money or property valued at \$5,000 or more from a victim 60 years of age or older or a person with a disability is a Class 2 felony.

(8) Theft by deception, as described by paragraph

(2) of subsection

(a) of this Section, in which the offender falsely poses as a landlord or agent or employee of the landlord and obtains a rent payment or a security deposit from a tenant is a Class 3 felony if the rent payment or security deposit obtained does not exceed \$500.

(9) Theft by deception, as described by paragraph

(2) of subsection

(a) of this Section, in which the offender falsely poses as a landlord or agent or employee of the landlord and obtains a rent payment or a security deposit from a tenant is a Class 2 felony if the rent payment or security deposit obtained exceeds \$500 and does not exceed \$10,000.

(10) Theft by deception, as described by paragraph

(2) of subsection

(a) of this Section, in which the offender falsely poses as a landlord or agent or employee of the landlord and obtains a rent payment or a security deposit from a tenant is a Class 1 felony if the rent payment or security deposit obtained exceeds \$10,000 and does not exceed \$100,000.

(11) Theft by deception, as described by paragraph

(2) of subsection

(a) of this Section, in which the offender falsely poses as a landlord or agent or employee of the landlord and obtains a rent payment or a security deposit from a tenant is a Class X felony if the rent payment or security deposit obtained exceeds \$100,000.

(c) When a charge of theft of property exceeding a specified value is brought, the value of the property involved is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding the specified value.

(d) Theft by lessee; permissive inference. The trier of fact may infer evidence that a person intends to deprive the owner permanently of the use or benefit of the property

(1) if a lessee of the personal property of another fails to return it to the owner within 10 days after written demand from the owner for its return or

(2) if a lessee of the personal property of another fails to return it to the owner within 24 hours after written demand from the owner for its return and the lessee had presented identification to the owner that contained a materially fictitious name, address, or telephone number. A notice in writing, given after the expiration of the leasing agreement, addressed and mailed, by registered mail, to the lessee at the address given by him and shown on the leasing agreement shall constitute proper demand.

(e) Permissive inference; evidence of intent that a person obtains by deception control over property. The trier of fact may infer that a person "knowingly obtains by deception control over property of the owner" when he or she fails to return, within 45 days after written demand from the owner, the downpayment and any additional payments accepted under a promise, oral or in writing, to perform services for the owner for consideration of \$3,000 or more, and the promisor knowingly without good cause failed to substantially perform pursuant to the agreement after taking a down payment of 10% or more of the agreed upon consideration. This provision shall not apply where the owner initiated the suspension of performance under the agreement, or where the promisor responds to the notice within the 45-day notice period. A notice in writing, addressed and mailed, by registered mail, to the promisor at the last known address of the promisor, shall constitute proper demand.

(f) Offender's interest in the property.

(1) It is no defense to a charge of theft of property that the offender has an interest therein, when the owner also has an interest to which the offender is not entitled.

(2) Where the property involved is that of the offender's spouse, no prosecution for theft may be maintained unless the parties were not living together as man and wife and were living in separate abodes at the time of the alleged theft.

720 ILCS 5/16-1.1

Sec. 16-1.1. (Repealed).

720 ILCS 5/16-1.2

Sec. 16-1.2. (Repealed).

720 ILCS 5/16-1.3

Sec. 16-1.3. (Renumbered).

720 ILCS 5/16-2 — Theft of lost or mislaid property

Sec. 16-2. Theft of lost or mislaid property. A person commits theft of lost or mislaid property when he or she obtains control over the property and:

(a) Knows or learns the identity of the owner or knows, or is aware of, or learns of a reasonable method of identifying the owner, and

- (b) Fails to take reasonable measures to restore the property to the owner, and
- (c) Intends to deprive the owner permanently of the use or benefit of the property.
- (d) Sentence. Theft of lost or mislaid property where:
 - (1) the value does not exceed \$500 is a Class B misdemeanor;
 - (2) the value exceeds \$500 but does not exceed \$10,000 is a Class A misdemeanor; and
 - (3) the value exceeds \$10,000 is a Class 4 felony.

720 ILCS 5/16-3 — Theft of labor or services or use of property

Sec. 16-3. Theft of labor or services or use of property.

- (a) A person commits theft when he or she knowingly obtains the temporary use of property, labor or services of another which are available only for hire, by means of threat or deception or knowing that such use is without the consent of the person providing the property, labor or services. For the purposes of this subsection, library material is available for hire.
- (b) A person commits theft when after
 - (1) renting or leasing a motor vehicle,
 - (2) obtaining a motor vehicle through a "driveaway" service mode of transportation,
 - (3) renting or leasing equipment exceeding \$500 in value including tools, construction or industry equipment, and such items as linens, tableware, tents, tables, chairs and other equipment specially rented for a party or special event, or
 - (4) renting or leasing any other type of personal property exceeding \$500 in value, under an agreement in writing which provides for the return of the vehicle, equipment, or other personal property to a particular place at a particular time, he or she without good cause knowingly fails to return the vehicle, equipment, or other personal property to that place within the time specified, and is thereafter served or sent a written demand mailed to the last known address, made by certified mail return receipt requested, to return the vehicle, equipment, or other personal property within 3 days from the mailing of the written demand, and who without good cause knowingly fails to return the vehicle, equipment, or any other personal property to any place of business of the lessor within the return period. The trier of fact may infer evidence that the person is without good cause if the person signs the agreement with a name or address other than his or her own.
- (c) A person commits theft when he or she borrows from a library facility library material which has an aggregate value of \$50 or more pursuant to an agreement with or procedure established by the library facility for the return of such library material, and knowingly without good cause fails to return the library material so borrowed in accordance with such agreement or procedure, and further knowingly without good cause fails to return such library material within 30 days after receiving written notice by certified mail from the library facility demanding the return of such library material.
- (d) Sentence. A person convicted of theft under subsection
 - (a) is guilty of a Class A misdemeanor, except that the theft of library material where the aggregate value exceeds \$300 is a Class 3 felony. A person convicted of theft under subsection
 - (b) of this Section is guilty of a Class 4 felony. A person convicted of theft under subsection
 - (c) is guilty of a petty offense for which the offender may be fined an amount not to exceed \$500 and shall be ordered to reimburse the library for postage costs, attorney's fees, and actual replacement costs of the materials not returned, except that theft under subsection
 - (c) where the aggregate value exceeds \$300 is a Class 3 felony. In addition to any other penalty imposed, the court may order a person convicted under this Section to make restitution to the victim of the offense. For the purpose of sentencing on theft of library material, separate transactions totalling more than \$300 within a 90-day period shall constitute a single offense.

720 ILCS 5/16-3.1

Sec. 16-3.1. (Repealed).

720 ILCS 5/16-4

Sec. 16-4. (Repealed).

720 ILCS 5/16-5 — Theft from coin-operated machine

Sec. 16-5. Theft from coin-operated machine.

(a) A person commits theft from a coin-operated machine when he or she knowingly and without authority opens, breaks into, tampers with, triggers, or damages a coin-operated machine either:

- (1) to operate or use the machine; or
- (2) with the intent to commit a theft from the machine.

(b) Sentence.

(1) A violation of subdivision (a)(1) is a Class B misdemeanor.

(2) A violation of subdivision (a)(2) is a Class A misdemeanor.

(3) A person who has been convicted of theft from a coin-operated machine in violation of subdivision (a)(2) and who has been previously convicted of any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, or home invasion is guilty of a Class 4 felony.

720 ILCS 5/16-6 — Theft-related devices

Sec. 16-6. Theft-related devices. (a)(1) A person commits unlawful possession of a key or device for a coin-operated machine when he or she possesses a key, drawing, print, mold of a key, device, or substance designed to open, break into, tamper with, or damage a coin-operated machine, with intent to commit a theft from the machine.

(2) A person commits unlawful use of a key or device for a coin-operated machine when he or she with the intent to commit a theft from a coin-operated machine uses a key, drawing, print, mold of a key, device, or substance and causes damage or loss to the coin-operated machine of more than \$300. (b)(1) A person commits unlawful use of a theft detection shielding device when he or she knowingly manufactures, sells, offers for sale or distributes any theft detection shielding device.

(2) A person commits unlawful possession of a theft detection shielding device when he or she knowingly possesses a theft detection shielding device with the intent to commit theft or retail theft.

(3) A person commits unlawful possession of a theft detection device remover when he or she knowingly possesses a theft detection device remover with the intent to use such tool to remove any theft detection device from any merchandise without the permission of the merchant or person owning or holding the merchandise.

(c) A person commits use of a scanning device or reencoder to defraud when the person knowingly uses:

- (1) a scanning device to access, read, obtain, memorize, or store, temporarily or permanently, information encoded on the magnetic strip or stripe of a payment card without the permission of the authorized user of the payment card and with the intent to defraud the authorized user, the issuer of the authorized user's payment card, or a merchant; or
- (2) a reencoder to place information encoded on the magnetic strip or stripe of a payment card onto the magnetic strip or stripe of a different card without the permission of the authorized user of the card from which the information is being reencoded and with the intent to defraud the authorized user, the issuer of the authorized user's payment card, or a merchant.

(d) Sentence. A violation of subdivision (a)(1), (b)(1), (b)(2), or (b)(3) is a Class A misdemeanor. A second or subsequent violation of subdivision (b)(1), (b)(2), or (b)(3) is a Class 4 felony. A violation of subdivision (a)(2), (c)(1), or (c)(2) is a Class 4 felony. A second or subsequent violation of subdivision (c)(1) or (c)(2) is a Class 3 felony.

(e) The owner of a coin-operated machine may maintain a civil cause of action against a person engaged in the activities covered in subdivisions (a)(1) and (a)(2) and may recover treble actual damages, reasonable attorney's fees, and costs.

(f) As used in this Section, "substance" means a corrosive or acidic liquid or solid but does not include items purchased through a coin-operated machine at the location or acquired as condiments at the location of the coin-operated machine.

(g) For the purposes of this Section, "theft detection shielding device" means any laminated or coated bag or device peculiar to and marketed for shielding and intended to shield merchandise from detection by an electronic or magnetic theft alarm sensor.

720 ILCS 5/16-7 — Unlawful use of recorded sounds or images

Sec. 16-7. Unlawful use of recorded sounds or images.

(a) A person commits unlawful use of recorded sounds or images when he or she knowingly or recklessly:

(1) transfers or causes to be transferred without the consent of the owner, any sounds or images recorded on any sound or audio visual recording with the intent of selling or causing to be sold, or using or causing to be used for profit the article to which such sounds or recordings of sound are transferred;

(2) sells, offers for sale, advertises for sale, uses or causes to be used for profit any such article described in subdivision (a)(1) without consent of the owner;

(3) offers or makes available for a fee, rental or any other form of compensation, directly or indirectly, any equipment or machinery for the purpose of use by another to reproduce or transfer, without the consent of the owner, any sounds or images recorded on any sound or audio visual recording to another sound or audio visual recording or for the purpose of use by another to manufacture any sound or audio visual recording in violation of subsection (b); or

(4) transfers or causes to be transferred without the consent of the owner, any live performance with the intent of selling or causing to be sold, or using or causing to be used for profit the sound or audio visual recording to which the performance is transferred.

(b) A person commits unlawful use of unidentified sound or audio visual recordings when he or she knowingly, recklessly, or negligently for profit manufactures, sells, distributes, vends, circulates, performs, leases, possesses, or otherwise deals in and with unidentified sound or audio visual recordings or causes the manufacture, sale, distribution, vending, circulation, performance, lease, or other dealing in and with unidentified sound or audio visual recordings.

(c) For the purposes of this Section, "owner" means the person who owns the master sound recording on which sound is recorded and from which the transferred recorded sounds are directly or indirectly derived, or the person who owns the rights to record or authorize the recording of a live performance. For the purposes of this Section, "manufacturer" means the person who actually makes or causes to be made a sound or audio visual recording. "Manufacturer" does not include a person who manufactures the medium upon which sounds or visual images can be recorded or stored, or who manufactures the cartridge or casing itself.

(d) Sentence. Unlawful use of recorded sounds or images or unidentified sound or audio visual recordings is a Class 4 felony; however:

(1) If the offense involves more than 100 but not exceeding 1000 unidentified sound recordings or more than 7 but not exceeding 65 unidentified audio visual recordings during any 180 day period the authorized fine is up to \$100,000; and

(2) If the offense involves more than 1,000 unidentified sound recordings or more than 65 unidentified audio visual recordings during any 180 day period the authorized fine is up to \$250,000.

(e) Upon conviction of any violation of subsection (b), the offender shall be sentenced to make restitution to any owner or lawful producer of a master sound or audio visual recording, or to the trade association representing such owner or lawful producer, that has suffered injury resulting from the crime. The order of restitution shall be based on the aggregate wholesale value of lawfully manufactured and authorized sound or audio visual recordings corresponding to the non-conforming recorded devices involved in the offense, and shall include investigative costs relating to the offense.

(f) Subsection

(a) of this Section shall neither enlarge nor diminish the rights of parties in private litigation.

(g) Subsection

(a) of this Section does not apply to any person engaged in the business of radio or television broadcasting who transfers, or causes to be transferred, any sounds (other than from the sound track of a motion picture) solely for the purpose of broadcast transmission.

(h) Each individual manufacture, distribution or sale or transfer for a consideration of such recorded devices in contravention of subsection

(a) of this Section constitutes a separate violation of this Section. Each individual manufacture, sale, distribution, vending, circulation, performance, lease, possession, or other dealing in and with an unidentified sound or audio visual recording under subsection

(b) of this Section constitutes a separate violation of this Section.

(i) Any sound or audio visual recordings containing transferred sounds or a performance whose transfer was not authorized by the owner of the master sound recording or performance, or any unidentified sound or audio visual recording used, in violation of this Section, or in the attempt to commit such violation as defined in Section 8-4, or in a

conspiracy to commit such violation as defined in Section 8-2, or in a solicitation to commit such offense as defined in Section 8-1, may be confiscated and destroyed upon conclusion of the case or cases to which they are relevant, except that the court may enter an order preserving them as evidence for use in other cases or pending the final determination of an appeal.

(j) It is an affirmative defense to any charge of unlawful use of recorded sounds or images that the recorded sounds or images so used are public domain material. For purposes of this Section, recorded sounds are deemed to be in the public domain if the recorded sounds were copyrighted pursuant to the copyright laws of the United States, as the same may be amended from time to time, and the term of the copyright and any extensions or renewals thereof has expired.

(k) With respect to sound recordings (other than accompanying a motion picture or other audiovisual work), this Section applies only to sound recordings that were initially recorded before February 15, 1972.

720 ILCS 5/16-8

Sec. 16-8. (Repealed).

720 ILCS 5/16-10

Sec. 16-10. (Repealed).

720 ILCS 5/16-11

Sec. 16-11. (Repealed).

720 ILCS 5/16-12

Sec. 16-12. (Repealed).

720 ILCS 5/16-13

Sec. 16-13. (Repealed).

720 ILCS 5/16-14 — Theft of utility services

Sec. 16-14. Theft of utility services.

(a) A person commits theft of utility services when he or she knowingly, without authority, diverts or interferes with any public water, gas, power supply, or other public services or installs any device with the intent to divert or interfere with any public water, gas, power supply, or other public services without the authority of the owner or entity furnishing or transmitting such product or services.

(b) Sentence.

(1) Except as provided in paragraph (3), a violation of this Section is a Class A misdemeanor unless the offense was committed for remuneration, in which case it is a Class 4 felony.

(2) Except as provided in paragraph (3), a second or subsequent violation of this Section is a Class 4 felony.

(3) If the offense causes disruption of the public utility services or delay in the restoration of the public utility services to 10 or more customers or affects an area of more than one square mile, a violation of this Section is a Class 2 felony.

(c) This Section does not apply to the theft of telecommunication services.

720 ILCS 5/16-15

Sec. 16-15. (Repealed).

720 ILCS 5/16-16

Sec. 16-16. (Repealed).

720 ILCS 5/16-16.1

Sec. 16-16.1. (Repealed).

720 ILCS 5/16-17 — Theft of advertising services

Sec. 16-17. Theft of advertising services.

- (a) A person commits theft of advertising services when he or she knowingly attaches or inserts an unauthorized advertisement in a newspaper or periodical, and redistributes it to the public or has the intent to redistribute it to the public.
- (b) This Section applies to any newspaper or periodical that is offered for retail sale or is distributed without charge.
- (c) This Section does not apply if the publisher or authorized distributor of the newspaper or periodical consents to the attachment or insertion of the advertisement.
- (d) In this Section, "unauthorized advertisement" means any form of representation or communication, including any handbill, newsletter, pamphlet, or notice that contains any letters, words, or pictorial representation that is attached to or inserted in a newspaper or periodical without a contractual agreement between the publisher and an advertiser.
- (e) Sentence. Theft of advertising services is a Class A misdemeanor.

720 ILCS 5/16-18 — Tampering with communication services; theft of communication services

Sec. 16-18. Tampering with communication services; theft of communication services.

- (a) Injury to wires or obtaining service with intent to defraud. A person commits injury to wires or obtaining service with intent to defraud when he or she knowingly:
 - (1) displaces, removes, injures or destroys any telegraph or telephone line, wire, cable, pole or conduit, belonging to another, or the material or property appurtenant thereto; or
 - (2) cuts, breaks, taps, or makes any connection with any telegraph or telephone line, wire, cable or instrument belonging to another; or
 - (3) reads, takes or copies any message, communication or report intended for another passing over any such telegraph line, wire or cable in this State; or
 - (4) prevents, obstructs or delays by any means or contrivance whatsoever, the sending, transmission, conveyance or delivery in this State of any message, communication or report by or through any telegraph or telephone line, wire or cable; or
 - (5) uses any apparatus to unlawfully do or cause to be done any of the acts described in subdivisions (a)(1) through (a)(4) of this Section; or
 - (6) obtains, or attempts to obtain, any telecommunications service with the intent to deprive any person of the lawful charge, in whole or in part, for any telecommunications service: (A) by charging such service to an existing telephone number without the authority of the subscriber thereto; or (B) by charging such service to a nonexistent, false, fictitious, or counterfeit telephone number or to a suspended, terminated, expired, canceled, or revoked telephone number; or (C) by use of a code, prearranged scheme, or other similar stratagem or device whereby said person, in effect, sends or receives information; or (D) by publishing the number or code of an existing, canceled, revoked or nonexistent telephone number, credit number or other credit device or method of numbering or coding which is employed in the issuance of telephone numbers, credit numbers or other credit devices which may be used to avoid the payment of any lawful telephone toll charge; or (E) by any other trick, stratagem, impersonation, false pretense, false representation, false statement, contrivance, device, or means.
- (b) Theft of communication services. A person commits theft of communication services when he or she knowingly:
 - (1) obtains or uses a communication service without the authorization of, or compensation paid to, the communication service provider;
 - (2) possesses, uses, manufactures, assembles, distributes, leases, transfers, or sells, or offers, promotes or advertises for sale, lease, use, or distribution, an unlawful communication device: (A) for the commission of a theft of a communication service or to receive, disrupt, transmit, decrypt, or acquire, or facilitate the receipt, disruption, transmission, decryption or acquisition, of any communication service without the express consent or express authorization of the communication service provider; or (B) to conceal or to assist another to conceal from any communication service provider or from any lawful authority the existence or place of origin or destination of any communication;
 - (3) modifies, alters, programs or reprograms a communication device for the purposes described in subdivision (2)(A) or (2)(B);

(4) possesses, uses, manufactures, assembles, leases, distributes, sells, or transfers, or offers, promotes or advertises for sale, use or distribution, any unlawful access device; or

(5) possesses, uses, prepares, distributes, gives or otherwise transfers to another or offers, promotes, or advertises for sale, use or distribution, any: (A) plans or instructions for making or assembling an unlawful communication or access device, with the intent to use or employ the unlawful communication or access device, or to allow the same to be used or employed, for a purpose prohibited by this subsection (b), or knowing or having reason to know that the plans or instructions are intended to be used for manufacturing or assembling the unlawful communication or access device for a purpose prohibited by this subsection (b); or (B) material, including hardware, cables, tools, data, computer software or other information or equipment, knowing that the purchaser or a third person intends to use the material in the manufacture or assembly of an unlawful communication or access device for a purpose prohibited by this subsection (b).

(c) Sentence.

(1) A violation of subsection

(a) is a Class A misdemeanor; provided, however, that any of the following is a Class 4 felony: (A) a second or subsequent conviction for a violation of subsection (a); or (B) an offense committed for remuneration; or (C) an offense involving damage or destruction of property in an amount in excess of \$300 or defrauding of services in excess of \$500.

(2) A violation of subsection

(b) is a Class A misdemeanor, except that: (A) A violation of subsection

(b) is a Class 4 felony if:

(i) the violation of subsection

(b) involves at least 10, but not more than 50, unlawful communication or access devices; or (ii) the defendant engages in conduct identified in subdivision (b)(3) of this Section with the intention of substantially disrupting and impairing the ability of a communication service provider to deliver communication services to its lawful customers or subscribers; or (iii) the defendant at the time of the commission of the offense is a pre-trial detainee at a penal institution or is serving a sentence at a penal institution; or (iv) the defendant at the time of the commission of the offense is a pre-trial detainee at a penal institution or is serving a sentence at a penal institution and uses any means of electronic communication as defined in Section 26.5-0.1 of this Code for fraud, theft, theft by deception, identity theft, or any other unlawful purpose; or

(v) the aggregate value of the service obtained is \$300 or more; or (vi) the violation is for a wired communication service or device and the defendant has been convicted previously for an offense under subsection

(b) or for any other type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, home invasion, or fraud, including violations of the Cable Communications Policy Act of 1984 in this or any federal or other state jurisdiction. (B) A violation of subsection

(b) is a Class 3 felony if:

(i) the violation of subsection

(b) involves more than 50 unlawful communication or access devices; or (ii) the defendant at the time of the commission of the offense is a pre-trial detainee at a penal institution or is serving a sentence at a penal institution and has been convicted previously of an offense under subsection

(b) committed by the defendant while serving as a pre-trial detainee in a penal institution or while serving a sentence at a penal institution; or (iii) the defendant at the time of the commission of the offense is a pre-trial detainee at a penal institution or is serving a sentence at a penal institution and has been convicted previously of an offense under subsection

(b) committed by the defendant while serving as a pre-trial detainee in a penal institution or while serving a sentence at a penal institution and uses any means of electronic communication as defined in Section 26.5-0.1 of this Code for fraud, theft, theft by deception, identity theft, or any other unlawful purpose; or (iv) the violation is for a wired communication service or device and the defendant has been convicted previously on 2 or more occasions for offenses under subsection

(b) or for any other type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, home invasion, or fraud, including violations of the Cable Communications Policy Act of 1984 in this or any federal or other state jurisdiction. (C) A violation of subsection

(b) is a Class 2 felony if the violation is for a wireless communication service or device and the defendant has been convicted previously for an offense under subsection

(b) or for any other type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, home invasion, or fraud, including violations of the Cable Communications Policy Act of 1984 in this or any federal or other state jurisdiction.

(3) Restitution. The court shall, in addition to any other sentence authorized by law, sentence a person convicted of violating subsection

(b) to make restitution in the manner provided in Article 5 of Chapter V of the Unified Code of Corrections.

(d) Grading of offense based on prior convictions. For purposes of grading an offense based upon a prior conviction for an offense under subsection

(b) or for any other type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, home invasion, or fraud, including violations of the Cable Communications Policy Act of 1984 in this or any federal or other state jurisdiction under subdivisions (c)(2)(A)(i) and (c)(2)(B)(i) of this Section, a prior conviction shall consist of convictions upon separate indictments or criminal complaints for offenses under subsection

(b) or for any other type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, home invasion, or fraud, including violations of the Cable Communications Policy Act of 1984 in this or any federal or other state jurisdiction.

(e) Separate offenses. For purposes of all criminal penalties or fines established for violations of subsection (b), the prohibited activity established in subsection

(b) as it applies to each unlawful communication or access device shall be deemed a separate offense.

(f) Forfeiture of unlawful communication or access devices. Upon conviction of a defendant under subsection (b), the court may, in addition to any other sentence authorized by law, direct that the defendant forfeit any unlawful communication or access devices in the defendant's possession or control which were involved in the violation for which the defendant was convicted.

(g) Venue. An offense under subsection

(b) may be deemed to have been committed at either the place where the defendant manufactured or assembled an unlawful communication or access device, or assisted others in doing so, or the place where the unlawful communication or access device was sold or delivered to a purchaser or recipient. It is not a defense to a violation of subsection

(b) that some of the acts constituting the offense occurred outside of the State of Illinois.

(h) Civil action. For purposes of subsection (b):

(1) Bringing a civil action. Any person aggrieved by a violation may bring a civil action in any court of competent jurisdiction.

(2) Powers of the court. The court may: (A) grant preliminary and final injunctions to prevent or restrain violations without a showing by the plaintiff of special damages, irreparable harm or inadequacy of other legal remedies; (B) at any time while an action is pending, order the impounding, on such terms as it deems reasonable, of any unlawful communication or access device that is in the custody or control of the violator and that the court has reasonable cause to believe was involved in the alleged violation; (C) award damages as described in subdivision (h)(3); (D) award punitive damages; (E) in its discretion, award reasonable attorney's fees and costs, including, but not limited to, costs for investigation, testing and expert witness fees, to an aggrieved party who prevails; and (F) as part of a final judgment or decree finding a violation, order the remedial modification or destruction of any unlawful communication or access device involved in the violation that is in the custody or control of the violator or has been impounded under subdivision (h)(2)(B).

(3) Types of damages recoverable. Damages awarded by a court under this Section shall be computed as either of the following: (A) Upon his or her election of such damages at any time before final judgment is entered, the complaining party may recover the actual damages suffered by him or her as a result of the violation and any profits of the violator that are attributable to the violation and are not taken into account in computing the actual damages; in determining the violator's profits, the complaining party shall be required to prove only the violator's gross revenue, and the violator shall be required to prove his or her deductible expenses and the elements of profit attributable to factors other than the violation; or (B) Upon election by the complaining party at any time before final judgment is entered, that party may recover in lieu of actual damages an award of statutory damages of not less than \$250 and not more than \$10,000 for each unlawful communication or access device involved in the action, with the amount of statutory damages to be determined by the court, as the court considers just. In any case, if the court finds that any of the violations were

committed with the intent to obtain commercial advantage or private financial gain, the court in its discretion may increase the award of statutory damages by an amount of not more than \$50,000 for each unlawful communication or access device involved in the action.

(4) Separate violations. For purposes of all civil remedies established for violations, the prohibited activity established in this Section applies to each unlawful communication or access device and shall be deemed a separate violation.

720 ILCS 5/16-19

Sec. 16-19. (Repealed).

720 ILCS 5/16-20

Sec. 16-20. (Repealed).

720 ILCS 5/16-21

Sec. 16-21. (Repealed).

720 ILCS 5/16-22

Sec. 16-22. (Renumbered).

720 ILCS 5/16-25 — Retail theft

Sec. 16-25. Retail theft.

(a) A person commits retail theft when he or she knowingly:

(1) Takes possession of, carries away, transfers or causes to be carried away or transferred any merchandise displayed, held, stored or offered for sale in a retail mercantile establishment with the intention of retaining such merchandise or with the intention of depriving the merchant permanently of the possession, use or benefit of such merchandise without paying the full retail value of such merchandise; or

(2) Alters, transfers, or removes any label, price tag, marking, indicia of value or any other markings which aid in determining value affixed to any merchandise displayed, held, stored or offered for sale in a retail mercantile establishment and attempts to purchase such merchandise at less than the full retail value with the intention of depriving the merchant of the full retail value of such merchandise; or

(3) Transfers any merchandise displayed, held, stored or offered for sale in a retail mercantile establishment from the container in or on which such merchandise is displayed to any other container with the intention of depriving the merchant of the full retail value of such merchandise; or

(4) Under-rings with the intention of depriving the merchant of the full retail value of the merchandise; or

(5) Removes a shopping cart from the premises of a retail mercantile establishment without the consent of the merchant given at the time of such removal with the intention of depriving the merchant permanently of the possession, use or benefit of such cart; or

(6) Represents to a merchant that he, she, or another is the lawful owner of property, knowing that such representation is false, and conveys or attempts to convey that property to a merchant who is the owner of the property in exchange for money, merchandise credit or other property of the merchant; or

(7) Uses or possesses any theft detection shielding device or theft detection device remover with the intention of using such device to deprive the merchant permanently of the possession, use or benefit of any merchandise displayed, held, stored or offered for sale in a retail mercantile establishment without paying the full retail value of such merchandise; or

(8) Obtains or exerts unauthorized control over property of the owner and thereby intends to deprive the owner permanently of the use or benefit of the property when a lessee of the personal property of another fails to return it to the owner, or if the lessee fails to pay the full retail value of such property to the lessor in satisfaction of any contractual provision requiring such, within 10 days after written demand from the owner for its return. A notice in writing, given after the expiration of the leasing agreement, by registered mail, to the lessee at the address given by the lessee and shown on the leasing agreement shall constitute proper demand.

(b) Theft by emergency exit. A person commits theft by emergency exit when he or she commits a retail theft as defined in subdivisions (a)(1) through (a)(8) of this Section and to facilitate the theft he or she leaves the retail mercantile establishment by use of a designated emergency exit.

(c) Permissive inference. If any person:

(1) conceals upon his or her person or among his or her belongings unpurchased merchandise displayed, held, stored or offered for sale in a retail mercantile establishment; and

(2) removes that merchandise beyond the last known station for receiving payments for that merchandise in that retail mercantile establishment, then the trier of fact may infer that the person possessed, carried away or transferred such merchandise with the intention of retaining it or with the intention of depriving the merchant permanently of the possession, use or benefit of such merchandise without paying the full retail value of such merchandise. To "conceal" merchandise means that, although there may be some notice of its presence, that merchandise is not visible through ordinary observation.

(d) Venue. Multiple thefts committed by the same person as part of a continuing course of conduct in different jurisdictions that have been aggregated in one jurisdiction may be prosecuted in any jurisdiction in which one or more of the thefts occurred.

(e) For the purposes of this Section, "theft detection shielding device" means any laminated or coated bag or device designed and intended to shield merchandise from detection by an electronic or magnetic theft alarm sensor.

(f) Sentence.

(1) A violation of any of subdivisions (a)(1) through (a)(6) and (a)(8) of this Section, the full retail value of which does not exceed \$300 for property other than motor fuel or \$150 for motor fuel, is a Class A misdemeanor. A violation of subdivision (a)(7) of this Section is a Class A misdemeanor for a first offense and a Class 4 felony for a second or subsequent offense. Theft by emergency exit of property, the full retail value of which does not exceed \$300, is a Class 4 felony.

(2) A person who has been convicted of retail theft of property under any of subdivisions (a)(1) through (a)(6) and (a)(8) of this Section, the full retail value of which does not exceed \$300 for property other than motor fuel or \$150 for motor fuel, and who has been previously convicted of any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, home invasion, unlawful use of a credit card, or forgery is guilty of a Class 4 felony. A person who has been convicted of theft by emergency exit of property, the full retail value of which does not exceed \$300, and who has been previously convicted of any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, home invasion, unlawful use of a credit card, or forgery is guilty of a Class 3 felony.

(3) Any retail theft of property under any of subdivisions (a)(1) through (a)(6) and (a)(8) of this Section, the full retail value of which exceeds \$300 for property other than motor fuel or \$150 for motor fuel in a single transaction, or in separate transactions committed by the same person as part of a continuing course of conduct from one or more mercantile establishments over a period of one year, is a Class 3 felony. Theft by emergency exit of property, the full retail value of which exceeds \$300 in a single transaction, or in separate transactions committed by the same person as part of a continuing course of conduct from one or more mercantile establishments over a period of one year, is a Class 2 felony. When a charge of retail theft of property or theft by emergency exit of property, the full value of which exceeds \$300, is brought, the value of the property involved is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding \$300.

720 ILCS 5/16-25.1 — Organized retail crime

Sec. 16-25.1. Organized retail crime.

(a) An individual is guilty of organized retail crime when that individual, in concert with another individual or any group of individuals, knowingly commits the act of retail theft from one or more retail mercantile establishments, and in the course of or in furtherance of such crime or flight therefrom:

(1) knowingly commits assault as defined under Section 12-1 or battery as defined under Section 12-3(a)(2) on the premises of the retail mercantile establishment;

(2) knowingly commits a battery under Section 12-3(a)(1) on the premises of the retail mercantile establishment; or

(3) intentionally destroys or damages the property of the retail mercantile establishment.

(b) An individual is guilty of being a manager of the organized retail crime when that individual knowingly recruits, organizes, supervises, finances, or otherwise manages or directs any other individual or individuals to:

(1) commit the act of retail theft from one or more retail mercantile establishments, if the aggregate value of the merchandise exceeds \$300, and the manager or the individual has the intent to resell the merchandise or otherwise have the merchandise reenter the stream of commerce;

(2) commit theft of merchandise, the aggregate retail value of which exceeds \$300, while the merchandise is in transit from the manufacturer to the retail mercantile establishment, and the manager or the individual has the intent to resell the merchandise;

(3) obtain control over property for sale or resale, the aggregate retail value of which exceeds \$300, knowing the property to have been stolen or under such circumstances as would reasonably induce the individual to believe that the property was stolen; or

(4) receive, possess, or purchase any merchandise or stored value cards, the aggregate retail value of which exceeds \$300, obtained from a fraudulent return with the knowledge that the property was obtained in violation of this Section or Section 16-25.

(c) If acts or omissions constituting any part of the commission of the charged offense under the Section occurred in more than one county, each county has concurrent venue. If the charged offenses under this Section occurred in more than one county, the counties may join the offenses in a single criminal pleading and have concurrent venue as to all charged offenses. When counties have concurrent venue, the first county in which a criminal complaint, information, or indictment is issued in the case becomes the county with exclusive venue. A violation of organized retail crime may be investigated, indicted, and prosecuted pursuant to the Statewide Grand Jury Act.

(d) Sentence. A violation of paragraph

(1) or

(3) of subsection

(a) is a Class 3 felony. A violation of paragraph

(2) of subsection

(a) is a Class 2 felony. A violation of subsection

(b) is a Class 2 felony.

720 ILCS 5/16-25.2 — Retail loss prevention report and notice requirements

Sec. 16-25.2. Retail loss prevention report and notice requirements.

(a) A retail mercantile establishment that is a victim of a violation of Section 16-25, 16-25.1, 17-10.6, or 25-4 shall have the right:

(1) to timely notification of all court proceedings. Timely notice shall include 7 days' notice of any court proceedings. Timely notice shall be sent to the location of the retail mercantile establishment where the violation occurred and to the point of contact as provided by the retail mercantile establishment. The point of contact may be any employee of the retail mercantile establishment or representative as provided by the retail mercantile establishment;

(2) to communicate with the prosecution;

(3) to be reasonably heard at any post-arraignment court proceeding in which a right of the victim is at issue and any court proceeding involving a post-arraignment release decision, plea, or sentencing;

(4) to be notified of the conviction, the sentence, the imprisonment, and the release of the accused; and

(5) to have present at all court proceedings subject to the rules of evidence an advocate of the retail mercantile establishment's choice.

(b) Unless a retail mercantile establishment refuses to file a report regarding the incident, the law enforcement agency having jurisdiction shall file a report concerning the incident with the State's Attorney. No law enforcement agent shall discourage or attempt to discourage a retail mercantile establishment from filing a police report concerning the incident. Upon the request of the retail mercantile establishment, the law enforcement agency having jurisdiction shall provide a free copy of the police report concerning the incident, as soon as practicable, but in no event later than 5 business days after the request. The Illinois Law Enforcement Training Standards Board shall not consider any allegation of a violation of this subsection that is contained in a complaint made under Section 1-35 of the Police and Community Relations Improvement Act.

(c) For purposes of this Section, "court proceeding" means the preliminary hearing; any post-arraignment hearing the effect of which may be the release of the defendant from custody or to alter the conditions of pretrial release; the trial; the sentencing; any oral argument or hearing before an Illinois appellate court; any hearing for conditional release; any hearing related to a modification of sentence; any probation revocation hearing; any aftercare release or parole hearing; any post-conviction relief proceeding; and any habeas corpus proceeding.

720 ILCS 5/16-26 — Detention; affirmative defense

Sec. 16-26. Detention; affirmative defense.

(a) Detention. Any merchant who has reasonable grounds to believe that a person has committed retail theft may detain the person, on or off the premises of a retail mercantile establishment, in a reasonable manner and for a reasonable length of time for all or any of the following purposes:

- (1) To request identification;
- (2) To verify such identification;
- (3) To make reasonable inquiry as to whether such person has in his possession unpurchased merchandise and to make reasonable investigation of the ownership of such merchandise;
- (4) To inform a peace officer of the detention of the person and surrender that person to the custody of a peace officer;
- (5) In the case of a minor, to immediately make a reasonable attempt to inform the parents, guardian or other private person interested in the welfare of that minor and, at the merchant's discretion, a peace officer, of this detention and to surrender custody of such minor to such person. A merchant may make a detention as permitted in this Section off the premises of a retail mercantile establishment only if such detention is pursuant to an immediate pursuit of such person. A merchant shall be deemed to have reasonable grounds to make a detention for the purposes of this Section if the merchant detains a person because such person has in his or her possession either a theft detection shielding device or a theft detection device remover.

(b) Affirmative defense. A detention as permitted in this Section does not constitute an arrest or an unlawful restraint, as defined in Section 10-3 of this Code, nor shall it render the merchant liable to the person so detained.

(c) For the purposes of this Section, "minor" means a person who is less than 19 years of age, is unemancipated, and resides with his or her parent or parents or legal guardian.

720 ILCS 5/16-27 — Civil liability

Sec. 16-27. Civil liability.

(a) A person who commits the offense of retail theft as defined in subdivision (a)(1), (a)(2), (a)(3), or (a)(8) of Section 16-25 shall be civilly liable to the merchant of the merchandise in an amount consisting of:

(i) actual damages equal to the full retail value of the merchandise; plus (ii) an amount not less than \$100 nor more than \$1,000; plus (iii) attorney's fees and court costs.

(b) If a minor commits the offense of retail theft, the parents or guardian of the minor shall be civilly liable as provided in this Section; however, a guardian appointed pursuant to the Juvenile Court Act of 1987 shall not be liable under this Section. Total recovery under this Section shall not exceed the maximum recovery permitted under Section 5 of the Parental Responsibility Law. For the purposes of this Section, "minor" means a person who is less than 19 years of age, is unemancipated, and resides with his or her parent or parents or legal guardian.

(c) A conviction or a plea of guilty to the offense of retail theft is not a prerequisite to the bringing of a civil suit under this Section.

(d) Judgments arising under this Section may be assigned.

720 ILCS 5/16-28 — Delivery container theft

Sec. 16-28. Delivery container theft.

(a) A person commits delivery container theft when he or she knowingly does any of the following:

(1) Uses for any purpose, when not on the premises of the owner or an adjacent parking area, a delivery container of another person which is marked by a name or mark unless the use is authorized by the owner.

(2) Sells, or offers for sale, a delivery container of another person which is marked by a name or mark unless the sale is authorized by the owner.

(3) Defaces, obliterates, destroys, covers up or otherwise removes or conceals a name or mark on a delivery container of another person without the written consent of the owner.

(4) Removes the delivery container of another person from the premises, parking area or any other area under the control of any processor, distributor or retail establishment, or from any delivery vehicle, without the consent of the owner of the delivery container. If a person possesses any marked or named delivery container without the consent of the owner and while not on the premises, parking area or other area under control of a processor, distributor or retail establishment doing business with the owner, the trier of fact may infer that the person removed the delivery container in violation of this paragraph.

(b) Any common carrier or private carrier for hire, except those engaged in transporting bakery or dairy products to and from the places where they are produced, that receives or transports any delivery container marked with a name or mark without having in its possession a bill of lading or invoice for that delivery container commits the offense of delivery container theft.

(c) Sentence. Delivery container theft is a Class B misdemeanor. An offender may be sentenced to pay a fine of \$150 for the first offense and \$500 for a second or subsequent offense.

720 ILCS 5/16-30 — Identity theft; aggravated identity theft

Sec. 16-30. Identity theft; aggravated identity theft.

(a) A person commits identity theft when he or she knowingly:

(1) uses any personal identifying information or personal identification document of another person to fraudulently obtain credit, money, goods, services, or other property;

(2) uses any personal identifying information or personal identification document of another with intent to commit any felony not set forth in paragraph

(1) of this subsection (a);

(3) obtains, records, possesses, sells, transfers, purchases, or manufactures any personal identifying information or personal identification document of another with intent to commit any felony;

(4) uses, obtains, records, possesses, sells, transfers, purchases, or manufactures any personal identifying information or personal identification document of another knowing that such personal identifying information or personal identification documents were stolen or produced without lawful authority;

(5) uses, transfers, or possesses document-making implements to produce false identification or false documents with knowledge that they will be used by the person or another to commit any felony;

(6) uses any personal identifying information or personal identification document of another to portray himself or herself as that person, or otherwise, for the purpose of gaining access to any personal identifying information or personal identification document of that person, without the prior express permission of that person;

(7) uses any personal identifying information or personal identification document of another for the purpose of gaining access to any record of the actions taken, communications made or received, or other activities or transactions of that person, without the prior express permission of that person; (7.5) uses, possesses, or transfers a radio frequency identification (RFID) tag or transponder with knowledge that the device will be used by the person or another to commit a felony violation of State law or any violation of this Article; or

(8) in the course of applying for a building permit with a unit of local government, provides the license number of a roofing or fire sprinkler contractor whom he or she does not intend to have perform the work on the roofing or fire sprinkler portion of the project; it is an affirmative defense to prosecution under this paragraph

(8) that the building permit applicant promptly informed the unit of local government that issued the building permit of any change in the roofing or fire sprinkler contractor.

(b) Aggravated identity theft. A person commits aggravated identity theft when he or she commits identity theft as set forth in subsection

(a) of this Section:

(1) against a person 60 years of age or older or a person with a disability; or

(2) in furtherance of the activities of an organized gang. A defense to aggravated identity theft does not exist merely because the accused reasonably believed the victim to be a person less than 60 years of age. For the purposes of this subsection, "organized gang" has the meaning ascribed in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(c) Knowledge shall be determined by an evaluation of all circumstances surrounding the use of the other person's identifying information or document.

(d) When a charge of identity theft or aggravated identity theft of credit, money, goods, services, or other property exceeding a specified value is brought, the value of the credit, money, goods, services, or other property is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding the specified value.

(e) Sentence.

(1) Identity theft. (A) A person convicted of identity theft in violation of paragraph

(1) of subsection

(a) shall be sentenced as follows:

(i) Identity theft of credit, money, goods, services, or other property not exceeding \$300 in value is a Class 4 felony. A person who has been previously convicted of identity theft of less than \$300 who is convicted of a second or subsequent offense of identity theft of less than \$300 is guilty of a Class 3 felony. A person who has been convicted of identity theft of less than \$300 who has been previously convicted of any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, home invasion, home repair fraud, aggravated home repair fraud, or financial exploitation of an elderly person or person with a disability is guilty of a Class 3 felony. Identity theft of credit, money, goods, services, or other property not exceeding \$300 in value when the victim of the identity theft is an active duty member of the Armed Services or Reserve Forces of the United States or of the Illinois National Guard serving in a foreign country is a Class 3 felony. A person who has been previously convicted of identity theft of less than \$300 who is convicted of a second or subsequent offense of identity theft of less than \$300 when the victim of the identity theft is an active duty member of the Armed Services or Reserve Forces of the United States or of the Illinois National Guard serving in a foreign country is guilty of a Class 2 felony. A person who has been convicted of identity theft of less than \$300 when the victim of the identity theft is an active duty member of the Armed Services or Reserve Forces of the United States or of the Illinois National Guard serving in a foreign country who has been previously convicted of any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, home invasion, home repair fraud, aggravated home repair fraud, or financial exploitation of an elderly person or person with a disability is guilty of a Class 2 felony. (ii) Identity theft of credit, money, goods, services, or other property exceeding \$300 and not exceeding \$2,000 in value is a Class 3 felony. Identity theft of credit, money, goods, services, or other property exceeding \$300 and not exceeding \$2,000 in value when the victim of the identity theft is an active duty member of the Armed Services or Reserve Forces of the United States or of the Illinois National Guard serving in a foreign country is a Class 2 felony. (iii) Identity theft of credit, money, goods, services, or other property exceeding \$2,000 and not exceeding \$10,000 in value is a Class 2 felony. Identity theft of credit, money, goods, services, or other property exceeding \$2,000 and not exceeding \$10,000 in value when the victim of the identity theft is an active duty member of the Armed Services or Reserve Forces of the United States or of the Illinois National Guard serving in a foreign country is a Class 1 felony. (iv) Identity theft of credit, money, goods, services, or other property exceeding \$10,000 and not exceeding \$100,000 in value is a Class 1 felony. Identity theft of credit, money, goods, services, or other property exceeding \$10,000 and not exceeding \$100,000 in value when the victim of the identity theft is an active duty member of the Armed Services or Reserve Forces of the United States or of the Illinois National Guard serving in a foreign country is a Class X felony.

(v) Identity theft of credit, money, goods, services, or other property exceeding \$100,000 in value is a Class X felony. (B) A person convicted of any offense enumerated in paragraphs

(2) through (7.5) of subsection

(a) is guilty of a Class 3 felony. A person convicted of any offense enumerated in paragraphs

(2) through (7.5) of subsection

(a) when the victim of the identity theft is an active duty member of the Armed Services or Reserve Forces of the United States or of the Illinois National Guard serving in a foreign country is guilty of a Class 2 felony. (C) A person convicted of any offense enumerated in paragraphs

(2) through

(5) and (7.5) of subsection

(a) a second or subsequent time is guilty of a Class 2 felony. A person convicted of any offense enumerated in paragraphs

(2) through

(5) and (7.5) of subsection

(a) a second or subsequent time when the victim of the identity theft is an active duty member of the Armed Services or Reserve Forces of the United States or of the Illinois National Guard serving in a foreign country is guilty of a Class 1 felony. (D) A person who, within a 12-month period, is found in violation of any offense enumerated in paragraphs

(2) through (7.5) of subsection

(a) with respect to the identifiers of, or other information relating to, 3 or more separate individuals, at the same time or consecutively, is guilty of a Class 2 felony. A person who, within a 12-month period, is found in violation of any offense enumerated in paragraphs

(2) through (7.5) of subsection

(a) with respect to the identifiers of, or other information relating to, 3 or more separate individuals, at the same time or consecutively, when the victim of the identity theft is an active duty member of the Armed Services or Reserve Forces of the United States or of the Illinois National Guard serving in a foreign country is guilty of a Class 1 felony. (E) A person convicted of identity theft in violation of paragraph

(2) of subsection

(a) who uses any personal identifying information or personal identification document of another to purchase methamphetamine manufacturing material as defined in Section 10 of the Methamphetamine Control and Community Protection Act with the intent to unlawfully manufacture methamphetamine is guilty of a Class 2 felony for a first offense and a Class 1 felony for a second or subsequent offense. A person convicted of identity theft in violation of paragraph

(2) of subsection

(a) who uses any personal identifying information or personal identification document of another to purchase methamphetamine manufacturing material as defined in Section 10 of the Methamphetamine Control and Community Protection Act with the intent to unlawfully manufacture methamphetamine when the victim of the identity theft is an active duty member of the Armed Services or Reserve Forces of the United States or of the Illinois National Guard serving in a foreign country is guilty of a Class 1 felony for a first offense and a Class X felony for a second or subsequent offense. (F) A person convicted of identity theft in violation of paragraph

(8) of subsection

(a) of this Section is guilty of a Class 4 felony.

(2) Aggravated identity theft. (A) Aggravated identity theft of credit, money, goods, services, or other property not exceeding \$300 in value is a Class 3 felony. (B) Aggravated identity theft of credit, money, goods, services, or other property exceeding \$300 and not exceeding \$10,000 in value is a Class 2 felony. (C) Aggravated identity theft of credit, money, goods, services, or other property exceeding \$10,000 in value and not exceeding \$100,000 in value is a Class 1 felony. (D) Aggravated identity theft of credit, money, goods, services, or other property exceeding \$100,000 in value is a Class X felony. (E) Aggravated identity theft for a violation of any offense enumerated in paragraphs

(2) through (7.5) of subsection

(a) of this Section is a Class 2 felony. (F) Aggravated identity theft when a person who, within a 12-month period, is found in violation of any offense enumerated in paragraphs

(2) through (7.5) of subsection

(a) of this Section with identifiers of, or other information relating to, 3 or more separate individuals, at the same time or consecutively, is a Class 1 felony. (G) A person who has been previously convicted of aggravated identity theft regardless

of the value of the property involved who is convicted of a second or subsequent offense of aggravated identity theft regardless of the value of the property involved is guilty of a Class X felony.

720 ILCS 5/16-31 — Transmission of personal identifying information

Sec. 16-31. Transmission of personal identifying information.

(a) A person commits transmission of personal identifying information if he or she is not a party to a transaction that involves the use of a financial transaction device and knowingly:

(i) secretly or surreptitiously photographs, or otherwise captures or records, electronically or by any other means, personal identifying information from the transaction without the consent of the person whose information is photographed or otherwise captured, recorded, distributed, disseminated, or transmitted, or (ii) distributes, disseminates, or transmits, electronically or by any other means, personal identifying information from the transaction without the consent of the person whose information is photographed, or otherwise captured, recorded, distributed, disseminated, or transmitted.

(b) This Section does not:

(1) prohibit the capture or transmission of personal identifying information in the ordinary and lawful course of business;

(2) apply to a peace officer of this State, or of the federal government, or the officer's agent, while in the lawful performance of the officer's duties;

(3) prohibit a person from being charged with, convicted of, or punished for any other violation of law committed by that person while violating or attempting to violate this Section.

(c) Sentence. A person who violates this Section is guilty of a Class A misdemeanor.

720 ILCS 5/16-32 — Facilitating identity theft

Sec. 16-32. Facilitating identity theft.

(a) A person commits facilitating identity theft when he or she, in the course of his or her employment or official duties, has access to the personal information of another person in the possession of the State of Illinois, whether written, recorded, or on computer disk, and knowingly, with the intent of committing identity theft, aggravated identity theft, or any violation of the Illinois Financial Crime Law, disposes of that written, recorded, or computerized information in any receptacle, trash can, or other container that the public could gain access to, without shredding that information, destroying the recording, or wiping the computer disk so that the information is either unintelligible or destroyed.

(b) Sentence. Facilitating identity theft is a Class A misdemeanor for a first offense and a Class 4 felony for a second or subsequent offense.

(c) For purposes of this Section, "personal information" has the meaning provided in the Personal Information Protection Act.

720 ILCS 5/16-33 — Civil remedies

Sec. 16-33. Civil remedies. A person who is convicted of facilitating identity theft, identity theft, or aggravated identity theft is liable in a civil action to the person who suffered damages as a result of the violation. The person suffering damages may recover court costs, attorney's fees, lost wages, and actual damages. Where a person has been convicted of identity theft in violation of subdivision (a)(6) or subdivision (a)(7) of Section 16-30, in the absence of proof of actual damages, the person whose personal identification information or personal identification documents were used in the violation in question may recover damages of \$2,000.

720 ILCS 5/16-34 — Offender's interest in the property; consent

Sec. 16-34. Offender's interest in the property; consent.

(a) It is no defense to a charge of aggravated identity theft or identity theft that the offender has an interest in the credit, money, goods, services, or other property.

(b) It is no defense to a charge of aggravated identity theft or identity theft that the offender received the consent of any person to access any personal identification information or personal identification document, other than the person described by the personal identification information or personal identification document used by the offender.

720 ILCS 5/16-35 — Mandating law enforcement agencies to accept and provide reports; judicial factual determination

Sec. 16-35. Mandating law enforcement agencies to accept and provide reports; judicial factual determination.

(a) A person who has learned or reasonably suspects that his or her personal identifying information has been unlawfully used by another may initiate a law enforcement investigation by contacting the local law enforcement agency that has jurisdiction over his or her actual residence, which shall take a police report of the matter, provide the complainant with a copy of that report, and begin an investigation of the facts, or, if the suspected crime was committed in a different jurisdiction, refer the matter to the law enforcement agency where the suspected crime was committed for an investigation of the facts.

(b) A person who reasonably believes that he or she is the victim of financial identity theft may petition a court, or upon application of the prosecuting attorney or on its own motion, the court may move for an expedited judicial determination of his or her factual innocence, where the perpetrator of the financial identity theft was arrested for, cited for, or convicted of a crime under the victim's identity, or where a criminal complaint has been filed against the perpetrator in the victim's name, or where the victim's identity has been mistakenly associated with a criminal conviction. Any judicial determination of factual innocence made pursuant to this subsection may be heard and determined upon declarations, affidavits, police reports, or other material, relevant, and reliable information submitted by the parties or ordered to be part of the record by the court. If the court determines that the petition or motion is meritorious and that there is no reasonable cause to believe that the victim committed the offense for which the perpetrator of the identity theft was arrested, cited, convicted, or subject to a criminal complaint in the victim's name, or that the victim's identity has been mistakenly associated with a record of criminal conviction, the court shall find the victim factually innocent of that offense. If the victim is found factually innocent, the court shall issue an order certifying this determination.

(c) After a court has issued a determination of factual innocence under this Section, the court may order the name and associated personal identifying information contained in the court records, files, and indexes accessible by the public sealed, deleted, or labeled to show that the data is impersonated and does not reflect the defendant's identity.

(d) A court that has issued a determination of factual innocence under this Section may at any time vacate that determination if the petition, or any information submitted in support of the petition, is found to contain any material misrepresentation or fraud.

(e) Except for criminal and civil actions provided for by Sections 16-30 through 16-36, or for disciplinary or licensure-related proceedings involving the violation of Sections 16-30 through 16-36, no information acquired by, or as a result of, any violation of Section 16-30 shall be discoverable or admissible in any court or other proceeding, or otherwise subject to disclosure without the express permission of any person or persons identified in that information.

720 ILCS 5/16-36 — Venue

Sec. 16-36. Venue. In addition to any other venues provided for by statute or otherwise, venue for any criminal prosecution or civil recovery action under Sections 16-30 through 16-36 shall be proper in any county where the person described in the personal identification information or personal identification document in question resides or has his or her principal place of business. Where a criminal prosecution or civil recovery action under Sections 16-30 through 16-36 involves the personal identification information or personal identification documents of more than one person, venue shall be proper in any county where one or more of the persons described in the personal identification information or personal identification documents in question resides or has his or her principal place of business.

720 ILCS 5/16-37 — Exemptions; relation to other laws

Sec. 16-37. Exemptions; relation to other laws.

(a) Sections 16-30 through 16-36 do not:

(1) prohibit the capture or transmission of personal identifying information in the ordinary and lawful course of business;

(2) apply to a peace officer of this State, or of the federal government, or the officer's agent, while in the lawful performance of the officer's duties;

(3) prohibit a licensed private detective or licensed private detective agency from representing himself, herself, or itself as another person, provided that he, she, or it may not portray himself, herself, or itself as the person whose information he, she, or it is seeking except as provided under Sections 16-30 through 16-36;

(4) apply to activities authorized under any other statute.

(b) No criminal prosecution or civil action brought under Sections 16-30 through 16-36 shall prohibit a person from being charged with, convicted of, or punished for any other violation of law committed by that person while violating or attempting to violate Sections 16-30 through 16-36.

720 ILCS 5/16-40 — Internet offenses

Sec. 16-40. Internet offenses.

(a) Online sale of stolen property. A person commits online sale of stolen property when he or she uses or accesses the Internet with the intent of selling property gained through unlawful means.

(b) Online theft by deception. A person commits online theft by deception when he or she uses the Internet to purchase or attempt to purchase property from a seller with a mode of payment that he or she knows is fictitious, stolen, or lacking the consent of the valid account holder.

(c) Electronic fencing. A person commits electronic fencing when he or she sells stolen property using the Internet, knowing that the property was stolen. A person who unknowingly purchases stolen property over the Internet does not violate this Section.

(d) Sentence. A violation of this Section is a Class 4 felony if the full retail value of the stolen property or property obtained by deception does not exceed \$300. A violation of this Section is a Class 2 felony if the full retail value of the stolen property or property obtained by deception exceeds \$300.

720 ILCS 5/17-0.5 — Definitions

Sec. 17-0.5. Definitions. In this Article: "Altered credit card or debit card" means any instrument or device, whether known as a credit card or debit card, which has been changed in any respect by addition or deletion of any material, except for the signature by the person to whom the card is issued. "Cardholder" means the person or organization named on the face of a credit card or debit card to whom or for whose benefit the credit card or debit card is issued by an issuer.

"Computer" means a device that accepts, processes, stores, retrieves, or outputs data and includes, but is not limited to, auxiliary storage, including cloud-based networks of remote services hosted on the Internet, and telecommunications devices connected to computers. "Computer network" means a set of related, remotely connected devices and any communications facilities including more than one computer with the capability to transmit data between them through the communications facilities. "Computer program" or "program" means a series of coded instructions or statements in a form acceptable to a computer which causes the computer to process data and supply the results of the data processing.

"Computer services" means computer time or services, including data processing services, Internet services, electronic mail services, electronic message services, or information or data stored in connection therewith. "Counterfeit" means to manufacture, produce or create, by any means, a credit card or debit card without the purported issuer's consent or authorization. "Credit card" means any instrument or device, whether known as a credit card, credit plate, charge plate or any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining money, goods, services or anything else of value on credit or in consideration or an undertaking or guaranty by the issuer of the payment of a check drawn by the cardholder. "Data" means a representation in any form of information, knowledge, facts, concepts, or instructions, including program documentation, which is prepared or has been prepared in a formalized manner and is stored or processed in or transmitted by a computer or in a system or network. Data is considered property and may be in any form, including, but not limited to, printouts, magnetic or optical storage media, punch cards, or data stored internally in the memory of the computer. "Debit card" means any instrument or device, known by any name, issued with or without fee by an issuer for the use of the cardholder in obtaining money, goods, services, and anything else of value, payment of which is made against funds previously deposited by the cardholder. A debit card which also can be used to obtain money, goods, services and anything else of value on credit shall not be considered a debit card when it is being used to obtain money, goods, services or anything else of value on credit. "Document" includes, but is not limited to, any document, representation, or image produced manually, electronically, or by computer. "Electronic fund transfer terminal" means any machine or device that, when properly activated, will perform any of the following services:

- (1) Dispense money as a debit to the cardholder's account; or
- (2) Print the cardholder's account balances on a statement; or
- (3) Transfer funds between a cardholder's accounts; or
- (4) Accept payments on a cardholder's loan; or
- (5) Dispense cash advances on an open end credit or a revolving charge agreement; or

(6) Accept deposits to a customer's account; or

(7) Receive inquiries of verification of checks and dispense information that verifies that funds are available to cover such checks; or

(8) Cause money to be transferred electronically from a cardholder's account to an account held by any business, firm, retail merchant, corporation, or any other organization. "Electronic funds transfer system", hereafter referred to as "EFT System", means that system whereby funds are transferred electronically from a cardholder's account to any other account. "Electronic mail service provider" means any person who

(i) is an intermediary in sending or receiving electronic mail and (ii) provides to end-users of electronic mail services the ability to send or receive electronic mail. "Expired credit card or debit card" means a credit card or debit card which is no longer valid because the term on it has elapsed. "False academic degree" means a certificate, diploma, transcript, or other document purporting to be issued by an institution of higher learning or purporting to indicate that a person has completed an organized academic program of study at an institution of higher learning when the person has not completed the organized academic program of study indicated on the certificate, diploma, transcript, or other document. "False claim" means any statement made to any insurer, purported insurer, servicing corporation, insurance broker, or insurance agent, or any agent or employee of one of those entities, and made as part of, or in support of, a claim for payment or other benefit under a policy of insurance, or as part of, or in support of, an application for the issuance of, or the rating of, any insurance policy, when the statement does any of the following:

(1) Contains any false, incomplete, or misleading information concerning any fact or thing material to the claim.

(2) Conceals

(i) the occurrence of an event that is material to any person's initial or continued right or entitlement to any insurance benefit or payment or (ii) the amount of any benefit or payment to which the person is entitled. "Financial institution" means any bank, savings and loan association, credit union, or other depository of money or medium of savings and collective investment. "Governmental entity" means: each officer, board, commission, and agency created by the Constitution, whether in the executive, legislative, or judicial branch of State government; each officer, department, board, commission, agency, institution, authority, university, and body politic and corporate of the State; each administrative unit or corporate outgrowth of State government that is created by or pursuant to statute, including units of local government and their officers, school districts, and boards of election commissioners; and each administrative unit or corporate outgrowth of the foregoing items and as may be created by executive order of the Governor. "Incomplete credit card or debit card" means a credit card or debit card which is missing part of the matter other than the signature of the cardholder which an issuer requires to appear on the credit card or debit card before it can be used by a cardholder, and this includes credit cards or debit cards which have not been stamped, embossed, imprinted or written on. "Institution of higher learning" means a public or private college, university, or community college located in the State of Illinois that is authorized by the Board of Higher Education or the Illinois Community College Board to issue post-secondary degrees, or a public or private college, university, or community college located anywhere in the United States that is or has been legally constituted to offer degrees and instruction in its state of origin or incorporation. "Insurance company" means any "company" as defined under Section 2 of the Illinois Insurance Code, "dental service plan corporation" as defined in Section 3 of the Dental Service Plan Act, "health maintenance organization" as defined in Section 1-2 of the Health Maintenance Organization Act, "limited health service organization" as defined in Section 1002 of the Limited Health Service Organization Act, "health services plan corporation" as defined in Section 2 of the Voluntary Health Services Plans Act, or any trust fund organized under the Religious and Charitable Risk Pooling Trust Act. "Issuer" means the business organization or financial institution which issues a credit card or debit card, or its duly authorized agent. "Merchant" has the meaning ascribed to it in Section 16-0.1 of this Code. "Person" means any individual, corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association or any other entity. "Receives" or "receiving" means acquiring possession or control. "Record of charge form" means any document submitted or intended to be submitted to an issuer as evidence of a credit transaction for which the issuer has agreed to reimburse persons providing money, goods, property, services or other things of value. "Revoked credit card or debit card" means a credit card or debit card which is no longer valid because permission to use it has been suspended or terminated by the issuer. "Sale" means any delivery for value. "Scheme or artifice to defraud" includes a scheme or artifice to deprive another of the intangible right to honest services. "Self-insured entity" means any person, business, partnership, corporation, or organization that sets aside funds to meet his, her, or its losses or to absorb fluctuations in the amount of loss, the losses being charged against the funds set aside or accumulated. "Social networking website" means

an Internet website containing profile web pages of the members of the website that include the names or nicknames of such members, photographs placed on the profile web pages by such members, or any other personal or personally identifying information about such members and links to other profile web pages on social networking websites of friends or associates of such members that can be accessed by other members or visitors to the website. A social networking website provides members of or visitors to such website the ability to leave messages or comments on the profile web page that are visible to all or some visitors to the profile web page and may also include a form of electronic mail for members of the social networking website. "Statement" means any assertion, oral, written, or otherwise, and includes, but is not limited to: any notice, letter, or memorandum; proof of loss; bill of lading; receipt for payment; invoice, account, or other financial statement; estimate of property damage; bill for services; diagnosis or prognosis; prescription; hospital, medical, or dental chart or other record, x-ray, photograph, videotape, or movie film; test result; other evidence of loss, injury, or expense; computer-generated document; and data in any form. "Universal Price Code Label" means a unique symbol that consists of a machine-readable code and human-readable numbers. "With intent to defraud" means to act knowingly, and with the specific intent to deceive or cheat, for the purpose of causing financial loss to another or bringing some financial gain to oneself, regardless of whether any person was actually defrauded or deceived. This includes an intent to cause another to assume, create, transfer, alter, or terminate any right, obligation, or power with reference to any person or property.

720 ILCS 5/17-1 — Deceptive practices

Sec. 17-1. Deceptive practices. (A) General deception. A person commits a deceptive practice when, with intent to defraud, the person does any of the following:

(1) He or she knowingly causes another, by deception or threat, to execute a document disposing of property or a document by which a pecuniary obligation is incurred.

(2) Being an officer, manager or other person participating in the direction of a financial institution, he or she knowingly receives or permits the receipt of a deposit or other investment, knowing that the institution is insolvent.

(3) He or she knowingly makes a false or deceptive statement addressed to the public for the purpose of promoting the sale of property or services. (B) Bad checks. A person commits a deceptive practice when:

(1) With intent to obtain control over property or to pay for property, labor or services of another, or in satisfaction of an obligation for payment of tax under the Retailers' Occupation Tax Act or any other tax due to the State of Illinois, he or she issues or delivers a check or other order upon a real or fictitious depository for the payment of money, knowing that it will not be paid by the depository. The trier of fact may infer that the defendant knows that the check or other order will not be paid by the depository and that the defendant has acted with intent to defraud when the defendant fails to have sufficient funds or credit with the depository when the check or other order is issued or delivered, or when such check or other order is presented for payment and dishonored on each of 2 occasions at least 7 days apart. In this paragraph (B)(1), "property" includes rental property (real or personal).

(2) He or she issues or delivers a check or other order upon a real or fictitious depository in an amount exceeding \$150 in payment of an amount owed on any credit transaction for property, labor or services, or in payment of the entire amount owed on any credit transaction for property, labor or services, knowing that it will not be paid by the depository, and thereafter fails to provide funds or credit with the depository in the face amount of the check or order within 7 days of receiving actual notice from the depository or payee of the dishonor of the check or order. (C) Bank-related fraud.

(1) False statement. A person commits false statement bank fraud if he or she, with intent to defraud, makes or causes to be made any false statement in writing in order to obtain an account with a bank or other financial institution, or to obtain credit from a bank or other financial institution, or to obtain services from a currency exchange, knowing such writing to be false, and with the intent that it be relied upon. For purposes of this subsection (C), a false statement means any false statement representing identity, address, or employment, or the identity, address, or employment of any person, firm, or corporation.

(2) Possession of stolen or fraudulently obtained checks. A person commits possession of stolen or fraudulently obtained checks when he or she possesses, with the intent to obtain access to funds of another person held in a real or fictitious deposit account at a financial institution, makes a false statement or a misrepresentation to the financial institution, or possesses, transfers, negotiates, or presents for payment a check, draft, or other item purported to direct the financial institution to withdraw or pay funds out of the account holder's deposit account with knowledge that such possession, transfer, negotiation, or presentment is not authorized by the account holder or the issuing financial institution. A person

shall be deemed to have been authorized to possess, transfer, negotiate, or present for payment such item if the person was otherwise entitled by law to withdraw or recover funds from the account in question and followed the requisite procedures under the law. If the account holder, upon discovery of the withdrawal or payment, claims that the withdrawal or payment was not authorized, the financial institution may require the account holder to submit an affidavit to that effect on a form satisfactory to the financial institution before the financial institution may be required to credit the account in an amount equal to the amount or amounts that were withdrawn or paid without authorization.

(3) Possession of implements of check fraud. A person commits possession of implements of check fraud when he or she possesses, with the intent to defraud and without the authority of the account holder or financial institution, any check imprinter, signature imprinter, or "certified" stamp. (D) Sentence.

(1) The commission of a deceptive practice in violation of this Section, except as otherwise provided by this subsection (D), is a Class A misdemeanor.

(2) For purposes of paragraphs (A)(1) and (B)(1):

(a) The commission of a deceptive practice in violation of paragraph (A)(1) or (B)(1), when the value of the property so obtained, in a single transaction or in separate transactions within a 90-day period, exceeds \$150, is a Class 4 felony. In the case of a prosecution for separate transactions totaling more than \$150 within a 90-day period, those separate transactions shall be alleged in a single charge and prosecuted in a single prosecution.

(b) The commission of a deceptive practice in violation of paragraph (B)(1) a second or subsequent time is a Class 4 felony.

(3) For purposes of paragraph (C)(2), a person who, within any 12-month period, violates paragraph (C)(2) with respect to 3 or more checks or orders for the payment of money at the same time or consecutively, each the property of a different account holder or financial institution, is guilty of a Class 4 felony.

(4) For purposes of paragraph (C)(3), a person who within any 12-month period violates paragraph (C)(3) as to possession of 3 or more such devices at the same time or consecutively is guilty of a Class 4 felony. (E) Civil liability. A person who issues a check or order to a payee in violation of paragraph (B)(1) and who fails to pay the amount of the check or order to the payee within 30 days following either delivery and acceptance by the addressee of a written demand both by certified mail and by first class mail to the person's last known address or attempted delivery of a written demand sent both by certified mail and by first class mail to the person's last known address and the demand by certified mail is returned to the sender with a notation that delivery was refused or unclaimed shall be liable to the payee or a person subrogated to the rights of the payee for, in addition to the amount owing upon such check or order, damages of treble the amount so owing, but in no case less than \$100 nor more than \$1,500, plus attorney's fees and court costs. An action under this subsection (E) may be brought in small claims court or in any other appropriate court. As part of the written demand required by this subsection (E), the plaintiff shall provide written notice to the defendant of the fact that prior to the hearing of any action under this subsection (E), the defendant may tender to the plaintiff and the plaintiff shall accept, as satisfaction of the claim, an amount of money equal to the sum of the amount of the check and the incurred court costs, including the cost of service of process, and attorney's fees.

720 ILCS 5/17-1a

Sec. 17-1a. (Repealed).

720 ILCS 5/17-1b — State's Attorney's bad check diversion program

Sec. 17-1b. State's Attorney's bad check diversion program.

(a) In this Section: "Offender" means a person charged with, or for whom probable cause exists to charge the person with, deceptive practices. "Pretrial diversion" means the decision of a prosecutor to refer an offender to a diversion program on condition that the criminal charges against the offender will be dismissed after a specified period of time, or the case will not be charged, if the offender successfully completes the program. "Restitution" means all amounts payable to a victim of deceptive practices under the bad check diversion program created under this Section, including the amount of the check and any transaction fees payable to a victim as set forth in subsection

(g) but does not include amounts recoverable under Section 3-806 of the Uniform Commercial Code and subsection (E) of Section 17-1 of this Code.

(b) A State's Attorney may create within his or her office a bad check diversion program for offenders who agree to voluntarily participate in the program instead of undergoing prosecution. The program may be conducted by the State's Attorney or by a private entity under contract with the State's Attorney. If the State's Attorney contracts with a private entity to perform any services in operating the program, the entity shall operate under the supervision, direction, and control of the State's Attorney. Any private entity providing services under this Section is not a "collection agency" as that term is defined under the Collection Agency Act.

(c) If an offender is referred to the State's Attorney, the State's Attorney may determine whether the offender is appropriate for acceptance in the program. The State's Attorney may consider, but shall not be limited to consideration of, the following factors:

- (1) the amount of the check that was drawn or passed;
- (2) prior referrals of the offender to the program;
- (3) whether other charges of deceptive practices are pending against the offender;
- (4) the evidence presented to the State's Attorney regarding the facts and circumstances of the incident;
- (5) the offender's criminal history; and
- (6) the reason the check was dishonored by the financial institution.

(d) The bad check diversion program may require an offender to do one or more of the following:

(i) pay for, at his or her own expense, and successfully complete an educational class held by the State's Attorney or a private entity under contract with the State's Attorney; (ii) make full restitution for the offense; (iii) pay a per-check administrative fee as set forth in this Section.

(e) If an offender is diverted to the program, the State's Attorney shall agree in writing not to prosecute the offender upon the offender's successful completion of the program conditions. The State's Attorney's agreement to divert the offender shall specify the offenses that will not be prosecuted by identifying the checks involved in the transactions.

(f) The State's Attorney, or private entity under contract with the State's Attorney, may collect a fee from an offender diverted to the State's Attorney's bad check diversion program. This fee may be deposited in a bank account maintained by the State's Attorney for the purpose of depositing fees and paying the expenses of the program or for use in the enforcement and prosecution of criminal laws. The State's Attorney may require that the fee be paid directly to a private entity that administers the program under a contract with the State's Attorney. The amount of the administrative fees collected by the State's Attorney under the program may not exceed \$35 per check. The county board may, however, by ordinance, increase the fees allowed by this Section if the increase is justified by an acceptable cost study showing that the fees allowed by this Section are not sufficient to cover the cost of providing the service.

(g)

(1) The private entity shall be required to maintain adequate general liability insurance of \$1,000,000 per occurrence as well as adequate coverage for potential loss resulting from employee dishonesty. The State's Attorney may require a surety bond payable to the State's Attorney if in the State's Attorney's opinion it is determined that the private entity is not adequately insured or funded.

(2) (A) Each private entity that has a contract with the State's Attorney to conduct a bad check diversion program shall at all times maintain a separate bank account in which all moneys received from the offenders participating in the program shall be deposited, referred to as a "trust account", except that negotiable instruments received may be forwarded directly to a victim of the deceptive practice committed by the offender if that procedure is provided for by a writing executed by the victim. Moneys received shall be so deposited within 5 business days after posting to the private entity's books of account. There shall be sufficient funds in the trust account at all times to pay the victims the amount due them. (B) The trust account shall be established in a financial institution which is federally or State insured or otherwise secured as defined by rule. If the account is interest bearing, the private entity shall pay to the victim interest earned on funds on deposit after the 60th day. (C) Each private entity shall keep on file the name of the financial institution in which each trust account is maintained, the name of each trust account, and the names of the persons authorized to withdraw funds from each account. The private entity, within 30 days of the time of a change of depository or person authorized to make withdrawal, shall update its files to reflect that change. An examination and audit of a private entity's trust accounts may be made by the State's Attorney as the State's Attorney deems appropriate. A trust account financial report shall be submitted annually on forms acceptable to the State's Attorney.

(3) The State's Attorney may cancel a contract entered into with a private entity under this Section for any one or any combination of the following causes: (A) Conviction of the private entity or the principals of the private entity of any crime under the laws of any U.S. jurisdiction which is a felony, a misdemeanor an essential element of which is dishonesty, or of any crime which directly relates to the practice of the profession. (B) A determination that the private entity has engaged in conduct prohibited in item (4).

(4) The State's Attorney may determine whether the private entity has engaged in the following prohibited conduct: (A) Using or threatening to use force or violence to cause physical harm to an offender, his or her family, or his or her property. (B) Threatening the seizure, attachment, or sale of an offender's property where such action can only be taken pursuant to court order without disclosing that prior court proceedings are required. (C) Disclosing or threatening to disclose information adversely affecting an offender's reputation for creditworthiness with knowledge the information is false. (D) Initiating or threatening to initiate communication with an offender's employer unless there has been a default of the payment of the obligation for at least 30 days and at least 5 days prior written notice, to the last known address of the offender, of the intention to communicate with the employer has been given to the employee, except as expressly permitted by law or court order. (E) Communicating with the offender or any member of the offender's family at such a time of day or night and with such frequency as to constitute harassment of the offender or any member of the offender's family. For purposes of this clause (E) the following conduct shall constitute harassment:

(i) Communicating with the offender or any member of his or her family at any unusual time or place or a time or place known or which should be known to be inconvenient to the offender. In the absence of knowledge of circumstances to the contrary, a private entity shall assume that the convenient time for communicating with a consumer is after 8 o'clock a.m. and before 9 o'clock p.m. local time at the offender's residence. (ii) The threat of publication or publication of a list of offenders who allegedly refuse to pay restitution, except by the State's Attorney. (iii) The threat of advertisement or advertisement for sale of any restitution to coerce payment of the restitution. (iv) Causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number.

(v) Using profane, obscene or abusive language in communicating with an offender, his or her family, or others. (vi) Disclosing or threatening to disclose information relating to a offender's case to any other person except the victim and appropriate law enforcement personnel. (vii) Disclosing or threatening to disclose information concerning the alleged criminal act which the private entity knows to be reasonably disputed by the offender without disclosing the fact that the offender disputes the accusation. (viii) Engaging in any conduct which the State's Attorney finds was intended to cause and did cause mental or physical illness to the offender or his or her family. (ix) Attempting or threatening to enforce a right or remedy with knowledge or reason to know that the right or remedy does not exist.

(x) Except as authorized by the State's Attorney, using any form of communication which simulates legal or judicial process or which gives the appearance of being authorized, issued or approved by a governmental agency or official or by an attorney at law when it is not. (xi) Using any badge, uniform, or other indicia of any governmental agency or official, except as authorized by law or by the State's Attorney. (xii) Except as authorized by the State's Attorney, conducting business under any name or in any manner which suggests or implies that the private entity is bonded if such private entity is or is a branch of or is affiliated with any governmental agency or court if such private entity is not. (xiii) Misrepresenting the amount of the restitution alleged to be owed. (xiv) Except as authorized by the State's Attorney, representing that an existing restitution amount may be increased by the addition of attorney's fees, investigation fees, or any other fees or charges when those fees or charges may not legally be added to the existing restitution. (xv) Except as authorized by the State's Attorney, representing that the private entity is an attorney at law or an agent for an attorney if the entity is not. (xvi) Collecting or attempting to collect any interest or other charge or fee in excess of the actual restitution or claim unless the interest or other charge or fee is expressly authorized by the State's Attorney, who shall determine what constitutes a reasonable collection fee. (xvii) Communicating or threatening to communicate with an offender when the private entity is informed in writing by an attorney that the attorney represents the offender concerning the claim, unless authorized by the attorney. If the attorney fails to respond within a reasonable period of time, the private entity may communicate with the offender. The private entity may communicate with the offender when the attorney gives his consent. (xviii) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.

(5) The State's Attorney shall audit the accounts of the bad check diversion program after notice in writing to the private entity.

(6) Any information obtained by a private entity that has a contract with the State's Attorney to conduct a bad check diversion program is confidential information between the State's Attorney and the private entity and may not be sold or used for any other purpose but may be shared with other authorized law enforcement agencies as determined by the State's Attorney.

(h) The State's Attorney, or private entity under contract with the State's Attorney, shall recover, in addition to the face amount of the dishonored check or draft, a transaction fee to defray the costs and expenses incurred by a victim who received a dishonored check that was made or delivered by the offender. The face amount of the dishonored check or draft and the transaction fee shall be paid by the State's Attorney or private entity under contract with the State's Attorney to the victim as restitution for the offense. The amount of the transaction fee must not exceed: \$25 if the face amount of the check or draft does not exceed \$100; \$30 if the face amount of the check or draft is greater than \$100 but does not exceed \$250; \$35 if the face amount of the check or draft is greater than \$250 but does not exceed \$500; \$40 if the face amount of the check or draft is greater than \$500 but does not exceed \$1,000; and \$50 if the face amount of the check or draft is greater than \$1,000.

(i) The offender, if aggrieved by an action of the private entity contracted to operate a bad check diversion program, may submit a grievance to the State's Attorney who may then resolve the grievance. The private entity must give notice to the offender that the grievance procedure is available. The grievance procedure shall be established by the State's Attorney.

720 ILCS 5/17-2 — False personation; solicitation

Sec. 17-2. False personation; solicitation.

(a) False personation; solicitation.

(1) A person commits a false personation when he or she knowingly and falsely represents himself or herself to be a member or representative of any veterans' or public safety personnel organization or a representative of any charitable organization, or when he or she knowingly exhibits or uses in any manner any decal, badge or insignia of any charitable, public safety personnel, or veterans' organization when not authorized to do so by the charitable, public safety personnel, or veterans' organization. "Public safety personnel organization" has the meaning ascribed to that term in Section 1 of the Solicitation for Charity Act.

(2) A person commits a false personation when he or she knowingly and falsely represents himself or herself to be a veteran in seeking employment or public office. In this paragraph, "veteran" means a person who has served in the Armed Services or Reserve Forces of the United States. (2.1) A person commits a false personation when he or she knowingly and falsely represents himself or herself to be: (A) an active-duty member of the Armed Services or Reserve Forces of the United States or the National Guard or a veteran of the Armed Services or Reserve Forces of the United States or the National Guard; and (B) obtains money, property, or another tangible benefit through that false representation. In this paragraph, "member of the Armed Services or Reserve Forces of the United States" means a member of the United States Navy, Army, Air Force, Space Force, Marine Corps, or Coast Guard; and "veteran" means a person who has served in the Armed Services or Reserve Forces of the United States or the National Guard. (2.5) A person commits a false personation when he or she knowingly and falsely represents himself or herself to be: (A) another actual person and does an act in such assumed character with intent to intimidate, threaten, injure, defraud, or to obtain a benefit from another; or (B) a representative of an actual person or organization and does an act in such false capacity with intent to obtain a benefit or to injure or defraud another.

(3) No person shall knowingly use the words "Police", "Police Department", "Patrolman", "Sergeant", "Lieutenant", "Peace Officer", "Sheriff's Police", "Sheriff", "Officer", "Law Enforcement", "Trooper", "Deputy", "Deputy Sheriff", "State Police", or any other words to the same effect

(i) in the title of any organization, magazine, or other publication without the express approval of the named public safety personnel organization's governing board or (ii) in combination with the name of any state, state agency, public university, or unit of local government without the express written authorization of that state, state agency, public university, or unit of local government.

(4) No person may knowingly claim or represent that he or she is acting on behalf of any public safety personnel organization when soliciting financial contributions or selling or delivering or offering to sell or deliver any merchandise, goods, services, memberships, or advertisements unless the chief of the police department, fire department, and the corporate or municipal authority thereof, or the sheriff has first entered into a written agreement with the person or with an organization with which the person is affiliated and the agreement permits the activity and specifies and states clearly and

fully the purpose for which the proceeds of the solicitation, contribution, or sale will be used.

(5) No person, when soliciting financial contributions or selling or delivering or offering to sell or deliver any merchandise, goods, services, memberships, or advertisements may claim or represent that he or she is representing or acting on behalf of any nongovernmental organization by any name which includes "officer", "peace officer", "police", "law enforcement", "trooper", "sheriff", "deputy", "deputy sheriff", "State police", or any other word or words which would reasonably be understood to imply that the organization is composed of law enforcement personnel unless: (A) the person is actually representing or acting on behalf of the nongovernmental organization; (B) the nongovernmental organization is controlled by and governed by a membership of and represents a group or association of active duty peace officers, retired peace officers, or injured peace officers; and (C) before commencing the solicitation or the sale or the offers to sell any merchandise, goods, services, memberships, or advertisements, a written contract between the soliciting or selling person and the nongovernmental organization, which specifies and states clearly and fully the purposes for which the proceeds of the solicitation, contribution, or sale will be used, has been entered into.

(6) No person, when soliciting financial contributions or selling or delivering or offering to sell or deliver any merchandise, goods, services, memberships, or advertisements, may knowingly claim or represent that he or she is representing or acting on behalf of any nongovernmental organization by any name which includes the term "fireman", "fire fighter", "paramedic", or any other word or words which would reasonably be understood to imply that the organization is composed of fire fighter or paramedic personnel unless: (A) the person is actually representing or acting on behalf of the nongovernmental organization; (B) the nongovernmental organization is controlled by and governed by a membership of and represents a group or association of active duty, retired, or injured fire fighters (for the purposes of this Section, "fire fighter" has the meaning ascribed to that term in Section 2 of the Illinois Fire Protection Training Act) or active duty, retired, or injured emergency medical technicians - ambulance, emergency medical technicians - intermediate, emergency medical technicians - paramedic, ambulance drivers, or other medical assistance or first aid personnel; and (C) before commencing the solicitation or the sale or delivery or the offers to sell or deliver any merchandise, goods, services, memberships, or advertisements, the soliciting or selling person and the nongovernmental organization have entered into a written contract that specifies and states clearly and fully the purposes for which the proceeds of the solicitation, contribution, or sale will be used.

(7) No person may knowingly claim or represent that he or she is an airman, airline employee, airport employee, or contractor at an airport in order to obtain the uniform, identification card, license, or other identification paraphernalia of an airman, airline employee, airport employee, or contractor at an airport.

(8) No person, firm, copartnership, or corporation (except corporations organized and doing business under the Pawnners Societies Act) shall knowingly use a name that contains in it the words "Pawnners' Society".

(b) False personation; public officials and employees. A person commits a false personation if he or she knowingly and falsely represents himself or herself to be any of the following:

(1) An attorney authorized to practice law for purposes of compensation or consideration. This paragraph (b)(1) does not apply to a person who unintentionally fails to pay attorney registration fees established by Supreme Court Rule.

(2) A public officer or a public employee or an official or employee of the federal government. (2.3) A public officer, a public employee, or an official or employee of the federal government, and the false representation is made in furtherance of the commission of felony. (2.7) A public officer or a public employee, and the false representation is for the purpose of effectuating identity theft as defined in Section 16-30 of this Code.

(3) A peace officer.

(4) A peace officer while carrying a deadly weapon.

(5) A peace officer in attempting or committing a felony.

(6) A peace officer in attempting or committing a forcible felony.

(7) The parent, legal guardian, or other relation of a minor child to any public official, public employee, or elementary or secondary school employee or administrator. (7.5) The legal guardian, including any representative of a State or public guardian, of a person with a disability appointed under Article XIa of the Probate Act of 1975.

(8) A fire fighter.

(9) A fire fighter while carrying a deadly weapon.

(10) A fire fighter in attempting or committing a felony.

(11) An emergency management worker of any jurisdiction in this State.

(12) An emergency management worker of any jurisdiction in this State in attempting or committing a felony. For the purposes of this subsection (b), "emergency management worker" has the meaning provided under Section 2-6.6 of this Code. (b-5) The trier of fact may infer that a person falsely represents himself or herself to be a public officer or a public employee or an official or employee of the federal government if the person:

(1) wears or displays without authority any uniform, badge, insignia, or facsimile thereof by which a public officer or public employee or official or employee of the federal government is lawfully distinguished; or

(2) falsely expresses by word or action that he or she is a public officer or public employee or official or employee of the federal government and is acting with approval or authority of a public agency or department.

(c) Fraudulent advertisement of a corporate name.

(1) A company, association, or individual commits fraudulent advertisement of a corporate name if he, she, or it, not being incorporated, puts forth a sign or advertisement and assumes, for the purpose of soliciting business, a corporate name.

(2) Nothing contained in this subsection

(c) prohibits a corporation, company, association, or person from using a divisional designation or trade name in conjunction with its corporate name or assumed name under Section 4.05 of the Business Corporation Act of 1983 or, if it is a member of a partnership or joint venture, from doing partnership or joint venture business under the partnership or joint venture name. The name under which the joint venture or partnership does business may differ from the names of the members. Business may not be conducted or transacted under that joint venture or partnership name, however, unless all provisions of the Assumed Business Name Act have been complied with. Nothing in this subsection

(c) permits a foreign corporation to do business in this State without complying with all Illinois laws regulating the doing of business by foreign corporations. No foreign corporation may conduct or transact business in this State as a member of a partnership or joint venture that violates any Illinois law regulating or pertaining to the doing of business by foreign corporations in Illinois.

(3) The provisions of this subsection

(c) do not apply to limited partnerships formed under the Revised Uniform Limited Partnership Act or under the Uniform Limited Partnership Act (2001).

(d) False law enforcement badges.

(1) A person commits false law enforcement badges if he or she knowingly produces, sells, or distributes a law enforcement badge without the express written consent of the law enforcement agency represented on the badge or, in case of a reorganized or defunct law enforcement agency, its successor law enforcement agency.

(2) It is a defense to false law enforcement badges that the law enforcement badge is used or is intended to be used exclusively:

(i) as a memento or in a collection or exhibit; (ii) for decorative purposes; or (iii) for a dramatic presentation, such as a theatrical, film, or television production.

(e) False medals.

(1) A person commits a false personation if he or she knowingly and falsely represents himself or herself to be a recipient of, or wears on his or her person, any of the following medals if that medal was not awarded to that person by the United States Government, irrespective of branch of service: The Congressional Medal of Honor, The Distinguished Service Cross, The Navy Cross, The Air Force Cross, The Silver Star, The Bronze Star, or the Purple Heart.

(2) It is a defense to a prosecution under paragraph (e)(1) that the medal is used, or is intended to be used, exclusively:

(A) for a dramatic presentation, such as a theatrical, film, or television production, or a historical re-enactment; or (B) for a costume worn, or intended to be worn, by a person under 18 years of age.

(f) Sentence.

(1) A violation of paragraph (a)(8) is a petty offense subject to a fine of not less than \$5 nor more than \$100, and the person, firm, copartnership, or corporation commits an additional petty offense for each day he, she, or it continues to commit the violation. A violation of paragraph (c)(1) is a petty offense, and the company, association, or person commits an additional petty offense for each day he, she, or it continues to commit the violation. A violation of paragraph (a)(2.1) or subsection

- (e) is a petty offense for which the offender shall be fined at least \$100 and not more than \$200.
- (2) A violation of paragraph (a)(1), (a)(3), or (b)(7.5) is a Class C misdemeanor.
- (3) A violation of paragraph (a)(2), (a)(2.5), (a)(7), (b)(2), or (b)(7) or subsection (d) is a Class A misdemeanor. A second or subsequent violation of subsection (d) is a Class 3 felony.
- (4) A violation of paragraph (a)(4), (a)(5), (a)(6), (b)(1), (b)(2.3), (b)(2.7), (b)(3), (b)(8), or (b)(11) is a Class 4 felony.
- (5) A violation of paragraph (b)(4), (b)(9), or (b)(12) is a Class 3 felony.
- (6) A violation of paragraph (b)(5) or (b)(10) is a Class 2 felony.
- (7) A violation of paragraph (b)(6) is a Class 1 felony.
- (g) A violation of subsection (a)(1) through (a)(7) or subsection (e) of this Section may be accomplished in person or by any means of communication, including but not limited to the use of an Internet website or any form of electronic communication.

720 ILCS 5/17-2.5

Sec. 17-2.5. (Repealed).

720 ILCS 5/17-3 — Forgery

Sec. 17-3. Forgery.

- (a) A person commits forgery when, with intent to defraud, he or she knowingly:
 - (1) makes a false document or alters any document to make it false and that document is apparently capable of defrauding another; or
 - (2) issues or delivers such document knowing it to have been thus made or altered; or
 - (3) possesses, with intent to issue or deliver, any such document knowing it to have been thus made or altered; or
 - (4) unlawfully uses the digital signature, as defined in the Financial Institutions Electronic Documents and Digital Signature Act, of another; or
 - (5) unlawfully creates an electronic signature of another person, as that term is defined in the Uniform Electronic Transactions Act.
- (b) (Blank).
- (c) A document apparently capable of defrauding another includes, but is not limited to, one by which any right, obligation or power with reference to any person or property may be created, transferred, altered or terminated. A document includes any record or electronic record as those terms are defined in the Electronic Commerce Security Act. For purposes of this Section, a document also includes a Universal Price Code Label or coin. (c-5) For purposes of this Section, "false document" or "document that is false" includes, but is not limited to, a document whose contents are false in some material way, or that purports to have been made by another or at another time, or with different provisions, or by authority of one who did not give such authority.
- (d) Sentence.
 - (1) Except as provided in paragraphs
 - (2) and (3), forgery is a Class 3 felony.
 - (2) Forgery is a Class 4 felony when only one Universal Price Code Label is forged.
 - (3) Forgery is a Class A misdemeanor when an academic degree or coin is forged.
- (e) It is not a violation of this Section if a false academic degree explicitly states "for novelty purposes only".

720 ILCS 5/17-3.5 — Deceptive sale of gold or silver

Sec. 17-3.5. Deceptive sale of gold or silver.

- (a) Whoever makes for sale, or sells, or offers to sell or dispose of, or has in his or her possession with intent to sell or dispose of, any article or articles construed in whole or in part, of gold or any alloy or imitation thereof, having thereon or on any box, package, cover, wrapper or other thing enclosing or encasing such article or articles for sale, any stamp,

brand, engraving, printed label, trade mark, imprint or other mark, indicating or designed, or intended to indicate, that the gold, alloy or imitation thereof, in such article or articles, is different from or better than the actual kind and quality of such gold, alloy or imitation, shall be guilty of a petty offense and shall be fined in any sum not less than \$50 nor more than \$100.

(b) Whoever makes for sale, sells or offers to sell or dispose of or has in his or her possession, with intent to sell or dispose of, any article or articles constructed in whole or in part of silver or any alloy or imitation thereof, having thereon--or on any box, package, cover, wrapper or other thing enclosing or encasing such article or articles for sale--any stamp, brand, engraving, printed label, trademark, imprint or other mark, containing the words "sterling" or "sterling silver," referring, or designed or intended to refer, to the silver, alloy or imitation thereof in such article or articles, when such silver, alloy or imitation thereof shall contain less than nine hundred and twenty-five one-thousandths thereof of pure silver, shall be guilty of a petty offense and shall be fined in any sum not less than \$50 nor more than \$100.

(c) Whoever makes for sale, sells or offers to sell or dispose of or has in his or her possession, with intent to sell or dispose of, any article or articles constructed in whole or in part of silver or any alloy or imitation thereof, having thereon--or on any box, package, cover, wrapper or other thing enclosing or encasing such article or articles for sale--any stamp, brand, engraving, printed label, trademark, imprint, or other mark, containing the words "coin" or "coin silver," referring to or designed or intended to refer to, the silver, alloy or imitation thereof, in such article or articles, when such silver, alloy or imitation shall contain less than nine-tenths thereof pure silver, shall be guilty of a petty offense and shall be fined in any sum not less than \$50 and not more than \$100.

720 ILCS 5/17-4

Sec. 17-4. (Repealed).

720 ILCS 5/17-5 — Deceptive collection practices

Sec. 17-5. Deceptive collection practices. A collection agency as defined in the Collection Agency Act or any employee of such collection agency commits a deceptive collection practice when, with the intent to collect a debt owed to an individual or a corporation or other entity, he, she, or it does any of the following:

(a) Represents falsely that he or she is an attorney, a policeman, a sheriff or deputy sheriff, a bailiff, a county clerk or employee of a county clerk's office, or any other person who by statute is authorized to enforce the law or any order of a court.

(b) While attempting to collect an alleged debt, misrepresents to the alleged debtor or to his or her immediate family the corporate, partnership or proprietary name or other trade or business name under which the debt collector is engaging in debt collections and which he, she, or it is legally authorized to use.

(c) While attempting to collect an alleged debt, adds to the debt any service charge, interest or penalty which he, she, or it is not entitled by law to add.

(d) Threatens to ruin, destroy, or otherwise adversely affect an alleged debtor's credit rating unless, at the same time, a disclosure is made in accordance with federal law that the alleged debtor has a right to inspect his or her credit rating.

(e) Accepts from an alleged debtor a payment which he, she, or it knows is not owed. Sentence. The commission of a deceptive collection practice is a Business Offense punishable by a fine not to exceed \$3,000.

720 ILCS 5/17-5.5 — Unlawful attempt to collect compensated debt against a crime victim

Sec. 17-5.5. Unlawful attempt to collect compensated debt against a crime victim.

(a) A person or a vendor commits unlawful attempt to collect a compensated debt against a crime victim when, with intent to collect funds for a debt incurred by or on behalf of a crime victim, which debt has been approved for payment by the Court of Claims under the Crime Victims Compensation Act, but the funds are involuntarily withheld from the person or vendor by the Comptroller by virtue of an outstanding obligation owed by the person or vendor to the State under the Uncollected State Claims Act, the person or vendor:

(1) communicates with, harasses, or intimidates the crime victim for payment;

(2) contacts or distributes information to affect the compensated crime victim's credit rating as a result of the compensated debt; or

(3) takes any other action adverse to the crime victim or his or her family on account of the compensated debt.

- (b) Sentence. Unlawful attempt to collect a compensated debt against a crime victim is a Class A misdemeanor.
- (c) Nothing in this Code prevents the attempt to collect an uncompensated debt or an uncompensated portion of a compensated debt incurred by or on behalf of a crime victim and not covered under the Crime Victims Compensation Act.
- (d) As used in this Section, "crime victim" means a victim of a violent crime or applicant as defined in the Crime Victims Compensation Act. "Compensated debt" means a debt incurred by or on behalf of a crime victim and approved for payment by the Court of Claims under the Crime Victims Compensation Act.

720 ILCS 5/17-5.7 — Deceptive advertising

Sec. 17-5.7. Deceptive advertising.

(a) Any person, firm, corporation or association or agent or employee thereof, who, with intent to sell, purchase, or in any wise dispose of, or to contract with reference to merchandise, securities, real estate, service, employment, money, credit or anything offered by such person, firm, corporation or association, or agent or employee thereof, directly or indirectly, to the public for sale, purchase, loan, distribution, or the hire of personal services, or with intent to increase the consumption of or to contract with reference to any merchandise, real estate, securities, money, credit, loan, service or employment, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto, or an interest therein, or to make any loan, makes, publishes, disseminates, circulates, or places before the public, or causes, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in this State, in a newspaper, magazine, or other publication, or in the form of a book, notice, handbill, poster, sign, bill, circular, pamphlet, letter, placard, card, label, or over any radio or television station, or in any other way similar or dissimilar to the foregoing, an advertisement, announcement, or statement of any sort regarding merchandise, securities, real estate, money, credit, service, employment, or anything so offered for use, purchase, loan or sale, or the interest, terms or conditions upon which such loan will be made to the public, which advertisement contains any assertion, representation or statement of fact which is untrue, misleading or deceptive, shall be guilty of a Class A misdemeanor.

(b) Any person, firm or corporation offering for sale merchandise, commodities or service by making, publishing, disseminating, circulating or placing before the public within this State in any manner an advertisement of merchandise, commodities, or service, with the intent, design or purpose not to sell the merchandise, commodities, or service so advertised at the price stated therein, or otherwise communicated, or with intent not to sell the merchandise, commodities, or service so advertised, may be enjoined from such advertising upon application for injunctive relief by the State's Attorney or Attorney General, and shall also be guilty of a Class A misdemeanor.

(c) Any person, firm or corporation who makes, publishes, disseminates, circulates or places before the public, or causes, directly or indirectly to be made, published, disseminated, circulated or placed before the public, in this State, in a newspaper, magazine or other publication published in this State, or in the form of a book, notice, handbill, poster, sign, bill, circular, pamphlet, letter, placard, card, or label distributed in this State, or over any radio or television station located in this State or in any other way in this State similar or dissimilar to the foregoing, an advertisement, announcement, statement or representation of any kind to the public relating to the sale, offering for sale, purchase, use or lease of any real estate in a subdivision located outside the State of Illinois may be enjoined from such activity upon application for injunctive relief by the State's Attorney or Attorney General and shall also be guilty of a Class A misdemeanor unless such advertisement, announcement, statement or representation contains or is accompanied by a clear, concise statement of the proximity of such real estate in common units of measurement to public schools, public highways, fresh water supply, public sewers, electric power, stores and shops, and telephone service or contains a statement that one or more of such facilities are not readily available, and name those not available.

(d) Subsections (a), (b), and

(c) do not apply to any medium for the printing, publishing, or disseminating of advertising, or any owner, agent or employee thereof, nor to any advertising agency or owner, agent or employee thereof, nor to any radio or television station, or owner, agent, or employee thereof, for printing, publishing, or disseminating, or causing to be printed, published, or disseminated, such advertisement in good faith and without knowledge of the deceptive character thereof.

(e) No person, firm or corporation owning or operating a service station shall advertise or hold out or state to the public the per gallon price of gasoline, upon any sign on the premises of such station, unless such price includes all taxes, and unless the price, as so advertised, corresponds with the price appearing on the pump from which such gasoline is dispensed. Also, the identity of the product must be included with the price in any such advertisement, holding out or statement to the public. Any person who violates this subsection

(e) shall be guilty of a petty offense.

720 ILCS 5/17-6 — State benefits fraud

Sec. 17-6. State benefits fraud.

(a) A person commits State benefits fraud when he or she obtains or attempts to obtain money or benefits from the State of Illinois, from any political subdivision thereof, or from any program funded or administered in whole or in part by the State of Illinois or any political subdivision thereof through the knowing use of false identification documents or through the knowing misrepresentation of his or her age, place of residence, number of dependents, marital or family status, employment status, financial status, or any other material fact upon which his eligibility for or degree of participation in any benefit program might be based.

(b) Notwithstanding any provision of State law to the contrary, every application or other document submitted to an agency or department of the State of Illinois or any political subdivision thereof to establish or determine eligibility for money or benefits from the State of Illinois or from any political subdivision thereof, or from any program funded or administered in whole or in part by the State of Illinois or any political subdivision thereof, shall be made available upon request to any law enforcement agency for use in the investigation or prosecution of State benefits fraud or for use in the investigation or prosecution of any other crime arising out of the same transaction or occurrence. Except as otherwise permitted by law, information disclosed pursuant to this subsection shall be used and disclosed only for the purposes provided herein. The provisions of this Section shall be operative only to the extent that they do not conflict with any federal law or regulation governing federal grants to this State.

(c) Any employee of the State of Illinois or any agency or political subdivision thereof may seize as evidence any false or fraudulent document presented to him or her in connection with an application for or receipt of money or benefits from the State of Illinois, from any political subdivision thereof, or from any program funded or administered in whole or in part by the State of Illinois or any political subdivision thereof.

(d) Sentence.

(1) State benefits fraud is a Class 4 felony except when more than \$300 is obtained, in which case State benefits fraud is a Class 3 felony.

(2) If a person knowingly misrepresents oneself as a veteran or as a dependent of a veteran with the intent of obtaining benefits or privileges provided by the State or its political subdivisions to veterans or their dependents, then State benefits fraud is a Class 3 felony when \$300 or less is obtained and a Class 2 felony when more than \$300 is obtained. For the purposes of this paragraph (2), benefits and privileges include, but are not limited to, those benefits and privileges available under the Veterans' Employment Act, the Viet Nam Veterans Compensation Act, the Prisoner of War Bonus Act, the War Bonus Extension Act, the Military Veterans Assistance Act, the Veterans' Employment Representative Act, the Veterans Preference Act, Service Member Employment and Reemployment Rights Act, the Service Member's Tenure Act, the Housing for Veterans with Disabilities Act, the Under Age Veterans Benefits Act, the Survivors Compensation Act, the Children of Deceased Veterans Act, the Veterans Burial Places Act, the Higher Education Student Assistance Act, or any other loans, assistance in employment, monetary payments, or tax exemptions offered by the State or its political subdivisions for veterans or their dependents.

720 ILCS 5/17-6.3 — WIC fraud

Sec. 17-6.3. WIC fraud.

(a) For the purposes of this Section, the Special Supplemental Food Program for Women, Infants and Children administered by the Illinois Department of Public Health or Department of Human Services shall be referred to as "WIC".

(b) A person commits WIC fraud if he or she knowingly

(i) uses, acquires, possesses, or transfers WIC Food Instruments or authorizations to participate in WIC in any manner not authorized by law or the rules of the Illinois Department of Public Health or Department of Human Services or (ii) uses, acquires, possesses, or transfers altered WIC Food Instruments or authorizations to participate in WIC.

(c) Administrative malfeasance.

(1) A person commits administrative malfeasance if he or she knowingly or recklessly misappropriates, misuses, or unlawfully withholds or converts to his or her own use or to the use of another any public funds made available for WIC.

(2) An official or employee of the State or a unit of local government who knowingly aids, abets, assists, or participates in a known violation of this Section is subject to disciplinary proceedings under the rules of the applicable State agency or unit of local government.

(d) Unauthorized possession of identification document. A person commits unauthorized possession of an identification document if he or she knowingly possesses, with intent to commit a misdemeanor or felony, another person's identification document issued by the Illinois Department of Public Health or Department of Human Services. For purposes of this Section, "identification document" includes, but is not limited to, an authorization to participate in WIC or a card or other document that identifies a person as being entitled to WIC benefits.

(e) Penalties.

(1) If an individual, firm, corporation, association, agency, institution, or other legal entity is found by a court to have engaged in an act, practice, or course of conduct declared unlawful under subsection (a), (b), or

(c) of this Section and: (A) the total amount of money involved in the violation, including the monetary value of the WIC Food Instruments and the value of commodities, is less than \$150, the violation is a Class A misdemeanor; a second or subsequent violation is a Class 4 felony; (B) the total amount of money involved in the violation, including the monetary value of the WIC Food Instruments and the value of commodities, is \$150 or more but less than \$1,000, the violation is a Class 4 felony; a second or subsequent violation is a Class 3 felony; (C) the total amount of money involved in the violation, including the monetary value of the WIC Food Instruments and the value of commodities, is \$1,000 or more but less than \$5,000, the violation is a Class 3 felony; a second or subsequent violation is a Class 2 felony; (D) the total amount of money involved in the violation, including the monetary value of the WIC Food Instruments and the value of commodities, is \$5,000 or more but less than \$10,000, the violation is a Class 2 felony; a second or subsequent violation is a Class 1 felony; or (E) the total amount of money involved in the violation, including the monetary value of the WIC Food Instruments and the value of commodities, is \$10,000 or more, the violation is a Class 1 felony and the defendant shall be permanently ineligible to participate in WIC.

(2) A violation of subsection

(d) is a Class 4 felony.

(3) The State's Attorney of the county in which the violation of this Section occurred or the Attorney General shall bring actions arising under this Section in the name of the People of the State of Illinois.

(4) For purposes of determining the classification of an offense under this subsection (e), all of the money received as a result of the unlawful act, practice, or course of conduct, including the value of any WIC Food Instruments and the value of commodities, shall be aggregated.

(f) Seizure and forfeiture of property.

(1) A person who commits a felony violation of this Section is subject to the property forfeiture provisions set forth in Article 124B of the Code of Criminal Procedure of 1963.

(2) Property subject to forfeiture under this subsection

(f) may be seized by the Director of the Illinois State Police or any local law enforcement agency upon process or seizure warrant issued by any court having jurisdiction over the property. The Director or a local law enforcement agency may seize property under this subsection

(f) without process under any of the following circumstances: (A) If the seizure is incident to inspection under an administrative inspection warrant. (B) If the property subject to seizure has been the subject of a prior judgment in favor of the State in a criminal proceeding or in an injunction or forfeiture proceeding under Article 124B of the Code of Criminal Procedure of 1963. (C) If there is probable cause to believe that the property is directly or indirectly dangerous to health or safety. (D) If there is probable cause to believe that the property is subject to forfeiture under this subsection

(f) and Article 124B of the Code of Criminal Procedure of 1963 and the property is seized under circumstances in which a warrantless seizure or arrest would be reasonable. (E) In accordance with the Code of Criminal Procedure of 1963.

(g) Future participation as WIC vendor. A person who has been convicted of a felony violation of this Section is prohibited from participating as a WIC vendor for a minimum period of 3 years following conviction and until the total amount of money involved in the violation, including the value of WIC Food Instruments and the value of commodities, is repaid to WIC. This prohibition shall extend to any person with management responsibility in a firm, corporation, association, agency, institution, or other legal entity that has been convicted of a violation of this Section and to an officer or person

owning, directly or indirectly, 5% or more of the shares of stock or other evidences of ownership in a corporate vendor.

720 ILCS 5/17-6.5 — Persons under deportation order; ineligibility for benefits

Sec. 17-6.5. Persons under deportation order; ineligibility for benefits.

(a) An individual against whom a United States Immigration Judge has issued an order of deportation which has been affirmed by the Board of Immigration Review, as well as an individual who appeals such an order pending appeal, under paragraph 19 of Section 241(a) of the Immigration and Nationality Act relating to persecution of others on account of race, religion, national origin or political opinion under the direction of or in association with the Nazi government of Germany or its allies, shall be ineligible for the following benefits authorized by State law:

(1) The homestead exemptions and homestead improvement exemption under Sections 15-170, 15-175, 15-176, and 15-180 of the Property Tax Code.

(2) Grants under the Senior Citizens and Persons with Disabilities Property Tax Relief Act.

(3) The double income tax exemption conferred upon persons 65 years of age or older by Section 204 of the Illinois Income Tax Act.

(4) Grants provided by the Department on Aging.

(5) Reductions in vehicle registration fees under Section 3-806.3 of the Illinois Vehicle Code.

(6) Free fishing and reduced fishing license fees under Sections 20-5 and 20-40 of the Fish and Aquatic Life Code.

(7) Tuition free courses for senior citizens under the Senior Citizen Courses Act.

(8) Any benefits under the Illinois Public Aid Code.

(b) If a person has been found by a court to have knowingly received benefits in violation of subsection

(a) and:

(1) the total monetary value of the benefits received is less than \$150, the person is guilty of a Class A misdemeanor; a second or subsequent violation is a Class 4 felony;

(2) the total monetary value of the benefits received is \$150 or more but less than \$1,000, the person is guilty of a Class 4 felony; a second or subsequent violation is a Class 3 felony;

(3) the total monetary value of the benefits received is \$1,000 or more but less than \$5,000, the person is guilty of a Class 3 felony; a second or subsequent violation is a Class 2 felony;

(4) the total monetary value of the benefits received is \$5,000 or more but less than \$10,000, the person is guilty of a Class 2 felony; a second or subsequent violation is a Class 1 felony; or

(5) the total monetary value of the benefits received is \$10,000 or more, the person is guilty of a Class 1 felony.

(c) For purposes of determining the classification of an offense under this Section, all of the monetary value of the benefits received as a result of the unlawful act, practice, or course of conduct may be accumulated.

(d) Any grants awarded to persons described in subsection

(a) may be recovered by the State of Illinois in a civil action commenced by the Attorney General in the circuit court of Sangamon County or the State's Attorney of the county of residence of the person described in subsection (a).

(e) An individual described in subsection

(a) who has been deported shall be restored to any benefits which that individual has been denied under State law pursuant to subsection

(a) if

(i) the Attorney General of the United States has issued an order cancelling deportation and has adjusted the status of the individual to that of a person lawfully admitted for permanent residence in the United States or (ii) the country to which the individual has been deported adjudicates or exonerates the individual in a judicial or administrative proceeding as not being guilty of the persecution of others on account of race, religion, national origin, or political opinion under the direction of or in association with the Nazi government of Germany or its allies.

720 ILCS 5/17-7

Sec. 17-7. (Renumbered).

720 ILCS 5/17-8

Sec. 17-8. (Repealed).

720 ILCS 5/17-8.3 — False information on an application for employment with certain public or private agencies; use of false academic degree

Sec. 17-8.3. False information on an application for employment with certain public or private agencies; use of false academic degree.

(a) It is unlawful for an applicant for employment with a public or private agency that provides State funded services to persons with mental illness or developmental disabilities to knowingly furnish false information regarding professional certification, licensing, criminal background, or employment history for the 5 years immediately preceding the date of application on an application for employment with the agency if the position of employment requires or provides opportunity for contact with persons with mental illness or developmental disabilities.

(b) It is unlawful for a person to knowingly use a false academic degree for the purpose of obtaining employment or admission to an institution of higher learning or admission to an advanced degree program at an institution of higher learning or for the purpose of obtaining a promotion or higher compensation in employment.

(c) Sentence. A violation of this Section is a Class A misdemeanor.

720 ILCS 5/17-8.5 — Fraud on a governmental entity

Sec. 17-8.5. Fraud on a governmental entity.

(a) Fraud on a governmental entity. A person commits fraud on a governmental entity when he or she knowingly obtains, attempts to obtain, or causes to be obtained, by deception, control over the property of any governmental entity by the making of a false claim of bodily injury or of damage to or loss or theft of property or by causing a false claim of bodily injury or of damage to or loss or theft of property to be made against the governmental entity, intending to deprive the governmental entity permanently of the use and benefit of that property.

(b) Aggravated fraud on a governmental entity. A person commits aggravated fraud on a governmental entity when he or she commits fraud on a governmental entity 3 or more times within an 18-month period arising out of separate incidents or transactions.

(c) Conspiracy to commit fraud on a governmental entity. If aggravated fraud on a governmental entity forms the basis for a charge of conspiracy under Section 8-2 of this Code against a person, the person or persons with whom the accused is alleged to have agreed to commit the 3 or more violations of this Section need not be the same person or persons for each violation, as long as the accused was a part of the common scheme or plan to engage in each of the 3 or more alleged violations.

(d) Organizer of an aggravated fraud on a governmental entity conspiracy. A person commits being an organizer of an aggravated fraud on a governmental entity conspiracy if aggravated fraud on a governmental entity forms the basis for a charge of conspiracy under Section 8-2 of this Code and the person occupies a position of organizer, supervisor, financier, or other position of management within the conspiracy. For the purposes of this Section, the person or persons with whom the accused is alleged to have agreed to commit the 3 or more violations of subdivision (a)(1) of Section 17-10.5 or subsection

(a) of Section 17-8.5 of this Code need not be the same person or persons for each violation, as long as the accused occupied a position of organizer, supervisor, financier, or other position of management in each of the 3 or more alleged violations. Notwithstanding Section 8-5 of this Code, a person may be convicted and sentenced both for the offense of being an organizer of an aggravated fraud conspiracy and for any other offense that is the object of the conspiracy.

(e) Sentence.

(1) A violation of subsection

(a) in which the value of the property obtained or attempted to be obtained is \$300 or less is a Class A misdemeanor.

(2) A violation of subsection

(a) in which the value of the property obtained or attempted to be obtained is more than \$300 but not more than \$10,000 is a Class 3 felony.

(3) A violation of subsection

(a) in which the value of the property obtained or attempted to be obtained is more than \$10,000 but not more than \$100,000 is a Class 2 felony.

(4) A violation of subsection

(a) in which the value of the property obtained or attempted to be obtained is more than \$100,000 is a Class 1 felony.

(5) A violation of subsection

(b) is a Class 1 felony, regardless of the value of the property obtained, attempted to be obtained, or caused to be obtained.

(6) The offense of being an organizer of an aggravated fraud conspiracy is a Class X felony.

(7) Notwithstanding Section 8-5 of this Code, a person may be convicted and sentenced both for the offense of conspiracy to commit fraud and for any other offense that is the object of the conspiracy.

(f) Civil damages for fraud on a governmental entity. A person who knowingly obtains, attempts to obtain, or causes to be obtained, by deception, control over the property of a governmental entity by the making of a false claim of bodily injury or of damage to or loss or theft of property, intending to deprive the governmental entity permanently of the use and benefit of that property, shall be civilly liable to the governmental entity that paid the claim or against whom the claim was made or to the subrogee of the governmental entity in an amount equal to either 3 times the value of the property wrongfully obtained or, if property was not wrongfully obtained, twice the value of the property attempted to be obtained, whichever amount is greater, plus reasonable attorney's fees.

(g) Determination of property value. For the purposes of this Section, if the exact value of the property attempted to be obtained is either not alleged by the claimant or not otherwise specifically set, the value of the property shall be the fair market replacement value of the property claimed to be lost, the reasonable costs of reimbursing a vendor or other claimant for services to be rendered, or both.

(h) Actions by State licensing agencies.

(1) All State licensing agencies, the Illinois State Police, and the Department of Financial and Professional Regulation shall coordinate enforcement efforts relating to acts of fraud on a governmental entity.

(2) If a person who is licensed or registered under the laws of the State of Illinois to engage in a business or profession is convicted of or pleads guilty to engaging in an act of fraud on a governmental entity, the Illinois State Police must forward to each State agency by which the person is licensed or registered a copy of the conviction or plea and all supporting evidence.

(3) Any agency that receives information under this Section shall, not later than 6 months after the date on which it receives the information, publicly report the final action taken against the convicted person, including but not limited to the revocation or suspension of the license or any other disciplinary action taken.

(i) Definitions. For the purposes of this Section, "obtain", "obtains control", "deception", "property", and "permanent deprivation" have the meanings ascribed to those terms in Article 15 of this Code.

720 ILCS 5/17-9 — Public aid wire and mail fraud

Sec. 17-9. Public aid wire and mail fraud.

(a) Whoever knowingly

(i) makes or transmits any communication by means of telephone, wire, radio, or television or (ii) places any communication with the United States Postal Service, or with any private or other mail, package, or delivery service or system, such communication being made, transmitted, placed, or received within the State of Illinois, intending that such communication be made, transmitted, or delivered in furtherance of any plan, scheme, or design to obtain, unlawfully, any benefit or payment under the Illinois Public Aid Code, commits public aid wire and mail fraud.

(b) Whoever knowingly directs or causes any communication to be

(i) made or transmitted by means of telephone, wire, radio, or television or (ii) placed with the United States Postal Service, or with any private or other mail, package, or delivery service or system, intending that such communication be made, transmitted, or delivered in furtherance of any plan, scheme, or design to obtain, unlawfully, any benefit or payment under the Illinois Public Aid Code, commits public aid wire and mail fraud.

(c) Sentence. A violation of this Section is a Class 4 felony.

720 ILCS 5/17-10

Sec. 17-10. (Repealed).

720 ILCS 5/17-10.2 — Businesses owned by minorities, females, and persons with disabilities; fraudulent contracts with governmental units

Sec. 17-10.2. Businesses owned by minorities, females, and persons with disabilities; fraudulent contracts with governmental units.

(a) In this Section: "Minority person" means a person who is any of the following:

(1) American Indian or Alaska Native (a person having origins in any of the original peoples of North and South America, including Central America, and who maintains tribal affiliation or community attachment).

(2) Asian (a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, but not limited to, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam).

(3) Black or African American (a person having origins in any of the black racial groups of Africa).

(4) Hispanic or Latino (a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race).

(5) Native Hawaiian or Other Pacific Islander (a person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands). "Female" means a person who is of the female gender. "Person with a disability" means a person who is a person qualifying as having a disability. "Disability" means a severe physical or mental disability that:

(1) results from: amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, an intellectual disability, mental illness, multiple sclerosis, muscular dystrophy, musculoskeletal disorders, neurological disorders, including stroke and epilepsy, paraplegia, quadriplegia and other spinal cord conditions, sickle cell anemia, specific learning disabilities, or end stage renal failure disease; and

(2) substantially limits one or more of the person's major life activities. "Minority owned business" means a business concern that is at least 51% owned by one or more minority persons, or in the case of a corporation, at least 51% of the stock in which is owned by one or more minority persons; and the management and daily business operations of which are controlled by one or more of the minority individuals who own it. "Female owned business" means a business concern that is at least 51% owned by one or more females, or, in the case of a corporation, at least 51% of the stock in which is owned by one or more females; and the management and daily business operations of which are controlled by one or more of the females who own it. "Business owned by a person with a disability" means a business concern that is at least 51% owned by one or more persons with a disability and the management and daily business operations of which are controlled by one or more of the persons with disabilities who own it. A not-for-profit agency for persons with disabilities that is exempt from taxation under Section 501 of the Internal Revenue Code of 1986 is also considered a "business owned by a person with a disability". "Governmental unit" means the State, a unit of local government, or school district.

(b) In addition to any other penalties imposed by law or by an ordinance or resolution of a unit of local government or school district, any individual or entity that knowingly obtains, or knowingly assists another to obtain, a contract with a governmental unit, or a subcontract or written commitment for a subcontract under a contract with a governmental unit, by falsely representing that the individual or entity, or the individual or entity assisted, is a minority owned business, female owned business, or business owned by a person with a disability is guilty of a Class 2 felony, regardless of whether the preference for awarding the contract to a minority owned business, female owned business, or business owned by a person with a disability was established by statute or by local ordinance or resolution.

(c) In addition to any other penalties authorized by law, the court shall order that an individual or entity convicted of a violation of this Section must pay to the governmental unit that awarded the contract a penalty equal to one and one-half times the amount of the contract obtained because of the false representation.

720 ILCS 5/17-10.3 — Deception relating to certification of disadvantaged business enterprises

Sec. 17-10.3. Deception relating to certification of disadvantaged business enterprises.

(a) Fraudulently obtaining or retaining certification. A person who, in the course of business, fraudulently obtains or retains certification as a minority-owned business, women-owned business, service-disabled veteran-owned small

business, or veteran-owned small business commits a Class 2 felony.

(b) Willfully making a false statement. A person who, in the course of business, willfully makes a false statement whether by affidavit, report or other representation, to an official or employee of a State agency or the Business Enterprise Council for Minorities, Women, and Persons with Disabilities for the purpose of influencing the certification or denial of certification of any business entity as a minority-owned business, women-owned business, service-disabled veteran-owned small business, or veteran-owned small business commits a Class 2 felony.

(c) Willfully obstructing or impeding an official or employee of any agency in his or her investigation. Any person who, in the course of business, willfully obstructs or impedes an official or employee of any State agency or the Business Enterprise Council for Minorities, Women, and Persons with Disabilities who is investigating the qualifications of a business entity which has requested certification as a minority-owned business, women-owned business, service-disabled veteran-owned small business, or veteran-owned small business commits a Class 2 felony.

(d) Fraudulently obtaining public moneys reserved for disadvantaged business enterprises. Any person who, in the course of business, fraudulently obtains public moneys reserved for, or allocated or available to, minority-owned businesses, women-owned businesses, service-disabled veteran-owned small businesses, or veteran-owned small businesses commits a Class 2 felony.

(e) Definitions. As used in this Article, "minority-owned business", "women-owned business", "State agency" with respect to minority-owned businesses and women-owned businesses, and "certification" with respect to minority-owned businesses and women-owned businesses shall have the meanings ascribed to them in Section 2 of the Business Enterprise for Minorities, Women, and Persons with Disabilities Act. As used in this Article, "service-disabled veteran-owned small business", "veteran-owned small business", "State agency" with respect to service-disabled veteran-owned small businesses and veteran-owned small businesses, and "certification" with respect to service-disabled veteran-owned small businesses and veteran-owned small businesses have the same meanings as in Section 45-57 of the Illinois Procurement Code.

720 ILCS 5/17-10.5 — Insurance fraud

Sec. 17-10.5. Insurance fraud.

(a) Insurance fraud.

(1) A person commits insurance fraud when he or she knowingly obtains, attempts to obtain, or causes to be obtained, by deception, control over the property of an insurance company or self-insured entity by the making of a false claim or by causing a false claim to be made on any policy of insurance issued by an insurance company or by the making of a false claim or by causing a false claim to be made to a self-insured entity, intending to deprive an insurance company or self-insured entity permanently of the use and benefit of that property.

(2) A person commits health care benefits fraud against a provider, other than a governmental unit or agency, when he or she knowingly obtains or attempts to obtain, by deception, health care benefits and that obtaining or attempt to obtain health care benefits does not involve control over property of the provider.

(b) Aggravated insurance fraud.

(1) A person commits aggravated insurance fraud on a private entity when he or she commits insurance fraud 3 or more times within an 18-month period arising out of separate incidents or transactions.

(2) A person commits being an organizer of an aggravated insurance fraud on a private entity conspiracy if aggravated insurance fraud on a private entity forms the basis for a charge of conspiracy under Section 8-2 of this Code and the person occupies a position of organizer, supervisor, financier, or other position of management within the conspiracy.

(c) Conspiracy to commit insurance fraud. If aggravated insurance fraud on a private entity forms the basis for charges of conspiracy under Section 8-2 of this Code, the person or persons with whom the accused is alleged to have agreed to commit the 3 or more violations of this Section need not be the same person or persons for each violation, as long as the accused was a part of the common scheme or plan to engage in each of the 3 or more alleged violations. If aggravated insurance fraud on a private entity forms the basis for a charge of conspiracy under Section 8-2 of this Code, and the accused occupies a position of organizer, supervisor, financier, or other position of management within the conspiracy, the person or persons with whom the accused is alleged to have agreed to commit the 3 or more violations of this Section need not be the same person or persons for each violation as long as the accused occupied a position of organizer, supervisor, financier, or other position of management in each of the 3 or more alleged violations.

(d) Sentence.

(1) A violation of paragraph (a)(1) in which the value of the property obtained, attempted to be obtained, or caused to be obtained is \$300 or less is a Class A misdemeanor.

(2) A violation of paragraph (a)(1) in which the value of the property obtained, attempted to be obtained, or caused to be obtained is more than \$300 but not more than \$10,000 is a Class 3 felony.

(3) A violation of paragraph (a)(1) in which the value of the property obtained, attempted to be obtained, or caused to be obtained is more than \$10,000 but not more than \$100,000 is a Class 2 felony.

(4) A violation of paragraph (a)(1) in which the value of the property obtained, attempted to be obtained, or caused to be obtained is more than \$100,000 is a Class 1 felony.

(5) A violation of paragraph (a)(2) is a Class A misdemeanor.

(6) A violation of paragraph (b)(1) is a Class 1 felony, regardless of the value of the property obtained, attempted to be obtained, or caused to be obtained.

(7) A violation of paragraph (b)(2) is a Class X felony.

(8) A person convicted of insurance fraud, vendor fraud, or a federal criminal violation associated with defrauding the Medicaid program shall be ordered to pay monetary restitution to the insurance company or self-insured entity or any other person for any financial loss sustained as a result of a violation of this Section, including any court costs and attorney's fees. An order of restitution shall include expenses incurred and paid by the State of Illinois or an insurance company or self-insured entity in connection with any medical evaluation or treatment services.

(9) Notwithstanding Section 8-5 of this Code, a person may be convicted and sentenced both for the offense of conspiracy to commit insurance fraud or the offense of being an organizer of an aggravated insurance fraud conspiracy and for any other offense that is the object of the conspiracy.

(e) Civil damages for insurance fraud.

(1) A person who knowingly obtains, attempts to obtain, or causes to be obtained, by deception, control over the property of any insurance company by the making of a false claim or by causing a false claim to be made on a policy of insurance issued by an insurance company, or by the making of a false claim or by causing a false claim to be made to a self-insured entity, intending to deprive an insurance company or self-insured entity permanently of the use and benefit of that property, shall be civilly liable to the insurance company or self-insured entity that paid the claim or against whom the claim was made or to the subrogee of that insurance company or self-insured entity in an amount equal to either 3 times the value of the property wrongfully obtained or, if no property was wrongfully obtained, twice the value of the property attempted to be obtained, whichever amount is greater, plus reasonable attorney's fees.

(2) An insurance company or self-insured entity that brings an action against a person under paragraph

(1) of this subsection in bad faith shall be liable to that person for twice the value of the property claimed, plus reasonable attorney's fees. In determining whether an insurance company or self-insured entity acted in bad faith, the court shall relax the rules of evidence to allow for the introduction of any facts or other information on which the insurance company or self-insured entity may have relied in bringing an action under paragraph

(1) of this subsection.

(f) Determination of property value. For the purposes of this Section, if the exact value of the property attempted to be obtained is either not alleged by the claimant or not specifically set by the terms of a policy of insurance, the value of the property shall be the fair market replacement value of the property claimed to be lost, the reasonable costs of reimbursing a vendor or other claimant for services to be rendered, or both.

(g) Actions by State licensing agencies.

(1) All State licensing agencies, the Illinois State Police, and the Department of Financial and Professional Regulation shall coordinate enforcement efforts relating to acts of insurance fraud.

(2) If a person who is licensed or registered under the laws of the State of Illinois to engage in a business or profession is convicted of or pleads guilty to engaging in an act of insurance fraud, the Illinois State Police must forward to each State agency by which the person is licensed or registered a copy of the conviction or plea and all supporting evidence.

(3) Any agency that receives information under this Section shall, not later than 6 months after the date on which it receives the information, publicly report the final action taken against the convicted person, including but not limited to the

revocation or suspension of the license or any other disciplinary action taken.

(h) Definitions. For the purposes of this Section, "obtain", "obtains control", "deception", "property", and "permanent deprivation" have the meanings ascribed to those terms in Article 15 of this Code.

720 ILCS 5/17-10.6 — Financial institution fraud

Sec. 17-10.6. Financial institution fraud.

(a) Misappropriation of financial institution property. A person commits misappropriation of a financial institution's property whenever he or she knowingly obtains or exerts unauthorized control over any of the moneys, funds, credits, assets, securities, or other property owned by or under the custody or control of a financial institution, or under the custody or care of any agent, officer, director, or employee of such financial institution.

(b) Commercial bribery of a financial institution.

(1) A person commits commercial bribery of a financial institution when he or she knowingly confers or offers or agrees to confer any benefit upon any employee, agent, or fiduciary without the consent of the latter's employer or principal, with the intent to influence his or her conduct in relation to his or her employer's or principal's affairs.

(2) An employee, agent, or fiduciary of a financial institution commits commercial bribery of a financial institution when, without the consent of his or her employer or principal, he or she knowingly solicits, accepts, or agrees to accept any benefit from another person upon an agreement or understanding that such benefit will influence his or her conduct in relation to his or her employer's or principal's affairs.

(c) Financial institution fraud. A person commits financial institution fraud when he or she knowingly executes or attempts to execute a scheme or artifice:

(1) to defraud a financial institution; or

(2) to obtain any of the moneys, funds, credits, assets, securities, or other property owned by or under the custody or control of a financial institution, by means of pretenses, representations, or promises he or she knows to be false.

(d) Loan fraud. A person commits loan fraud when he or she knowingly, with intent to defraud, makes any false statement or report, or overvalues any land, property, or security, with the intent to influence in any way the action of a financial institution to act upon any application, advance, discount, purchase, purchase agreement, repurchase agreement, commitment, or loan, or any change or extension of any of the same, by renewal, deferment of action, or otherwise, or the acceptance, release, or substitution of security.

(e) Concealment of collateral. A person commits concealment of collateral when he or she, with intent to defraud, knowingly conceals, removes, disposes of, or converts to the person's own use or to that of another any property mortgaged or pledged to or held by a financial institution.

(f) Financial institution robbery. A person commits robbery when he or she knowingly, by force or threat of force, or by intimidation, takes, or attempts to take, from the person or presence of another, or obtains or attempts to obtain by extortion, any property or money or any other thing of value belonging to, or in the care, custody, control, management, or possession of, a financial institution.

(g) Conspiracy to commit a financial crime.

(1) A person commits conspiracy to commit a financial crime when, with the intent that any violation of this Section be committed, he or she agrees with another person to the commission of that offense.

(2) No person may be convicted of conspiracy to commit a financial crime unless an overt act or acts in furtherance of the agreement is alleged and proved to have been committed by that person or by a co-conspirator and the accused is a part of a common scheme or plan to engage in the unlawful activity.

(3) It shall not be a defense to conspiracy to commit a financial crime that the person or persons with whom the accused is alleged to have conspired: (A) has not been prosecuted or convicted; (B) has been convicted of a different offense; (C) is not amenable to justice; (D) has been acquitted; or (E) lacked the capacity to commit the offense.

(h) Continuing financial crimes enterprise. A person commits a continuing financial crimes enterprise when he or she knowingly, within an 18-month period, commits 3 or more separate offenses constituting any combination of the following:

(1) an offense under this Section;

(2) a felony offense in violation of Section 16A-3 or subsection

(a) of Section 16-25 or paragraph

(4) or

(5) of subsection

(a) of Section 16-1 of this Code for the purpose of reselling or otherwise re-entering the merchandise in commerce, including conveying the merchandise to a merchant in exchange for anything of value; or

(3) if involving a financial institution, any other felony offense under this Code.

(i) Organizer of a continuing financial crimes enterprise.

(1) A person commits being an organizer of a continuing financial crimes enterprise when he or she: (A) with the intent to commit any offense, agrees with another person to the commission of any combination of the following offenses on 3 or more separate occasions within an 18-month period:

(i) an offense under this Section; (ii) a felony offense in violation of Section 16A-3 or subsection

(a) of Section 16-25 or paragraph

(4) or

(5) of subsection

(a) of Section 16-1 of this Code for the purpose of reselling or otherwise re-entering the merchandise in commerce, including conveying the merchandise to a merchant in exchange for anything of value; or (iii) if involving a financial institution, any other felony offense under this Code; and (B) with respect to the other persons within the conspiracy, occupies a position of organizer, supervisor, or financier or other position of management.

(2) The person with whom the accused agreed to commit the 3 or more offenses under this Section, or, if involving a financial institution, any other felony offenses under this Code, need not be the same person or persons for each offense, as long as the accused was a part of the common scheme or plan to engage in each of the 3 or more alleged offenses.

(j) Sentence.

(1) Except as otherwise provided in this subsection, a violation of this Section, the full value of which: (A) does not exceed \$500, is a Class A misdemeanor; (B) does not exceed \$500, and the person has been previously convicted of a financial crime or any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, or home invasion, is guilty of a Class 4 felony; (C) exceeds \$500 but does not exceed \$10,000, is a Class 3 felony; (D) exceeds \$10,000 but does not exceed \$100,000, is a Class 2 felony; (E) exceeds \$100,000 but does not exceed \$500,000, is a Class 1 felony; (F) exceeds \$500,000 but does not exceed \$1,000,000, is a Class 1 non-probationable felony; when a charge of financial crime, the full value of which exceeds \$500,000 but does not exceed \$1,000,000, is brought, the value of the financial crime involved is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding \$500,000; (G) exceeds \$1,000,000, is a Class X felony; when a charge of financial crime, the full value of which exceeds \$1,000,000, is brought, the value of the financial crime involved is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding \$1,000,000.

(2) A violation of subsection

(f) is a Class 1 felony.

(3) A violation of subsection

(h) is a Class 1 felony.

(4) A violation for subsection

(i) is a Class X felony.

(k) A "financial crime" means an offense described in this Section.

(l) Period of limitations. The period of limitations for prosecution of any offense defined in this Section begins at the time when the last act in furtherance of the offense is committed.

(m) Forfeiture. Any violation of subdivision

(2) of subsection

(h) or subdivision (i)(1)(A)(ii) shall be subject to the remedies, procedures, and forfeiture as set forth in Article 29B of this Code. Property seized or forfeited under this Section is subject to reporting under the Seizure and Forfeiture Reporting

Act.

720 ILCS 5/17-10.7 — Insurance claims for excessive charges

Sec. 17-10.7. Insurance claims for excessive charges.

(a) A person who sells goods or services commits insurance claims for excessive charges if:

- (1) the person knowingly advertises or promises to provide the goods or services and to pay: (A) all or part of any applicable insurance deductible; or (B) a rebate in an amount equal to all or part of any applicable insurance deductible;
- (2) the goods or services are paid for by the consumer from proceeds of a property or casualty insurance policy; and
- (3) the person knowingly charges an amount for the goods or services that exceeds the usual and customary charge by the person for the goods or services by an amount equal to or greater than all or part of the applicable insurance deductible paid by the person to an insurer on behalf of an insured or remitted to an insured by the person as a rebate.

(b) A person who is insured under a property or casualty insurance policy commits insurance claims for excessive charges if the person knowingly:

- (1) submits a claim under the policy based on charges that are in violation of subsection

(a) of this Section; or

- (2) knowingly allows a claim in violation of subsection

(a) of this Section to be submitted, unless the person promptly notifies the insurer of the excessive charges.

(c) Sentence. A violation of this Section is a Class A misdemeanor.

720 ILCS 5/17-11 — Odometer or hour meter fraud

Sec. 17-11. Odometer or hour meter fraud. A person commits odometer or hour meter fraud when he or she disconnects, resets, or alters, or causes to be disconnected, reset, or altered, the odometer of any used motor vehicle or the hour meter of any used farm implement to conceal or change the actual miles driven or hours of operation with the intent to defraud another. A violation of this Section is a Class A misdemeanor. A second or subsequent violation is a Class 4 felony. This Section does not apply to legitimate practices of automotive or implement parts recyclers who recycle used odometers or hour meters for resale.

720 ILCS 5/17-11.1

Sec. 17-11.1. (Repealed).

720 ILCS 5/17-11.2 — Airbag fraud

Sec. 17-11.2. Airbag fraud.

(a) Definitions. In this Section: "Airbag" means a motor vehicle inflatable occupant restraint system device that is part of a vehicle's supplemental restraint system. "Counterfeit supplemental restraint system component" means a replacement supplemental restraint system component, including, but not limited to, an airbag, that displays a mark identical to, or substantially similar to, the genuine mark of a motor vehicle manufacturer or a supplier of parts to the manufacturer of a motor vehicle without authorization from that manufacturer or supplier, respectively. "Non-functional airbag" means a replacement airbag that meets any of the following criteria:

- (1) the airbag was previously deployed or damaged;
- (2) the airbag has an electric fault that is detected by the vehicle's diagnostic system when the installation procedure is completed and the vehicle is returned to the customer who requested the work to be performed or when ownership is intended to be transferred;
- (3) the airbag includes a part or object, including a supplemental restraint system component, that is installed in a motor vehicle to mislead the owner or operator of the motor vehicle into believing that a functional airbag has been installed; or
- (4) the airbag is subject to the provisions of 49 U.S.C. 30120(j). "Supplemental restraint system" means a passive inflatable motor vehicle occupant crash protection system designed for use in conjunction with a seat belt assembly as defined in 49 CFR 571.209. "Supplemental restraint system" includes one or more airbags and all components required to ensure that an airbag works as designed by the vehicle manufacturer, including both of the following:

- (1) the airbag operates as designed in the event of a crash; and

(2) the airbag is designed to meet federal motor vehicle safety standards for the specific make, model, and year of the vehicle in which it is or will be installed.

(b) A person commits airbag fraud when he or she, for consideration, knowingly:

(1) imports, manufactures, sells, offers for sale, installs, or reinstalls in a vehicle a counterfeit supplemental restraint system component, a non-functional airbag, or an object that does not comply with federal safety regulations for the make, model, and year of the vehicle in which it is or will be installed;

(2) sells, offers for sale, installs, or reinstalls in any motor vehicle a device that causes a motor vehicle's diagnostic system to inaccurately indicate that the motor vehicle is equipped with a properly functioning airbag; or

(3) sells, leases, trades, or transfers a motor vehicle if the person knows that a counterfeit supplemental restraint system component, a non-functional airbag, or an object that does not comply with federal safety regulations for the make, model, and year of the vehicle as part of a vehicle inflatable restraint system.

(c) This Section does not apply to an owner or employee of a motor vehicle dealership or the owner of a vehicle, who, before the sale of the vehicle, does not have knowledge that the vehicle's airbag, or another component of the vehicle's supplemental restraint system, is counterfeit or non-functioning.

(d) Sentence. A violation of this Section is a Class A misdemeanor.

720 ILCS 5/17-11.5 — Tampering with a security, fire, or life safety system

Sec. 17-11.5. Tampering with a security, fire, or life safety system.

(a) A person commits tampering with a security, fire, or life safety system when he or she knowingly damages, sabotages, destroys, or causes a permanent or temporary malfunction in any physical or electronic security, fire, or life safety system or any component part of any of those systems including, but not limited to, card readers, magnetic stripe readers, Wiegand card readers, smart card readers, proximity card readers, digital keypads, keypad access controls, digital locks, electromagnetic locks, electric strikes, electronic exit hardware, exit alarm systems, delayed egress systems, biometric access control equipment, intrusion detection systems and sensors, burglar alarm systems, wireless burglar alarms, silent alarms, duress alarms, hold-up alarms, glass break detectors, motion detectors, seismic detectors, glass shock sensors, magnetic contacts, closed circuit television (CCTV), security cameras, digital cameras, dome cameras, covert cameras, spy cameras, hidden cameras, wireless cameras, network cameras, IP addressable cameras, CCTV camera lenses, video cassette recorders, CCTV monitors, CCTV consoles, CCTV housings and enclosures, CCTV pan-and-tilt devices, CCTV transmission and signal equipment, wireless video transmitters, wireless video receivers, radio frequency (RF) or microwave components, or both, infrared illuminators, video motion detectors, video recorders, time lapse CCTV recorders, digital video recorders (DVRs), digital image storage systems, video converters, video distribution amplifiers, video time-date generators, multiplexers, switchers, splitters, fire alarms, smoke alarm systems, smoke detectors, flame detectors, fire detection systems and sensors, fire sprinklers, fire suppression systems, fire extinguishing systems, public address systems, intercoms, emergency telephones, emergency call boxes, emergency pull stations, telephone entry systems, video entry equipment, annunciators, sirens, lights, sounders, control panels and components, and all associated computer hardware, computer software, control panels, wires, cables, connectors, electromechanical components, electronic modules, fiber optics, filters, passive components, and power sources including batteries and back-up power supplies.

(b) Sentence. A violation of this Section is a Class 4 felony.

720 ILCS 5/17-12

Sec. 17-12. (Repealed).

720 ILCS 5/17-13 — Fraud in transfers of real and personal property

Sec. 17-13. Fraud in transfers of real and personal property.

(a) Conditional sale; sale without consent of title holder. No person purchasing personal property under a conditional sales contract shall, during the existence of such conditional sales contract and before the conditions thereof have been fulfilled, knowingly sell, transfer, conceal, or in any manner dispose of such property, or cause or allow the same to be done, without the written consent of the holder of title.

(b) Acknowledgment of fraudulent conveyance. No officer authorized to take the proof and acknowledgment of a conveyance of real or personal property or other instrument shall knowingly certify that the conveyance or other

instrument was duly proven or acknowledged by a party to the conveyance or other instrument when no such acknowledgment or proof was made, or was not made at the time it was certified to have been made, with intent to injure or defraud or to enable any other person to injure or defraud.

(c) Fraudulent land sales. No person, after once selling, bartering, or disposing of a tract or tracts of land or a town lot or lots, or executing a bond or agreement for the sale of lands or a town lot or lots, shall again knowingly and with intent to defraud sell, barter, or dispose of the same tract or tracts of land or town lot or lots, or any part of those tracts of land or town lot or lots, or knowingly and with intent to defraud execute a bond or agreement to sell, barter, or dispose of the same land or lot or lots, or any part of that land or lot or lots, to any other person for a valuable consideration.

(d) Sentence. A violation of subsection

(a) of this Section is a Class A misdemeanor. A violation of subsection

(b) of this Section is a Class 4 felony. A violation of subsection

(c) of this Section is a Class 3 felony.

720 ILCS 5/17-14

Sec. 17-14. (Repealed).

720 ILCS 5/17-15

Sec. 17-15. (Repealed).

720 ILCS 5/17-16

Sec. 17-16. (Renumbered).

720 ILCS 5/17-17 — Fraud in stock transactions

Sec. 17-17. Fraud in stock transactions.

(a) No officer, director, or agent of a bank, railroad, or other corporation, nor any other person, shall knowingly, and with intent to defraud, issue, sell, transfer, assign, or pledge, or cause or procure to be issued, sold, transferred, assigned, or pledged, any false, fraudulent, or simulated certificate or other evidence of ownership of a share or shares of the capital stock of a bank, railroad, or other corporation.

(b) No officer, director, or agent of a bank, railroad, or other corporation shall knowingly sign, with intent to issue, sell, pledge, or cause to be issued, sold, or pledged, any false, fraudulent, or simulated certificate or other evidence of the ownership or transfer of a share or shares of the capital stock of that corporation, or an instrument purporting to be a certificate or other evidence of the ownership or transfer, the signing, issuing, selling, or pledging of which by the officer, director, or agent is not authorized by law.

(c) Sentence. A violation of this Section is a Class 3 felony.

720 ILCS 5/17-18

Sec. 17-18. (Repealed).

720 ILCS 5/17-19

Sec. 17-19. (Repealed).

720 ILCS 5/17-20 — Obstructing gas, water, or electric current meters

Sec. 17-20. Obstructing gas, water, or electric current meters. A person commits obstructing gas, water, or electric current meters when he or she knowingly, and with intent to injure or defraud a company, body corporate, copartnership, or individual, injures, alters, obstructs, or prevents the action of a meter provided for the purpose of measuring and registering the quantity of gas, water, or electric current consumed by or at a burner, orifice, or place, or supplied to a lamp, motor, machine, or appliance, or causes, procures, or aids the injuring or altering of any such meter or the obstruction or prevention of its action, or makes or causes to be made with a gas pipe, water pipe, or electrical conductor any connection so as to conduct or supply illumination or inflammable gas, water, or electric current to any burner, orifice, lamp, motor, or other machine or appliance from which the gas, water, or electricity may be consumed or utilized without passing through or being registered by a meter or without the consent or acquiescence of the company, municipal corporation, body corporate, copartnership, or individual furnishing or transmitting the gas, water, or electric current

through the gas pipe, water pipe, or electrical conductor. A violation of this Section is a Class B misdemeanor.

720 ILCS 5/17-21 — Obstructing service meters

Sec. 17-21. Obstructing service meters. A person commits obstructing service meters when he or she knowingly, and, with the intent to defraud, tampers with, alters, obstructs or prevents the action of a meter, register, or other counting device that is a part of a mechanical or electrical machine, equipment, or device that measures service, without the consent of the owner of the machine, equipment, or device. A violation of this Section is a Class B misdemeanor.

720 ILCS 5/17-22

Sec. 17-22. (Renumbered).

720 ILCS 5/17-23

Sec. 17-23. (Repealed).

720 ILCS 5/17-24 — Mail fraud and wire fraud

Sec. 17-24. Mail fraud and wire fraud.

(a) Mail fraud. A person commits mail fraud when he or she:

(1) devises or intends to devise any scheme or artifice to defraud, or to obtain money or property by means of false or fraudulent pretenses, representations, or promises, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit obligation, security, or other article, or anything represented to be or intimated or held out to be such a counterfeit or spurious article; and

(2) with the intent to execute such scheme or artifice or to attempt to do so, does any of the following: (A) Places in any post office or authorized depository for mail matter within this State any matter or thing to be delivered by the United States Postal Service, according to the direction on the matter or thing. (B) Deposits or causes to be deposited in this State any matter or thing to be sent or delivered by mail or by private or commercial carrier, according to the direction on the matter or thing. (C) Takes or receives from mail or from a private or commercial carrier any such matter or thing at the place at which it is directed to be delivered by the person to whom it is addressed. (D) Knowingly causes any such matter or thing to be delivered by mail or by private or commercial carrier, according to the direction on the matter or thing.

(b) Wire fraud. A person commits wire fraud when he or she:

(1) devises or intends to devise a scheme or artifice to defraud or to obtain money or property by means of false pretenses, representations, or promises; and

(2) for the purpose of executing the scheme or artifice, transmits or causes to be transmitted any writings, signals, pictures, sounds, or electronic or electric impulses by means of wire, radio, or television communications: (A) from within this State; or (B) so that the transmission is received by a person within this State; or (C) so that the transmission may be accessed by a person within this State.

(c) Jurisdiction.

(1) Mail fraud using a government or private carrier occurs in the county in which mail or other matter is deposited with the United States Postal Service or a private commercial carrier for delivery, if deposited with the United States Postal Service or a private or commercial carrier within this State, and the county in which a person within this State receives the mail or other matter from the United States Postal Service or a private or commercial carrier.

(2) Wire fraud occurs in the county from which a transmission is sent, if the transmission is sent from within this State, the county in which a person within this State receives the transmission, and the county in which a person who is within this State is located when the person accesses a transmission.

(d) Sentence. A violation of this Section is a Class 3 felony. The period of limitations for prosecution of any offense defined in this Section begins at the time when the last act in furtherance of the scheme or artifice is committed.

720 ILCS 5/17-25

Sec. 17-25. (Repealed).

720 ILCS 5/17-26 — Misconduct by a corporate official

Sec. 17-26. Misconduct by a corporate official.

(a) A person commits misconduct by a corporate official when:

(1) being a director of a corporation, he or she knowingly, with the intent to defraud, concurs in any vote or act of the directors of the corporation, or any of them, which has the purpose of: (A) making a dividend except in the manner provided by law; (B) dividing, withdrawing or in any manner paying any stockholder any part of the capital stock of the corporation except in the manner provided by law; (C) discounting or receiving any note or other evidence of debt in payment of an installment of capital stock actually called in and required to be paid, or with purpose of providing the means of making such payment; (D) receiving or discounting any note or other evidence of debt with the purpose of enabling any stockholder to withdraw any part of the money paid in by him or her on his or her stock; or (E) applying any portion of the funds of such corporation, directly or indirectly, to the purchase of shares of its own stock, except in the manner provided by law; or

(2) being a director or officer of a corporation, he or she, with the intent to defraud: (A) issues, participates in issuing, or concurs in a vote to issue any increase of its capital stock beyond the amount of the capital stock thereof, duly authorized by or in pursuance of law; (B) sells, or agrees to sell, or is directly interested in the sale of any share of stock of such corporation, or in any agreement to sell such stock, unless at the time of the sale or agreement he or she is an actual owner of such share, provided that the foregoing shall not apply to a sale by or on behalf of an underwriter or dealer in connection with a bona fide public offering of shares of stock of such corporation; (C) executes a scheme or attempts to execute a scheme to obtain any share of stock of such corporation by means of false representation; or

(3) being a director or officer of a corporation, he or she with the intent to defraud or evade a financial disclosure reporting requirement of this State or of Section 13(A) or 15(D) of the Securities Exchange Act of 1934, as amended, 15 U. S. C. 78M(A) or 78O(D): (A) causes or attempts to cause a corporation or accounting firm representing the corporation or any other individual or entity to fail to file a financial disclosure report as required by State or federal law; or (B) causes or attempts to cause a corporation or accounting firm representing the corporation or any other individual or entity to file a financial disclosure report, as required by State or federal law, that contains a material omission or misstatement of fact.

(b) Sentence. If the benefit derived from a violation of this Section is \$500,000 or more, the violation is a Class 2 felony. If the benefit derived from a violation of this Section is less than \$500,000, the violation is a Class 3 felony.

720 ILCS 5/17-27 — Fraud on creditors

Sec. 17-27. Fraud on creditors.

(a) Fraud in insolvency. A person commits fraud in insolvency when, knowing that proceedings have or are about to be instituted for the appointment of a receiver or other person entitled to administer property for the benefit of creditors, or that any other composition or liquidation for the benefit of creditors has been or is about to be made, he or she:

(1) destroys, removes, conceals, encumbers, transfers, or otherwise deals with any property or obtains any substantial part of or interest in the debtor's estate with the intent to defeat or obstruct the claim of any creditor, or otherwise to obstruct the operation of any law relating to administration of property for the benefit of creditors;

(2) knowingly falsifies any writing or record relating to the property; or

(3) knowingly misrepresents or refuses to disclose to a receiver or other person entitled to administer property for the benefit of creditors, the existence, amount, or location of the property, or any other information which the actor could be legally required to furnish in relation to such administration. Sentence. If the benefit derived from a violation of this subsection

(a) is \$500,000 or more, the violation is a Class 2 felony. If the benefit derived from a violation of this subsection

(a) is less than \$500,000, the violation is a Class 3 felony.

(b) Fraud in property transfer. A person commits fraud in property transfer when he or she transfers or conveys any interest in property with the intent to defraud, defeat, hinder, or delay his or her creditors. A violation of this subsection

(b) is a business offense subject to a fine not to exceed \$1,000.

720 ILCS 5/17-28

Sec. 17-28. (Renumbered).

720 ILCS 5/17-29

Sec. 17-29. (Renumbered).

720 ILCS 5/17-30 — Defaced, altered, or removed manufacturer or owner identification number

Sec. 17-30. Defaced, altered, or removed manufacturer or owner identification number.

(a) Unlawful sale of household appliances. A person commits unlawful sale of household appliances when he or she knowingly, with the intent to defraud or deceive another, keeps for sale, within any commercial context, any household appliance with a missing, defaced, obliterated, or otherwise altered manufacturer's identification number.

(b) Construction equipment identification defacement. A person commits construction equipment identification defacement when he or she knowingly changes, alters, removes, mutilates, or obliterates a permanently affixed serial number, product identification number, part number, component identification number, owner-applied identification, or other mark of identification attached to or stamped, inscribed, molded, or etched into a machine or other equipment, whether stationary or mobile or self-propelled, or a part of such machine or equipment, used in the construction, maintenance, or demolition of buildings, structures, bridges, tunnels, sewers, utility pipes or lines, ditches or open cuts, roads, highways, dams, airports, or waterways or in material handling for such projects. The trier of fact may infer that the defendant has knowingly changed, altered, removed, or obliterated the serial number, product identification number, part number, component identification number, owner-applied identification number, or other mark of identification, if the defendant was in possession of any machine or other equipment or a part of such machine or equipment used in the construction, maintenance, or demolition of buildings, structures, bridges, tunnels, sewers, utility pipes or lines, ditches or open cuts, roads, highways, dams, airports, or waterways or in material handling for such projects upon which any such serial number, product identification number, part number, component identification number, owner-applied identification number, or other mark of identification has been changed, altered, removed, or obliterated.

(c) Defacement of manufacturer's serial number or identification mark. A person commits defacement of a manufacturer's serial number or identification mark when he or she knowingly removes, alters, defaces, covers, or destroys the manufacturer's serial number or any other manufacturer's number or distinguishing identification mark upon any machine or other article of merchandise, other than a motor vehicle as defined in Section 1-146 of the Illinois Vehicle Code or a firearm as defined in the Firearm Owners Identification Card Act, with the intent of concealing or destroying the identity of such machine or other article of merchandise.

(d) Sentence.

(1) A violation of subsection

(a) of this Section is a Class 4 felony if the value of the appliance or appliances exceeds \$1,000 and a Class B misdemeanor if the value of the appliance or appliances is \$1,000 or less.

(2) A violation of subsection

(b) of this Section is a Class A misdemeanor.

(3) A violation of subsection

(c) of this Section is a Class B misdemeanor.

(e) No liability shall be imposed upon any person for the unintentional failure to comply with subsection (a).

(f) Definitions. In this Section: "Commercial context" means a continuing business enterprise conducted for profit by any person whose primary business is the wholesale or retail marketing of household appliances, or a significant portion of whose business or inventory consists of household appliances kept or sold on a wholesale or retail basis. "Household appliance" means any gas or electric device or machine marketed for use as home entertainment or for facilitating or expediting household tasks or chores. The term shall include but not necessarily be limited to refrigerators, freezers, ranges, radios, television sets, vacuum cleaners, toasters, dishwashers, and other similar household items.

"Manufacturer's identification number" means any serial number or other similar numerical or alphabetical designation imprinted upon or attached to or placed, stamped, or otherwise imprinted upon or attached to a household appliance or item by the manufacturer for purposes of identifying a particular appliance or item individually or by lot number.

720 ILCS 5/17-31 — False statement to procure credit or debit card

Sec. 17-31. False statement to procure credit or debit card. A person commits false statement to procure credit or debit card when he or she makes or causes to be made, either directly or indirectly, any false statement in writing, knowing it to be false and with the intent that it be relied on, respecting his or her identity, his or her address, or his or her employment, or that of any other person, firm, or corporation, with the intent to procure the issuance of a credit card or debit card. A violation of this Section is a Class 4 felony.

720 ILCS 5/17-32 — Possession of another's credit, debit, or identification card

Sec. 17-32. Possession of another's credit, debit, or identification card.

(a) Possession of another's identification card. A person commits possession of another's identification card when he or she, with the intent to defraud, possesses any check guarantee card or key card or identification card for cash dispensing machines without the authority of the account holder or financial institution.

(b) Possession of another's credit or debit card. A person commits possession of another's credit or debit card when he or she receives a credit card or debit card from the person, possession, custody, or control of another without the cardholder's consent or if he or she, with knowledge that it has been so acquired, receives the credit card or debit card with the intent to use it or to sell it, or to transfer it to a person other than the issuer or the cardholder. The trier of fact may infer that a person who has in his or her possession or under his or her control 2 or more such credit cards or debit cards each issued to a cardholder other than himself or herself has violated this Section.

(c) Sentence.

(1) A violation of subsection

(a) of this Section is a Class A misdemeanor. A person who, within any 12-month period, violates subsection

(a) of this Section at the same time or consecutively with respect to 3 or more cards, each the property of different account holders, is guilty of a Class 4 felony. A person convicted under subsection

(a) of this Section, when the value of property so obtained, in a single transaction or in separate transactions within any 90-day period, exceeds \$150 is guilty of a Class 4 felony.

(2) A violation of subsection

(b) of this Section is a Class 4 felony. A person who, in any 12-month period, violates subsection

(b) of this Section with respect to 3 or more credit cards or debit cards each issued to a cardholder other than himself or herself is guilty of a Class 3 felony.

720 ILCS 5/17-33 — Possession of lost or mislaid credit or debit card

Sec. 17-33. Possession of lost or mislaid credit or debit card. A person who receives a credit card or debit card that he or she knows to have been lost or mislaid and who retains possession with intent to use it or to sell it or to transfer it to a person other than the issuer or the cardholder is guilty of a Class 4 felony. A person who, in a single transaction, violates this Section with respect to 3 or more credit cards or debit cards each issued to different cardholders other than himself or herself is guilty of a Class 3 felony.

720 ILCS 5/17-34 — Sale of credit or debit card

Sec. 17-34. Sale of credit or debit card. A person other than the issuer who sells a credit card or debit card, without the consent of the issuer, is guilty of a Class 4 felony. A person who knowingly purchases a credit card or debit card from a person other than the issuer, without the consent of the issuer, is guilty of a Class 4 felony. A person who, in a single transaction, makes a sale or purchase prohibited by this Section with respect to 3 or more credit cards or debit cards each issued to a cardholder other than himself or herself is guilty of a Class 3 felony.

720 ILCS 5/17-35 — Use of credit or debit card as security for debt

Sec. 17-35. Use of credit or debit card as security for debt. A person who, with intent to defraud either the issuer, or a person providing an item or items of value, or any other person, obtains control over a credit card or debit card as security for debt or transfers, conveys, or gives control over a credit card or debit card as security for debt is guilty of a Class 4 felony.

720 ILCS 5/17-36 — Use of counterfeited, forged, expired, revoked, or unissued credit or debit card

Sec. 17-36. Use of counterfeited, forged, expired, revoked, or unissued credit or debit card. A person who, with intent to defraud either the issuer, or a person providing an item or items of value, or any other person,

(i) uses, with the intent to obtain an item or items of value, a credit card or debit card obtained or retained in violation of this Subdivision 25 or without the cardholder's consent, or a credit card or debit card which he or she knows is counterfeited, or forged, or expired, or revoked or (ii) obtains or attempts to obtain an item or items of value by representing without the consent of the cardholder that he or she is the holder of a specified card or by representing that

he or she is the holder of a card and such card has not in fact been issued is guilty of a Class 4 felony if the value of all items of value obtained or sought in violation of this Section does not exceed \$300 in any 6-month period; and is guilty of a Class 3 felony if the value exceeds \$300 in any 6-month period. The trier of fact may infer that knowledge of revocation has been received by a cardholder 4 days after it has been mailed to him or her at the address set forth on the credit card or debit card or at his or her last known address by registered or certified mail, return receipt requested, and, if the address is more than 500 miles from the place of mailing, by air mail. The trier of fact may infer that notice was received 10 days after mailing by registered or certified mail if the address is located outside the United States, Puerto Rico, the Virgin Islands, the Canal Zone, and Canada.

720 ILCS 5/17-37 — Use of credit or debit card with intent to defraud

Sec. 17-37. Use of credit or debit card with intent to defraud.

(a) A cardholder who uses a credit card or debit card issued to him or her, or allows another person to use a credit card or debit card issued to him or her, with intent to defraud the issuer, or a person providing an item or items of value, or any other person is guilty of a Class A misdemeanor if the value of all items of value does not exceed \$150 in any 6-month period; and is guilty of a Class 4 felony if the value exceeds \$150 in any 6-month period.

(b) Where an investigation into an intent to defraud under subsection

(a) occurs, issuers shall consider a merchant's timely submission of compelling evidence under the applicable dispute management guidelines of the card association with whom the merchant maintains an agreement. A merchant shall comply with merchant responsibilities under any such agreement.

720 ILCS 5/17-38 — Use of account number or code with intent to defraud; possession of record of charge forms

Sec. 17-38. Use of account number or code with intent to defraud; possession of record of charge forms.

(a) A person who, with intent to defraud either an issuer, or a person providing an item or items of value, or any other person, utilizes an account number or code or enters information on a record of charge form with the intent to obtain an item or items of value is guilty of a Class 4 felony if the value of the item or items of value obtained does not exceed \$150 in any 6-month period; and is guilty of a Class 3 felony if the value exceeds \$150 in any 6-month period.

(b) A person who, with intent to defraud either an issuer or a person providing an item or items of value, or any other person, possesses, without the consent of the issuer or purported issuer, record of charge forms bearing the printed impression of a credit card or debit card is guilty of a Class 4 felony. The trier of fact may infer intent to defraud from the possession of such record of charge forms by a person other than the issuer or a person authorized by the issuer to possess record of charge forms.

720 ILCS 5/17-39 — Receipt of goods or services

Sec. 17-39. Receipt of goods or services. A person who receives an item or items of value obtained in violation of this Subdivision 25, knowing that it was so obtained or under such circumstances as would reasonably induce him or her to believe that it was so obtained, is guilty of a Class A misdemeanor if the value of all items of value obtained does not exceed \$150 in any 6-month period; and is guilty of a Class 4 felony if the value exceeds \$150 in any 6-month period.

720 ILCS 5/17-40 — Signing another's card with intent to defraud

Sec. 17-40. Signing another's card with intent to defraud. A person other than the cardholder or a person authorized by him or her who, with intent to defraud either the issuer, or a person providing an item or items of value, or any other person, signs a credit card or debit card is guilty of a Class A misdemeanor.

720 ILCS 5/17-41 — Altered or counterfeited card

Sec. 17-41. Altered or counterfeited card.

(a) A person commits an offense under this Section when he or she, with intent to defraud either a purported issuer, or a person providing an item or items of value, or any other person, commits an offense under this Section if he or she:

(i) alters a credit card or debit card or a purported credit card or debit card, or possesses a credit card or debit card or a purported credit card or debit card with knowledge that the same has been altered; or (ii) counterfeits a purported credit card or debit card, or possesses a purported credit card or debit card with knowledge that the card has been counterfeited.

(b) Sentence. A violation of item

(i) of subsection

(a) is a Class 4 felony. A violation of item (ii) of subsection

(a) is a Class 3 felony. The trier of fact may infer that possession of 2 or more credit cards or debit cards by a person other than the issuer in violation of subsection

(a) is evidence that the person intended to defraud or that he or she knew the credit cards or debit cards to have been so altered or counterfeited.

720 ILCS 5/17-42 — Possession of incomplete card

Sec. 17-42. Possession of incomplete card. A person other than the cardholder possessing an incomplete credit card or debit card, with intent to complete it without the consent of the issuer or a person possessing, with knowledge of its character, machinery, plates, or any other contrivance designed to reproduce instruments purporting to be credit cards or debit cards of an issuer who has not consented to the preparation of such credit cards or debit cards is guilty of a Class 3 felony. The trier of fact may infer that a person other than the cardholder or issuer who possesses 2 or more incomplete credit cards or debit cards possesses those cards without the consent of the issuer.

720 ILCS 5/17-43 — Prohibited deposits

Sec. 17-43. Prohibited deposits.

(a) A person who, with intent to defraud the issuer of a credit card or debit card or any person providing an item or items of value, or any other person, deposits into his or her account or any account, via an electronic fund transfer terminal, a check, draft, money order, or other such document, knowing such document to be false, fictitious, forged, altered, counterfeit, or not his or her lawful or legal property, is guilty of a Class 4 felony.

(b) A person who receives value as a result of a false, fictitious, forged, altered, or counterfeit check, draft, money order, or other such document having been deposited into an account via an electronic fund transfer terminal, knowing at the time of receipt of the value that the document so deposited was false, fictitious, forged, altered, counterfeit, or not his or her lawful or legal property, is guilty of a Class 4 felony.

720 ILCS 5/17-44 — Fraudulent use of electronic transmission

Sec. 17-44. Fraudulent use of electronic transmission.

(a) A person who, with intent to defraud the issuer of a credit card or debit card, the cardholder, or any other person, intercepts, taps, or alters electronic information between an electronic fund transfer terminal and the issuer, or originates electronic information to an electronic fund transfer terminal or to the issuer, via any line, wire, or other means of electronic transmission, at any junction, terminal, or device, or at any location within the EFT System, with the intent to obtain value, is guilty of a Class 4 felony.

(b) Any person who, with intent to defraud the issuer of a credit card or debit card, the cardholder, or any other person, intercepts, taps, or alters electronic information between an electronic fund transfer terminal and the issuer, or originates electronic information to an electronic fund transfer terminal or to the issuer, via any line, wire, or other means of electronic transmission, at any junction, terminal, or device, or at any location within the EFT System, and thereby causes funds to be transferred from one account to any other account, is guilty of a Class 4 felony.

720 ILCS 5/17-45 — Payment of charges without furnishing item of value

Sec. 17-45. Payment of charges without furnishing item of value.

(a) No person shall process, deposit, negotiate, or obtain payment of a credit card charge through a retail seller's account with a financial institution or through a retail seller's agreement with a financial institution, card issuer, or organization of financial institutions or card issuers if that retail seller did not furnish or agree to furnish the item or items of value that are the subject of the credit card charge.

(b) No retail seller shall permit any person to process, deposit, negotiate, or obtain payment of a credit card charge through the retail seller's account with a financial institution or the retail seller's agreement with a financial institution, card issuer, or organization of financial institutions or card issuers if that retail seller did not furnish or agree to furnish the item or items of value that are the subject of the credit card charge.

(c) Subsections

(a) and

(b) do not apply to any of the following:

(1) A person who furnishes goods or services on the business premises of a general merchandise retail seller and who processes, deposits, negotiates, or obtains payment of a credit card charge through that general merchandise retail seller's account or agreement.

(2) A general merchandise retail seller who permits a person described in paragraph

(1) to process, deposit, negotiate, or obtain payment of a credit card charge through that general merchandise retail seller's account or agreement.

(3) A franchisee who furnishes the cardholder with an item or items of value that are provided in whole or in part by the franchisor and who processes, deposits, negotiates, or obtains payment of a credit card charge through that franchisor's account or agreement.

(4) A franchisor who permits a franchisee described in paragraph

(3) to process, deposit, negotiate, or obtain payment of a credit card charge through that franchisor's account or agreement.

(5) The credit card issuer or a financial institution or a parent, subsidiary, or affiliate of the card issuer or a financial institution.

(6) A person who processes, deposits, negotiates, or obtains payment of less than \$500 of credit card charges in any one-year period through a retail seller's account or agreement. The person has the burden of producing evidence that the person transacted less than \$500 in credit card charges during any one-year period.

(7) A telecommunications carrier that includes charges of other parties in its billings to its subscribers and those other parties whose charges are included in the billings of the telecommunications carrier to its subscribers.

(d) A person injured by a violation of this Section may bring an action for the recovery of damages, equitable relief, and reasonable attorney's fees and costs.

(e) A person who violates this Section is guilty of a business offense and shall be fined \$10,000 for each offense. Each occurrence in which a person processes, deposits, negotiates, or otherwise seeks to obtain payment of a credit card charge in violation of subsection

(a) constitutes a separate offense.

(f) The penalties and remedies provided in this Section are in addition to any other remedies or penalties provided by law.

(g) As used in this Section: "Franchisor" and "franchisee" have the same meanings as in Section 3 of the Franchise Disclosure Act of 1987. "Retail seller" has the same meaning as in Section 2.4 of the Retail Installment Sales Act. "Telecommunications carrier" has the same meaning as in Section 13-202 of the Public Utilities Act.

720 ILCS 5/17-46 — Furnishing items of value with intent to defraud

Sec. 17-46. Furnishing items of value with intent to defraud. A person who is authorized by an issuer to furnish money, goods, property, services or anything else of value upon presentation of a credit card or debit card by the cardholder, or any agent or employee of such person, who, with intent to defraud the issuer or the cardholder, furnishes money, goods, property, services or anything else of value upon presentation of a credit card or debit card obtained or retained in violation of this Code or a credit card or debit card which he knows is counterfeited, or forged, or expired, or revoked is guilty of a Class A misdemeanor, if the value furnished in violation of this Section does not exceed \$150 in any 6-month period; and is guilty of a Class 4 felony if such value exceeds \$150 in any 6-month period.

720 ILCS 5/17-47 — Failure to furnish items of value

Sec. 17-47. Failure to furnish items of value. A person who is authorized by an issuer to furnish money, goods, property, services or anything else of value upon presentation of a credit card or debit card by the cardholder, or any agent or employee of such person, who, with intent to defraud the issuer or the cardholder, fails to furnish money, goods, property, services or anything else of value which he represents in writing to the issuer that he has furnished is guilty of a Class A misdemeanor if the difference between the value of all money, goods, property, services and anything else of value actually furnished and the value represented to the issuer to have been furnished does not exceed \$150 in any 6-month

period; and is guilty of a Class 4 felony if such difference exceeds \$150 in any 6-month period.

720 ILCS 5/17-48 — Repeat offenses

Sec. 17-48. Repeat offenses. Any person convicted of a second or subsequent offense under this Subdivision 25 is guilty of a Class 3 felony. For purposes of this Section, an offense is considered a second or subsequent offense if, prior to his or her conviction of the offense, the offender has at any time been convicted under this Subdivision 25, or under any prior Act, or under any law of the United States or of any state relating to credit card or debit card offenses.

720 ILCS 5/17-49 — Severability

Sec. 17-49. Severability. If any provision of this Subdivision 25 or its application to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of this Subdivision 25 which can be given effect without the invalid provision or application, and to this end the provisions of this Subdivision 25 are declared to be severable.

720 ILCS 5/17-49.5 — Telephone Charge Fraud Act unaffected

Sec. 17-49.5. Telephone Charge Fraud Act unaffected. Nothing contained in this Subdivision 25 shall be construed to repeal, amend, or otherwise affect the Telephone Charge Fraud Act.

720 ILCS 5/17-50 — Computer fraud

Sec. 17-50. Computer fraud.

(a) A person commits computer fraud when he or she knowingly:

- (1) Accesses or causes to be accessed a computer or any part thereof, or a program or data, with the intent of devising or executing any scheme or artifice to defraud, or as part of a deception;
- (2) Obtains use of, damages, or destroys a computer or any part thereof, or alters, deletes, or removes any program or data contained therein, in connection with any scheme or artifice to defraud, or as part of a deception; or
- (3) Accesses or causes to be accessed a computer or any part thereof, or a program or data, and obtains money or control over any such money, property, or services of another in connection with any scheme or artifice to defraud, or as part of a deception.

(b) Sentence.

(1) A violation of subdivision (a)(1) of this Section is a Class 4 felony.

(2) A violation of subdivision (a)(2) of this Section is a Class 3 felony.

(3) A violation of subdivision (a)(3) of this Section:

(i) is a Class 4 felony if the value of the money, property, or services is \$1,000 or less; or (ii) is a Class 3 felony if the value of the money, property, or services is more than \$1,000 but less than \$50,000; or (iii) is a Class 2 felony if the value of the money, property, or services is \$50,000 or more.

(c) Forfeiture of property. Any person who commits computer fraud as set forth in subsection

(a) is subject to the property forfeiture provisions set forth in Article 124B of the Code of Criminal Procedure of 1963.

720 ILCS 5/17-51 — Computer tampering

Sec. 17-51. Computer tampering.

(a) A person commits computer tampering when he or she knowingly and without the authorization of a computer's owner or in excess of the authority granted to him or her:

- (1) Accesses or causes to be accessed a computer or any part thereof, a computer network, or a program or data;
- (2) Accesses or causes to be accessed a computer or any part thereof, a computer network, or a program or data, and obtains data or services;
- (3) Accesses or causes to be accessed a computer or any part thereof, a computer network, or a program or data, and damages or destroys the computer or alters, deletes, or removes a computer program or data;
- (4) Inserts or attempts to insert a program into a computer or computer program knowing or having reason to know that such program contains information or commands that will or may: (A) damage or destroy that computer, or any other

computer subsequently accessing or being accessed by that computer; (B) alter, delete, or remove a computer program or data from that computer, or any other computer program or data in a computer subsequently accessing or being accessed by that computer; or (C) cause loss to the users of that computer or the users of a computer which accesses or which is accessed by such program; or

(5) Falsifies or forges electronic mail transmission information or other routing information in any manner in connection with the transmission of unsolicited bulk electronic mail through or into the computer network of an electronic mail service provider or its subscribers. (a-5) Distributing software to falsify routing information. It is unlawful for any person knowingly to sell, give, or otherwise distribute or possess with the intent to sell, give, or distribute software which:

(1) is primarily designed or produced for the purpose of facilitating or enabling the falsification of electronic mail transmission information or other routing information;

(2) has only a limited commercially significant purpose or use other than to facilitate or enable the falsification of electronic mail transmission information or other routing information; or

(3) is marketed by that person or another acting in concert with that person with that person's knowledge for use in facilitating or enabling the falsification of electronic mail transmission information or other routing information. (a-10) For purposes of subsection (a), accessing a computer network is deemed to be with the authorization of a computer's owner if:

(1) the owner authorizes patrons, customers, or guests to access the computer network and the person accessing the computer network is an authorized patron, customer, or guest and complies with all terms or conditions for use of the computer network that are imposed by the owner;

(2) the owner authorizes the public to access the computer network and the person accessing the computer network complies with all terms or conditions for use of the computer network that are imposed by the owner; or

(3) the person accesses the computer network in compliance with the Revised Uniform Fiduciary Access to Digital Assets Act (2015).

(b) Sentence.

(1) A person who commits computer tampering as set forth in subdivision (a)(1) or (a)(5) or subsection (a-5) of this Section is guilty of a Class B misdemeanor.

(2) A person who commits computer tampering as set forth in subdivision (a)(2) of this Section is guilty of a Class A misdemeanor and a Class 4 felony for the second or subsequent offense.

(3) A person who commits computer tampering as set forth in subdivision (a)(3) or (a)(4) of this Section is guilty of a Class 4 felony and a Class 3 felony for the second or subsequent offense.

(4) If an injury arises from the transmission of unsolicited bulk electronic mail, the injured person, other than an electronic mail service provider, may also recover attorney's fees and costs, and may elect, in lieu of actual damages, to recover the lesser of \$10 for each unsolicited bulk electronic mail message transmitted in violation of this Section, or \$25,000 per day. The injured person shall not have a cause of action against the electronic mail service provider that merely transmits the unsolicited bulk electronic mail over its computer network.

(5) If an injury arises from the transmission of unsolicited bulk electronic mail, an injured electronic mail service provider may also recover attorney's fees and costs, and may elect, in lieu of actual damages, to recover the greater of \$10 for each unsolicited electronic mail advertisement transmitted in violation of this Section, or \$25,000 per day.

(6) The provisions of this Section shall not be construed to limit any person's right to pursue any additional civil remedy otherwise allowed by law.

(c) Whoever suffers loss by reason of a violation of subdivision (a)(4) of this Section may, in a civil action against the violator, obtain appropriate relief. In a civil action under this Section, the court may award to the prevailing party reasonable attorney's fees and other litigation expenses.

720 ILCS 5/17-52 — Aggravated computer tampering

Sec. 17-52. Aggravated computer tampering.

(a) A person commits aggravated computer tampering when he or she commits computer tampering as set forth in paragraph (a)(3) of Section 17-51 and he or she knowingly:

- (1) causes disruption of or interference with vital services or operations of State or local government or a public utility; or
- (2) creates a strong probability of death or great bodily harm to one or more individuals.

(b) Sentence.

(1) A person who commits aggravated computer tampering as set forth in paragraph (a)(1) of this Section is guilty of a Class 3 felony.

(2) A person who commits aggravated computer tampering as set forth in paragraph (a)(2) of this Section is guilty of a Class 2 felony.

720 ILCS 5/17-52.5 — Unlawful use of encryption

Sec. 17-52.5. Unlawful use of encryption.

(a) For the purpose of this Section: "Computer" has the meaning ascribed to the term in Section 17-0.5. "Encryption" means the use of any protective or disruptive measure, including, without limitation, cryptography, enciphering, encoding, or a computer contaminant, to:

- (1) prevent, impede, delay, or disrupt access to any data, information, image, program, signal, or sound;
- (2) cause or make any data, information, image, program, signal, or sound unintelligible or unusable; or
- (3) prevent, impede, delay, or disrupt the normal operation or use of any component, device, equipment, system, or network. "Network" means a set of related, remotely connected devices and facilities, including more than one system, with the capability to transmit data among any of the devices and facilities. The term includes, without limitation, a local, regional, or global computer network. "Program" means an ordered set of data representing coded instructions or statements which can be executed by a computer and cause the computer to perform one or more tasks. "System" means a set of related equipment, whether or not connected, which is used with or for a computer.

(b) A person shall not knowingly use or attempt to use encryption, directly or indirectly, to:

- (1) commit, facilitate, further, or promote any criminal offense;
- (2) aid, assist, or encourage another person to commit any criminal offense;
- (3) conceal evidence of the commission of any criminal offense; or
- (4) conceal or protect the identity of a person who has committed any criminal offense.

(c) Telecommunications carriers and information service providers are not liable under this Section, except for willful and wanton misconduct, for providing encryption services used by others in violation of this Section.

(d) Sentence. A person who violates this Section is guilty of a Class A misdemeanor, unless the encryption was used or attempted to be used to commit an offense for which a greater penalty is provided by law. If the encryption was used or attempted to be used to commit an offense for which a greater penalty is provided by law, the person shall be punished as prescribed by law for that offense.

(e) A person who violates this Section commits a criminal offense that is separate and distinct from any other criminal offense and may be prosecuted and convicted under this Section whether or not the person or any other person is or has been prosecuted or convicted for any other criminal offense arising out of the same facts as the violation of this Section.

720 ILCS 5/17-54 — Evidence of lack of authority

Sec. 17-54. Evidence of lack of authority. For the purposes of Sections 17-50 through 17-52, the trier of fact may infer that a person accessed a computer without the authorization of its owner or in excess of the authority granted if the person accesses or causes to be accessed a computer, which access requires a confidential or proprietary code which has not been issued to or authorized for use by that person. This Section does not apply to a person who acquires access in compliance with the Revised Uniform Fiduciary Access to Digital Assets Act (2015).

720 ILCS 5/17-55 — Definitions

Sec. 17-55. Definitions. For the purposes of this subdivision 30: In addition to its meaning as defined in Section 15-1 of this Code, "property" means:

- (1) electronic impulses;
- (2) electronically produced data;

- (3) confidential, copyrighted, or proprietary information;
- (4) private identification codes or numbers which permit access to a computer by authorized computer users or generate billings to consumers for purchase of goods and services, including but not limited to credit card transactions and telecommunications services or permit electronic fund transfers;
- (5) software or programs in either machine or human readable form; or
- (6) any other tangible or intangible item relating to a computer or any part thereof. "Access" means to use, instruct, communicate with, store data in, retrieve or intercept data from, or otherwise utilize any services of, a computer, a network, or data. "Services" includes but is not limited to computer time, data manipulation, or storage functions. "Vital services or operations" means those services or operations required to provide, operate, maintain, and repair network cabling, transmission, distribution, or computer facilities necessary to ensure or protect the public health, safety, or welfare. Those services or operations include, but are not limited to, services provided by medical personnel or institutions, fire departments, emergency services agencies, national defense contractors, armed forces or militia personnel, private and public utility companies, or law enforcement agencies.

720 ILCS 5/17-56 — Financial exploitation of an elderly person or a person with a disability

Sec. 17-56. Financial exploitation of an elderly person or a person with a disability.

(a) A person commits financial exploitation of an elderly person or a person with a disability when he or she stands in a position of trust or confidence with the elderly person or a person with a disability and he or she knowingly:

- (1) by deception or intimidation obtains control over the property of an elderly person or a person with a disability; or
- (2) illegally uses the assets or resources of an elderly person or a person with a disability.

(b) Sentence. Financial exploitation of an elderly person or a person with a disability is:

- (1) a Class 4 felony if the value of the property is \$300 or less,
- (2) a Class 3 felony if the value of the property is more than \$300 but less than \$5,000,
- (3) a Class 2 felony if the value of the property is \$5,000 or more but less than \$50,000, and
- (4) a Class 1 felony if the value of the property is \$50,000 or more or if the elderly person is 70 years of age or older and the value of the property is \$15,000 or more or if the elderly person is 80 years of age or older and the value of the property is \$5,000 or more.

(c) For purposes of this Section:

- (1) "Elderly person" means a person 60 years of age or older.
- (2) "Person with a disability" means a person who suffers from a physical or mental impairment resulting from disease, injury, functional disorder or congenital condition that impairs the individual's mental or physical ability to independently manage his or her property or financial resources, or both.
- (3) "Intimidation" means the communication to an elderly person or a person with a disability that he or she shall be deprived of food and nutrition, shelter, prescribed medication or medical care and treatment or conduct as provided in Section 12-6 of this Code.
- (4) "Deception" means, in addition to its meaning as defined in Section 15-4 of this Code, a misrepresentation or concealment of material fact relating to the terms of a contract or agreement entered into with the elderly person or person with a disability or to the existing or pre-existing condition of any of the property involved in such contract or agreement; or the use or employment of any misrepresentation, false pretense or false promise in order to induce, encourage or solicit the elderly person or person with a disability to enter into a contract or agreement. The illegal use of the assets or resources of an elderly person or a person with a disability includes, but is not limited to, the misappropriation of those assets or resources by undue influence, breach of a fiduciary relationship, fraud, deception, extortion, or use of the assets or resources contrary to law. A person stands in a position of trust and confidence with an elderly person or person with a disability when he
 - (i) is a parent, spouse, adult child or other relative by blood or marriage of the elderly person or person with a disability, (ii) is a joint tenant or tenant in common with the elderly person or person with a disability, (iii) has a legal or fiduciary relationship with the elderly person or person with a disability, (iv) is a financial planning or investment professional,

(v) is a paid or unpaid caregiver for the elderly person or person with a disability, or (vi) is a friend or acquaintance in a position of trust.

(d) Limitations. Nothing in this Section shall be construed to limit the remedies available to the victim under the Illinois Domestic Violence Act of 1986.

(e) Good faith efforts. Nothing in this Section shall be construed to impose criminal liability on a person who has made a good faith effort to assist the elderly person or person with a disability in the management of his or her property, but through no fault of his or her own has been unable to provide such assistance.

(f) Not a defense. It shall not be a defense to financial exploitation of an elderly person or person with a disability that the accused reasonably believed that the victim was not an elderly person or person with a disability. Consent is not a defense to financial exploitation of an elderly person or a person with a disability if the accused knew or had reason to know that the elderly person or a person with a disability lacked capacity to consent.

(g) Civil Liability. A civil cause of action exists for financial exploitation of an elderly person or a person with a disability as described in subsection

(a) of this Section. A person against whom a civil judgment has been entered for financial exploitation of an elderly person or person with a disability shall be liable to the victim or to the estate of the victim in damages of treble the amount of the value of the property obtained, plus reasonable attorney fees and court costs. In a civil action under this subsection, the burden of proof that the defendant committed financial exploitation of an elderly person or a person with a disability as described in subsection

(a) of this Section shall be by a preponderance of the evidence. This subsection shall be operative whether or not the defendant has been charged or convicted of the criminal offense as described in subsection

(a) of this Section. This subsection

(g) shall not limit or affect the right of any person to bring any cause of action or seek any remedy available under the common law, or other applicable law, arising out of the financial exploitation of an elderly person or a person with a disability.

(h) If a person is charged with financial exploitation of an elderly person or a person with a disability that involves the taking or loss of property valued at more than \$5,000, a prosecuting attorney may file a petition with the circuit court of the county in which the defendant has been charged to freeze the assets of the defendant in an amount equal to but not greater than the alleged value of lost or stolen property in the defendant's pending criminal proceeding for purposes of restitution to the victim. The burden of proof required to freeze the defendant's assets shall be by a preponderance of the evidence.

720 ILCS 5/17-57 — Defrauding drug and alcohol screening tests

Sec. 17-57. Defrauding drug and alcohol screening tests.

(a) It is unlawful for a person to:

(1) manufacture, sell, give away, distribute, or market synthetic or human substances or other products in this State or transport urine into this State with the intent of using the synthetic or human substances or other products to defraud a drug or alcohol screening test;

(2) substitute or spike a sample or advertise a sample substitution or other spiking device or measure, with the intent of attempting to foil or defeat a drug or alcohol screening test;

(3) adulterate synthetic or human substances with the intent to defraud a drug or alcohol screening test; or

(4) manufacture, sell, or possess adulterants that are intended to be used to adulterate synthetic or human substances with the intent of defrauding a drug or alcohol screening test.

(b) The trier of fact may infer intent to violate this Section if a heating element or any other device used to thwart a drug or alcohol screening test accompanies the sale, giving, distribution, or marketing of synthetic or human substances or other products or instructions that provide a method for thwarting a drug or alcohol screening test accompany the sale, giving, distribution, or marketing of synthetic or human substances or other products.

(c) Sentence. A violation of this Section is a Class 4 felony for which the court shall impose a minimum fine of \$1,000.

(d) For the purposes of this Section, "drug or alcohol screening test" includes, but is not limited to, urine testing, hair follicle testing, perspiration testing, saliva testing, blood testing, fingernail testing, and eye drug testing.

720 ILCS 5/17-58 — Fraudulent production of infant

Sec. 17-58. Fraudulent production of infant. A person who fraudulently produces an infant, falsely pretending it to have been born of parents whose child would be entitled to a share of a personal estate, or to inherit real estate, with the intent of intercepting the inheritance of the real estate, or the distribution of the personal property from a person lawfully entitled to the personal property, is guilty of a Class 3 felony.

720 ILCS 5/17-59 — Criminal usury

Sec. 17-59. Criminal usury.

(a) A person commits criminal usury when, in exchange for either a loan of money or other property or forbearance from the collection of such a loan, he or she knowingly contracts for or receives from an individual, directly or indirectly, interest, discount, or other consideration at a rate greater than 20% per annum either before or after the maturity of the loan.

(b) When a person has in his or her personal or constructive possession records, memoranda, or other documentary record of usurious loans, the trier of fact may infer that he or she has violated subsection

(a) of this Section.

(c) Sentence. Criminal usury is a Class 4 felony.

(d) Non-application to licensed persons. This Section does not apply to any loan authorized to be made by any person licensed under the Consumer Installment Loan Act or to any loan permitted by Sections 4, 4.2 and 4a of the Interest Act or by any other law of this State.

720 ILCS 5/17-60 — Promotion of pyramid sales schemes

Sec. 17-60. Promotion of pyramid sales schemes.

(a) A person who knowingly sells, offers to sell, or attempts to sell the right to participate in a pyramid sales scheme commits a Class A misdemeanor.

(b) The term "pyramid sales scheme" means any plan or operation whereby a person, in exchange for money or other thing of value, acquires the opportunity to receive a benefit or thing of value, which is primarily based upon the inducement of additional persons, by himself or others, regardless of number, to participate in the same plan or operation and is not primarily contingent on the volume or quantity of goods, services, or other property sold or distributed or to be sold or distributed to persons for purposes of resale to consumers. For purposes of this subsection, "money or other thing of value" shall not include payments made for sales demonstration equipment and materials furnished on a nonprofit basis for use in making sales and not for resale.

720 ILCS 5/17-61 — Unauthorized use of university stationery

Sec. 17-61. Unauthorized use of university stationery.

(a) No person, firm or corporation shall use the official stationery or seal or a facsimile thereof, of any State supported university, college or other institution of higher education or any organization thereof unless approved in writing in advance by the university, college or institution of higher education affected, for any private promotional scheme wherein it is made to appear that the organization or university, college or other institution of higher education is endorsing the private promotional scheme.

(b) A violation of this Section is a petty offense.

720 ILCS 5/17-62 — Unlawful possession of device for manufacturing a false universal price code label

Sec. 17-62. Unlawful possession of device for manufacturing a false universal price code label. It is unlawful for a person to knowingly possess a device the purpose of which is to manufacture a false, counterfeit, altered, or simulated universal price code label. A violation of this Section is a Class 3 felony.

720 ILCS 5/18-1 — Robbery; aggravated robbery

Sec. 18-1. Robbery; aggravated robbery.

(a) Robbery. A person commits robbery when he or she knowingly takes property, except a motor vehicle covered by Section 18-3 or 18-4, from the person or presence of another by the use of force or by threatening the imminent use of force.

(b) Aggravated robbery.

(1) A person commits aggravated robbery when he or she violates subsection

(a) while indicating verbally or by his or her actions to the victim that he or she is presently armed with a firearm or other dangerous weapon, including a knife, club, ax, or bludgeon. This offense shall be applicable even though it is later determined that he or she had no firearm or other dangerous weapon, including a knife, club, ax, or bludgeon, in his or her possession when he or she committed the robbery.

(2) A person commits aggravated robbery when he or she knowingly takes property from the person or presence of another by delivering (by injection, inhalation, ingestion, transfer of possession, or any other means) to the victim without his or her consent, or by threat or deception, and for other than medical purposes, any controlled substance.

(c) Sentence. Robbery is a Class 2 felony, unless the victim is 60 years of age or over or is a person with a physical disability, or the robbery is committed in a school, day care center, day care home, group day care home, or part day child care facility, or place of worship, in which case robbery is a Class 1 felony. Aggravated robbery is a Class 1 felony.

(d) Regarding penalties prescribed in subsection

(c) for violations committed in a day care center, day care home, group day care home, or part day child care facility, the time of day, time of year, and whether children under 18 years of age were present in the day care center, day care home, group day care home, or part day child care facility are irrelevant.

720 ILCS 5/18-2 — Armed robbery

Sec. 18-2. Armed robbery.

(a) A person commits armed robbery when he or she violates Section 18-1; and

(1) he or she carries on or about his or her person or is otherwise armed with a dangerous weapon other than a firearm; or

(2) he or she carries on or about his or her person or is otherwise armed with a firearm; or

(3) he or she, during the commission of the offense, personally discharges a firearm; or

(4) he or she, during the commission of the offense, personally discharges a firearm that proximately causes great bodily harm, permanent disability, permanent disfigurement, or death to another person.

(b) Sentence. Armed robbery in violation of subsection (a)(1) is a Class X felony. A violation of subsection (a)(2) is a Class X felony for which 15 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(3) is a Class X felony for which 20 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(4) is a Class X felony for which 25 years or up to a term of natural life shall be added to the term of imprisonment imposed by the court.

720 ILCS 5/18-3 — Vehicular hijacking

Sec. 18-3. Vehicular hijacking.

(a) A person commits vehicular hijacking when he or she knowingly takes a motor vehicle from the person or the immediate presence of another by the use of force or by threatening the imminent use of force.

(b) Sentence. Vehicular hijacking is a Class 1 felony.

720 ILCS 5/18-4 — Aggravated vehicular hijacking

Sec. 18-4. Aggravated vehicular hijacking.

(a) A person commits aggravated vehicular hijacking when he or she violates Section 18-3; and

(1) the person from whose immediate presence the motor vehicle is taken is a person with a physical disability or a person 60 years of age or over; or

(2) a person under 16 years of age is a passenger in the motor vehicle at the time of the offense; or

(3) he or she carries on or about his or her person, or is otherwise armed with a dangerous weapon, other than a firearm; or

(4) he or she carries on or about his or her person or is otherwise armed with a firearm; or

(5) he or she, during the commission of the offense, personally discharges a firearm; or

(6) he or she, during the commission of the offense, personally discharges a firearm that proximately causes great bodily harm, permanent disability, permanent disfigurement, or death to another person.

(b) Sentence. Aggravated vehicular hijacking in violation of subsections (a)(1) or (a)(2) is a Class X felony. A violation of subsection (a)(3) is a Class X felony for which a term of imprisonment of not less than 7 years shall be imposed. A violation of subsection (a)(4) is a Class X felony for which 15 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(5) is a Class X felony for which 20 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(6) is a Class X felony for which 25 years or up to a term of natural life shall be added to the term of imprisonment imposed by the court.

720 ILCS 5/18-5

Sec. 18-5. (Repealed).

720 ILCS 5/18-6 — Vehicular invasion

Sec. 18-6. Vehicular invasion.

(a) A person commits vehicular invasion when he or she knowingly, by force and without lawful justification, enters or reaches into the interior of a motor vehicle while the motor vehicle is occupied by another person or persons, with the intent to commit therein a theft or felony.

(b) Sentence. Vehicular invasion is a Class 1 felony.

720 ILCS 5/19-1 — Burglary

Sec. 19-1. Burglary.

(a) A person commits burglary when without authority he or she knowingly enters or without authority remains within a building, house trailer, watercraft, aircraft, motor vehicle, railroad car, freight container, or any part thereof, with intent to commit therein a felony or theft. This offense shall not include the offenses set out in Section 4-102 of the Illinois Vehicle Code.

(b) Sentence. Burglary committed in, and without causing damage to, a watercraft, aircraft, motor vehicle, railroad car, freight container, or any part thereof is a Class 3 felony. Burglary committed in a building, house trailer, or any part thereof or while causing damage to a watercraft, aircraft, motor vehicle, railroad car, freight container, or any part thereof is a Class 2 felony. A burglary committed in a school, day care center, day care home, group day care home, or part day child care facility, or place of worship is a Class 1 felony, except that this provision does not apply to a day care center, day care home, group day care home, or part day child care facility operated in a private residence used as a dwelling.

(c) Regarding penalties prescribed in subsection

(b) for violations committed in a day care center, day care home, group day care home, or part day child care facility, the time of day, time of year, and whether children under 18 years of age were present in the day care center, day care home, group day care home, or part day child care facility are irrelevant.

720 ILCS 5/19-2 — Possession of burglary tools

Sec. 19-2. Possession of burglary tools.

(a) A person commits possession of burglary tools when he or she possesses any key, tool, instrument, device, or any explosive, suitable for use in breaking into a building, house trailer, watercraft, aircraft, motor vehicle, railroad car, or any depository designed for the safekeeping of property, or any part thereof, with intent to enter that place and with intent to commit therein a felony or theft. The trier of fact may infer from the possession of a key designed for lock bumping an intent to commit a felony or theft; however, this inference does not apply to any peace officer or other employee of a law enforcement agency, or to any person or agency licensed under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. For the purposes of this Section, "lock bumping" means a lock picking technique for opening a pin tumbler lock using a specially-crafted bumpkey. (a-5) A person also commits possession of

burglary tools when he or she, knowingly and with the intent to enter the motor vehicle and with the intent to commit therein a felony or theft, possesses a device designed to:

- (1) unlock or start a motor vehicle without the use or possession of the key to the motor vehicle; or
- (2) capture or duplicate a signal from the key fob of a motor vehicle to unlock or start the motor vehicle without the use or possession of the key to the motor vehicle.

(b) Sentence. Possession of burglary tools is a Class 4 felony.

720 ILCS 5/19-2.5 — Unlawful sale of burglary tools

Sec. 19-2.5. Unlawful sale of burglary tools.

(a) For the purposes of this Section: "Lock bumping" means a lock picking technique for opening a pin tumbler lock using a specially-crafted bumpkey. "Motor vehicle" has the meaning ascribed to it in the Illinois Vehicle Code.

(b) A person commits the offense of unlawful sale of burglary tools when he or she knowingly sells or transfers any key, including a key designed for lock bumping, or a lock pick specifically manufactured or altered for use in breaking into a building, house trailer, watercraft, aircraft, motor vehicle, railroad car, or any depository designed for the safekeeping of property, or any part of that property.

(c) This Section does not apply to the sale or transfer of any item described in subsection

(b) to any peace officer or other employee of a law enforcement agency, or to any person or agency licensed as a locksmith under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004, or to any person engaged in the business of towing vehicles, or to any person engaged in the business of lawful repossession of property who possesses a valid Repossessor-ICC Authorization Card.

(d) Sentence. Unlawful sale of burglary tools is a Class 4 felony.

720 ILCS 5/19-3 — Residential burglary

Sec. 19-3. Residential burglary.

(a) A person commits residential burglary when he or she knowingly and without authority enters or knowingly and without authority remains within the dwelling place of another, or any part thereof, with the intent to commit therein a felony or theft. This offense includes the offense of burglary as defined in Section 19-1. (a-5) A person commits residential burglary when he or she falsely represents himself or herself, including but not limited to falsely representing himself or herself to be a representative of any unit of government or a construction, telecommunications, or utility company, for the purpose of gaining entry to the dwelling place of another, with the intent to commit therein a felony or theft or to facilitate the commission therein of a felony or theft by another.

(b) Sentence. Residential burglary is a Class 1 felony.

720 ILCS 5/19-4 — Criminal trespass to a residence

Sec. 19-4. Criminal trespass to a residence.

(a)

(1) A person commits criminal trespass to a residence when, without authority, he or she knowingly enters or remains within any residence, including a house trailer that is the dwelling place of another.

(2) A person commits criminal trespass to a residence when, without authority, he or she knowingly enters the residence of another and knows or has reason to know that one or more persons is present or he or she knowingly enters the residence of another and remains in the residence after he or she knows or has reason to know that one or more persons is present. (a-5) For purposes of this Section, in the case of a multi-unit residential building or complex, "residence" shall only include the portion of the building or complex which is the actual dwelling place of any person and shall not include such places as common recreational areas or lobbies.

(b) Sentence.

(1) Criminal trespass to a residence under paragraph

(1) of subsection

(a) is a Class A misdemeanor.

(2) Criminal trespass to a residence under paragraph

(2) of subsection

(a) is a Class 4 felony.

720 ILCS 5/19-5 — Criminal fortification of a residence or building

Sec. 19-5. Criminal fortification of a residence or building.

(a) A person commits criminal fortification of a residence or building when, with the intent to prevent the lawful entry of a law enforcement officer or another, he or she maintains a residence or building in a fortified condition, knowing that the residence or building is used for the unlawful manufacture, storage with intent to deliver or manufacture, delivery, or trafficking of cannabis, controlled substances, or methamphetamine as defined in the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act.

(b) "Fortified condition" means preventing or impeding entry through the use of steel doors, wooden planking, crossbars, alarm systems, dogs, video surveillance, motion sensing devices, booby traps, or other similar means. If video surveillance is the sole component of the fortified condition, the video surveillance must be with the intent to alert an occupant to the presence of a law enforcement officer for the purpose of interfering with the official duties of a law enforcement officer, allowing removal or destruction of evidence, or facilitating the infliction of harm to a law enforcement officer. For the purposes of this Section, "booby trap" means any device, including but not limited to any explosive device, designed to cause physical injury or the destruction of evidence, when triggered by an act of a person approaching, entering, or moving through a structure.

(c) Sentence. Criminal fortification of a residence or building is a Class 3 felony.

(d) This Section does not apply to the fortification of a residence or building used in the manufacture of methamphetamine as described in Sections 10 and 15 of the Methamphetamine Control and Community Protection Act.

720 ILCS 5/19-6 — Home Invasion

Sec. 19-6. Home Invasion.

(a) A person who is not a peace officer acting in the line of duty commits home invasion when without authority he or she knowingly enters the dwelling place of another when he or she knows or has reason to know that one or more persons is present or he or she knowingly enters the dwelling place of another and remains in the dwelling place until he or she knows or has reason to know that one or more persons is present or who falsely represents himself or herself, including but not limited to, falsely representing himself or herself to be a representative of any unit of government or a construction, telecommunications, or utility company, for the purpose of gaining entry to the dwelling place of another when he or she knows or has reason to know that one or more persons are present and

(1) While armed with a dangerous weapon, other than a firearm, uses force or threatens the imminent use of force upon any person or persons within the dwelling place whether or not injury occurs, or

(2) Intentionally causes any injury, except as provided in subsection (a)(5), to any person or persons within the dwelling place, or

(3) While armed with a firearm uses force or threatens the imminent use of force upon any person or persons within the dwelling place whether or not injury occurs, or

(4) Uses force or threatens the imminent use of force upon any person or persons within the dwelling place whether or not injury occurs and during the commission of the offense personally discharges a firearm, or

(5) Personally discharges a firearm that proximately causes great bodily harm, permanent disability, permanent disfigurement, or death to another person within the dwelling place, or

(6) Commits, against any person or persons within that dwelling place, a violation of Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, or 11-1.60 of this Code.

(b) It is an affirmative defense to a charge of home invasion that the accused who knowingly enters the dwelling place of another and remains in the dwelling place until he or she knows or has reason to know that one or more persons is present either immediately leaves the premises or surrenders to the person or persons lawfully present therein without either attempting to cause or causing serious bodily injury to any person present therein.

(c) Sentence. Home invasion in violation of subsection (a)(1), (a)(2) or (a)(6) is a Class X felony. A violation of subsection (a)(3) is a Class X felony for which 15 years shall be added to the term of imprisonment imposed by the court. A violation

of subsection (a)(4) is a Class X felony for which 20 years shall be added to the term of imprisonment imposed by the court. A violation of subsection (a)(5) is a Class X felony for which 25 years or up to a term of natural life shall be added to the term of imprisonment imposed by the court.

(d) For purposes of this Section, "dwelling place of another" includes a dwelling place where the defendant maintains a tenancy interest but from which the defendant has been barred by a divorce decree, judgment of dissolution of marriage, order of protection, or other court order.

720 ILCS 5/20-1 — Arson; residential arson; place of worship arson

Sec. 20-1. Arson; residential arson; place of worship arson.

(a) A person commits arson when, by means of fire or explosive, he or she knowingly:

(1) Damages any real property, or any personal property having a value of \$150 or more, of another without his or her consent; or

(2) With intent to defraud an insurer, damages any property or any personal property having a value of \$150 or more. Property "of another" means a building or other property, whether real or personal, in which a person other than the offender has an interest which the offender has no authority to defeat or impair, even though the offender may also have an interest in the building or property.

(b) A person commits residential arson when he or she, in the course of committing arson, knowingly damages, partially or totally, any building or structure that is the dwelling place of another. (b-5) A person commits place of worship arson when he or she, in the course of committing arson, knowingly damages, partially or totally, any place of worship.

(c) Sentence. Arson is a Class 2 felony. Residential arson or place of worship arson is a Class 1 felony.

720 ILCS 5/20-1.1 — Aggravated Arson

Sec. 20-1.1. Aggravated Arson.

(a) A person commits aggravated arson when in the course of committing arson he or she knowingly damages, partially or totally, any building or structure, including any adjacent building or structure, including all or any part of a school building, house trailer, watercraft, motor vehicle, or railroad car, and

(1) he knows or reasonably should know that one or more persons are present therein or

(2) any person suffers great bodily harm, or permanent disability or disfigurement as a result of the fire or explosion or

(3) a fireman, policeman, or correctional officer who is present at the scene acting in the line of duty is injured as a result of the fire or explosion. For purposes of this Section, property "of another" means a building or other property, whether real or personal, in which a person other than the offender has an interest that the offender has no authority to defeat or impair, even though the offender may also have an interest in the building or property; and "school building" means any public or private preschool, elementary or secondary school, community college, college, or university.

(b) Sentence. Aggravated arson is a Class X felony.

720 ILCS 5/20-1.2

Sec. 20-1.2. (Repealed).

720 ILCS 5/20-1.3

Sec. 20-1.3. (Repealed).

720 ILCS 5/20-1.4

Sec. 20-1.4. (Repealed).

720 ILCS 5/20-1.5

Sec. 20-1.5. (Repealed).

720 ILCS 5/20-2 — Possession of explosives or explosive or incendiary devices

Sec. 20-2. Possession of explosives or explosive or incendiary devices.

(a) A person commits possession of explosives or explosive or incendiary devices in violation of this Section when he or she possesses, manufactures or transports any explosive compound, timing or detonating device for use with any

explosive compound or incendiary device and either intends to use the explosive or device to commit any offense or knows that another intends to use the explosive or device to commit a felony.

(b) Sentence. Possession of explosives or explosive or incendiary devices is a Class 1 felony for which a person, if sentenced to a term of imprisonment, shall be sentenced to not less than 4 years and not more than 30 years.

(c) (Blank).

720 ILCS 5/20.5-5

Sec. 20.5-5. (Renumbered).

720 ILCS 5/20.5-6

Sec. 20.5-6. (Renumbered).

720 ILCS 5/21-1 — Criminal damage to property

Sec. 21-1. Criminal damage to property.

(a) A person commits criminal damage to property when he or she:

(1) knowingly damages any property of another;

(2) recklessly by means of fire or explosive damages property of another;

(3) knowingly starts a fire on the land of another;

(4) knowingly injures a domestic animal of another without his or her consent;

(5) knowingly deposits on the land or in the building of another any stink bomb or any offensive smelling compound and thereby intends to interfere with the use by another of the land or building;

(6) knowingly damages any property, other than as described in paragraph

(2) of subsection

(a) of Section 20-1, with intent to defraud an insurer;

(7) knowingly shoots a firearm at any portion of a railroad train;

(8) knowingly, without proper authorization, cuts, injures, damages, defaces, destroys, or tampers with any fire hydrant or any public or private fire fighting equipment, or any apparatus appertaining to fire fighting equipment; or

(9) intentionally, without proper authorization, opens any fire hydrant.

(b) When the charge of criminal damage to property exceeding a specified value is brought, the extent of the damage is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding the specified value.

(c) It is an affirmative defense to a violation of paragraph (1), (3), or

(5) of subsection

(a) of this Section that the owner of the property or land damaged consented to the damage.

(d) Sentence.

(1) A violation of subsection

(a) shall have the following penalties: (A) A violation of paragraph

(8) or

(9) is a Class B misdemeanor. (B) A violation of paragraph (1), (2), (3), (5), or

(6) is a Class A misdemeanor when the damage to property does not exceed \$500. (C) A violation of paragraph (1), (2), (3), (5), or

(6) is a Class 4 felony when the damage to property does not exceed \$500 and the damage occurs to property of a school or place of worship or to farm equipment or immovable items of agricultural production, including but not limited to grain elevators, grain bins, and barns or property which memorializes or honors an individual or group of police officers, fire fighters, members of the United States Armed Forces, National Guard, or veterans. (D) A violation of paragraph

(4) is a Class 4 felony when the damage to property does not exceed \$10,000. (E) A violation of paragraph

(7) is a Class 4 felony. (F) A violation of paragraph (1), (2), (3),

(5) or

(6) is a Class 4 felony when the damage to property exceeds \$500 but does not exceed \$10,000. (G) A violation of paragraphs

(1) through

(6) is a Class 3 felony when the damage to property exceeds \$500 but does not exceed \$10,000 and the damage occurs to property of a school or place of worship or to farm equipment or immovable items of agricultural production, including but not limited to grain elevators, grain bins, and barns or property which memorializes or honors an individual or group of police officers, fire fighters, members of the United States Armed Forces, National Guard, or veterans. (H) A violation of paragraphs

(1) through

(6) is a Class 3 felony when the damage to property exceeds \$10,000 but does not exceed \$100,000. (I) A violation of paragraphs

(1) through

(6) is a Class 2 felony when the damage to property exceeds \$10,000 but does not exceed \$100,000 and the damage occurs to property of a school or place of worship or to farm equipment or immovable items of agricultural production, including but not limited to grain elevators, grain bins, and barns or property which memorializes or honors an individual or group of police officers, fire fighters, members of the United States Armed Forces, National Guard, or veterans. (J) A violation of paragraphs

(1) through

(6) is a Class 2 felony when the damage to property exceeds \$100,000. A violation of paragraphs

(1) through

(6) is a Class 1 felony when the damage to property exceeds \$100,000 and the damage occurs to property of a school or place of worship or to farm equipment or immovable items of agricultural production, including but not limited to grain elevators, grain bins, and barns or property which memorializes or honors an individual or group of police officers, fire fighters, members of the United States Armed Forces, National Guard, or veterans.

(2) When the damage to property exceeds \$10,000, the court shall impose upon the offender a fine equal to the value of the damages to the property.

(3) In addition to any other sentence that may be imposed, a court shall order any person convicted of criminal damage to property to perform community service for not less than 30 and not more than 120 hours, if community service is available in the jurisdiction and is funded and approved by the county board of the county where the offense was committed. In addition, whenever any person is placed on supervision for an alleged offense under this Section, the supervision shall be conditioned upon the performance of the community service. The community service requirement does not apply when the court imposes a sentence of incarceration.

(4) In addition to any criminal penalties imposed for a violation of this Section, if a person is convicted of or placed on supervision for knowingly damaging or destroying crops of another, including crops intended for personal, commercial, research, or developmental purposes, the person is liable in a civil action to the owner of any crops damaged or destroyed for money damages up to twice the market value of the crops damaged or destroyed.

(5) For the purposes of this subsection (d), "farm equipment" means machinery or other equipment used in farming.

720 ILCS 5/21-1.01 — Criminal Damage to Government Supported Property

Sec. 21-1.01. Criminal Damage to Government Supported Property.

(a) A person commits criminal damage to government supported property when he or she knowingly:

(1) damages any government supported property without the consent of the State;

(2) by means of fire or explosive damages government supported property;

(3) starts a fire on government supported property without the consent of the State; or

(4) deposits on government supported land or in a government supported building, without the consent of the State, any stink bomb or any offensive smelling compound and thereby intends to interfere with the use by another of the land or building.

(b) For the purposes of this Section, "government supported" means any property supported in whole or in part with State funds, funds of a unit of local government or school district, or federal funds administered or granted through State agencies.

(c) Sentence. A violation of this Section is a Class 4 felony when the damage to property is \$500 or less; a Class 3 felony when the damage to property exceeds \$500 but does not exceed \$10,000; a Class 2 felony when the damage to property exceeds \$10,000 but does not exceed \$100,000; and a Class 1 felony when the damage to property exceeds \$100,000. When the damage to property exceeds \$10,000, the court shall impose upon the offender a fine equal to the value of the damages to the property.

720 ILCS 5/21-1.1

Sec. 21-1.1. (Repealed).

720 ILCS 5/21-1.2 — Institutional vandalism

Sec. 21-1.2. Institutional vandalism.

(a) A person commits institutional vandalism when, by reason of the actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin of another individual or group of individuals, regardless of the existence of any other motivating factor or factors, he or she knowingly and without consent inflicts damage to any of the following properties:

- (1) A church, synagogue, mosque, or other building, structure or place used for religious worship or other religious purpose;
- (2) A cemetery, mortuary, or other facility used for the purpose of burial or memorializing the dead;
- (3) A school, educational facility or community center;
- (4) The grounds adjacent to, and owned or rented by, any institution, facility, building, structure or place described in paragraphs (1),
(2) or
(3) of this subsection (a); or
- (5) Any personal property contained in any institution, facility, building, structure or place described in paragraphs (1),
(2) or
(3) of this subsection (a).

(b) Sentence.

(1) Institutional vandalism is a Class 3 felony when the damage to the property does not exceed \$500. Institutional vandalism is a Class 2 felony when the damage to the property exceeds \$500. Institutional vandalism is a Class 2 felony for any second or subsequent offense.

(2) Upon imposition of any sentence, the trial court shall also either order restitution paid to the victim or impose a fine up to \$1,000. In addition, any order of probation or conditional discharge entered following a conviction or an adjudication of delinquency shall include a condition that the offender perform public or community service of no less than 200 hours if that service is established in the county where the offender was convicted of institutional vandalism. The court may also impose any other condition of probation or conditional discharge under this Section.

(c) Independent of any criminal prosecution or the result of that prosecution, a person suffering damage to property or injury to his or her person as a result of institutional vandalism may bring a civil action for damages, injunction or other appropriate relief. The court may award actual damages, including damages for emotional distress, or punitive damages. A judgment may include attorney's fees and costs. The parents or legal guardians of an unemancipated minor, other than guardians appointed under the Juvenile Court Act or the Juvenile Court Act of 1987, shall be liable for the amount of any judgment for actual damages rendered against the minor under this subsection in an amount not exceeding the amount provided under Section 5 of the Parental Responsibility Law.

(d) As used in this Section, "sexual orientation" has the meaning ascribed to it in paragraph (O-1) of Section 1-103 of the Illinois Human Rights Act.

720 ILCS 5/21-1.3 — Criminal defacement of property

Sec. 21-1.3. Criminal defacement of property.

(a) A person commits criminal defacement of property when the person knowingly damages the property of another by defacing, deforming, or otherwise damaging the property by the use of paint or any other similar substance, or by the use of a writing instrument, etching tool, or any other similar device. It is an affirmative defense to a violation of this Section that the owner of the property damaged consented to such damage.

(b) Sentence.

(1) Criminal defacement of property is a Class A misdemeanor for a first offense when the aggregate value of the damage to the property does not exceed \$500. Criminal defacement of property is a Class 4 felony when the aggregate value of the damage to property does not exceed \$500 and the property damaged is a school building or place of worship or property which memorializes or honors an individual or group of police officers, fire fighters, members of the United States Armed Forces or National Guard, or veterans. Criminal defacement of property is a Class 4 felony for a second or subsequent conviction or when the aggregate value of the damage to the property exceeds \$500. Criminal defacement of property is a Class 3 felony when the aggregate value of the damage to property exceeds \$500 and the property damaged is a school building or place of worship or property which memorializes or honors an individual or group of police officers, fire fighters, members of the United States Armed Forces or National Guard, or veterans.

(2) In addition to any other sentence that may be imposed for a violation of this Section, a person convicted of criminal defacement of property shall: (A) pay the actual costs incurred by the property owner or the unit of government to abate, remediate, repair, or remove the effect of the damage to the property. To the extent permitted by law, reimbursement for the costs of abatement, remediation, repair, or removal shall be payable to the person who incurred the costs; and (B) if convicted of criminal defacement of property that is chargeable as a Class 3 or Class 4 felony, pay a mandatory minimum fine of \$500.

(3) In addition to any other sentence that may be imposed, a court shall order any person convicted of criminal defacement of property to perform community service for not less than 30 and not more than 120 hours, if community service is available in the jurisdiction. The community service shall include, but need not be limited to, the cleanup and repair of the damage to property that was caused by the offense, or similar damage to property located in the municipality or county in which the offense occurred. When the property damaged is a school building, the community service may include cleanup, removal, or painting over the defacement. In addition, whenever any person is placed on supervision for an alleged offense under this Section, the supervision shall be conditioned upon the performance of the community service.

(4) For the purposes of this subsection (b), aggregate value shall be determined by adding the value of the damage to one or more properties if the offenses were committed as part of a single course of conduct.

720 ILCS 5/21-1.4 — Jackrocks violation

Sec. 21-1.4. Jackrocks violation.

(a) A person commits a jackrocks violation when he or she knowingly:

(1) sells, gives away, manufactures, purchases, or possesses a jackrock; or

(2) places, tosses, or throws a jackrock on public or private property.

(b) As used in this Section, "jackrock" means a caltrop or other object manufactured with one or more rounded or sharpened points, which when placed or thrown present at least one point at such an angle that it is peculiar to and designed for use in puncturing or damaging vehicle tires. It does not include a device designed to puncture or damage the tires of a vehicle driven over it in a particular direction, if a conspicuous and clearly visible warning is posted at the device's location, alerting persons to its presence.

(c) This Section does not apply to the possession, transfer, or use of jackrocks by any law enforcement officer in the course of his or her official duties.

(d) Sentence. A jackrocks violation is a Class A misdemeanor.

720 ILCS 5/21-1.5

Sec. 21-1.5. (Repealed).

720 ILCS 5/21-2 — Criminal trespass to vehicles

Sec. 21-2. Criminal trespass to vehicles.

(a) A person commits criminal trespass to vehicles when he or she knowingly and without authority enters any part of or operates any vehicle, aircraft, watercraft or snowmobile.

(b) Sentence. Criminal trespass to vehicles is a Class A misdemeanor.

720 ILCS 5/21-2.5 — Electronic tracking devices prohibited

Sec. 21-2.5. Electronic tracking devices prohibited.

(a) As used in this Section: "Electronic tracking device" means any device attached to a vehicle that reveals its location or movement by the transmission of electronic signals. "State agency" means all departments, officers, commissions, boards, institutions, and bodies politic and corporate of the State. The term, however, does not mean the judicial branch, including, without limitation, the several courts of the State, the offices of the clerk of the supreme court and the clerks of the appellate court, and the Administrative Office of the Illinois Courts, nor does it mean the legislature or its committees or commissions. "Telematics" includes, but is not limited to, automatic airbag deployment and crash notification, remote diagnostics, navigation, stolen vehicle location, remote door unlock, transmitting emergency and vehicle location information to public safety answering points, and any other service integrating vehicle location technology and wireless communications. "Vehicle" has the meaning ascribed to it in Section 1-217 of the Illinois Vehicle Code.

(b) A person or entity in this State may not use an electronic tracking device to determine the location or movement of a person.

(c) This Section does not apply:

(1) when the registered owner, lessor, or lessee of a vehicle has consented to the use of the electronic tracking device with respect to that vehicle;

(2) to the lawful use of an electronic tracking device by a law enforcement agency;

(3) when the vehicle is owned or leased by a business that is authorized to transact business in this State and the tracking device is used by the business for the purpose of tracking vehicles driven by employees of that business, its affiliates, or contractors of that business or its affiliates;

(4) when the vehicle is under the control of a State agency and the electronic tracking device is used by the agency, or the Inspector General appointed under the State Officials and Employees Ethics Act who has jurisdiction over that State agency, for the purpose of tracking vehicles driven by employees or contractors of that State agency; or

(5) telematic services that were installed by the manufacturer, or installed by or with the consent of the owner or lessee of the vehicle and to which the owner or lessee has subscribed. Consent by the owner or lessee of the vehicle constitutes consent for any other driver or passenger of that vehicle.

(d) Sentence. A violation of this Section is a Class A misdemeanor.

720 ILCS 5/21-3 — Criminal trespass to real property

Sec. 21-3. Criminal trespass to real property.

(a) A person commits criminal trespass to real property when he or she:

(1) knowingly and without lawful authority enters or remains within or on a building;

(2) enters upon the land of another, after receiving, prior to the entry, notice from the owner or occupant that the entry is forbidden;

(3) remains upon the land of another, after receiving notice from the owner or occupant to depart; (3.5) presents false documents or falsely represents his or her identity orally to the owner or occupant of a building or land in order to obtain permission from the owner or occupant to enter or remain in the building or on the land; (3.7) intentionally removes a notice posted on residential real estate as required by subsection

(l) of Section 15-1505.8 of Article XV of the Code of Civil Procedure before the date and time set forth in the notice; or

(4) enters a field used or capable of being used for growing crops, an enclosed area containing livestock, an agricultural building containing livestock, or an orchard in or on a motor vehicle (including an off-road vehicle, motorcycle, moped, or any other powered two-wheel vehicle) after receiving, prior to the entry, notice from the owner or occupant that the entry is forbidden or remains upon or in the area after receiving notice from the owner or occupant to depart. For purposes of item

(1) of this subsection, this Section shall not apply to being in a building which is open to the public while the building is open to the public during its normal hours of operation; nor shall this Section apply to a person who enters a public building under the reasonable belief that the building is still open to the public.

(b) A person has received notice from the owner or occupant within the meaning of Subsection

(a) if he or she has been notified personally, either orally or in writing including a valid court order as defined by subsection

(7) of Section 112A-3 of the Code of Criminal Procedure of 1963 granting remedy

(2) of subsection

(b) of Section 112A-14 of that Code, or if a printed or written notice forbidding such entry has been conspicuously posted or exhibited at the main entrance to the land or the forbidden part thereof. (b-5) Subject to the provisions of subsection (b-10), as an alternative to the posting of real property as set forth in subsection (b), the owner or lessee of any real property may post the property by placing identifying purple marks on trees or posts around the area to be posted. Each purple mark shall be:

(1) A vertical line of at least 8 inches in length and the bottom of the mark shall be no less than 3 feet nor more than 5 feet high. Such marks shall be placed no more than 100 feet apart and shall be readily visible to any person approaching the property; or

(2) A post capped or otherwise marked on at least its top 2 inches. The bottom of the cap or mark shall be not less than 3 feet but not more than 5 feet 6 inches high. Posts so marked shall be placed not more than 36 feet apart and shall be readily visible to any person approaching the property. Prior to applying a cap or mark which is visible from both sides of a fence shared by different property owners or lessees, all such owners or lessees shall concur in the decision to post their own property. Nothing in this subsection (b-5) shall be construed to authorize the owner or lessee of any real property to place any purple marks on any tree or post or to install any post or fence if doing so would violate any applicable law, rule, ordinance, order, covenant, bylaw, declaration, regulation, restriction, contract, or instrument. (b-10) Any owner or lessee who marks his or her real property using the method described in subsection (b-5) must also provide notice as described in subsection

(b) of this Section. The public of this State shall be informed of the provisions of subsection (b-5) of this Section by the Illinois Department of Agriculture and the Illinois Department of Natural Resources. These Departments shall conduct an information campaign for the general public concerning the interpretation and implementation of subsection (b-5). The information shall inform the public about the marking requirements and the applicability of subsection (b-5) including information regarding the size requirements of the markings as well as the manner in which the markings shall be displayed. The Departments shall also include information regarding the requirement that, until the date this subsection becomes inoperative, any owner or lessee who chooses to mark his or her property using paint, must also comply with one of the notice requirements listed in subsection (b). The Departments may prepare a brochure or may disseminate the information through agency websites. Non-governmental organizations including, but not limited to, the Illinois Forestry Association, Illinois Tree Farm and the Walnut Council may help to disseminate the information regarding the requirements and applicability of subsection (b-5) based on materials provided by the Departments. This subsection (b-10) is inoperative on and after January 1, 2013. (b-15) Subsections (b-5) and (b-10) do not apply to real property located in a municipality of over 2,000,000 inhabitants.

(c) This Section does not apply to any person, whether a migrant worker or otherwise, living on the land with permission of the owner or of his or her agent having apparent authority to hire workers on this land and assign them living quarters or a place of accommodations for living thereon, nor to anyone living on the land at the request of, or by occupancy, leasing or other agreement or arrangement with the owner or his or her agent, nor to anyone invited by the migrant worker or other person so living on the land to visit him or her at the place he is so living upon the land.

(d) A person shall be exempt from prosecution under this Section if he or she beautifies unoccupied and abandoned residential and industrial properties located within any municipality. For the purpose of this subsection, "unoccupied and abandoned residential and industrial property" means any real estate

(1) in which the taxes have not been paid for a period of at least 2 years; and

(2) which has been left unoccupied and abandoned for a period of at least one year; and "beautifies" means to landscape, clean up litter, or to repair dilapidated conditions on or to board up windows and doors.

(e) No person shall be liable in any civil action for money damages to the owner of unoccupied and abandoned residential and industrial property which that person beautifies pursuant to subsection

(d) of this Section. (e-5) Mortgagee or agent of the mortgagee exceptions.

(1) A mortgagee or agent of the mortgagee shall be exempt from prosecution for criminal trespass for entering, securing, or maintaining an abandoned residential property.

(2) No mortgagee or agent of the mortgagee shall be liable to the mortgagor or other owner of an abandoned residential property in any civil action for negligence or civil trespass in connection with entering, securing, or maintaining the abandoned residential property.

(3) For the purpose of this subsection (e-5) only, "abandoned residential property" means mortgaged real estate that the mortgagee or agent of the mortgagee determines in good faith meets the definition of abandoned residential property set forth in Section 15-1200.5 of Article XV of the Code of Civil Procedure.

(f) This Section does not prohibit a person from entering a building or upon the land of another for emergency purposes. For purposes of this subsection (f), "emergency" means a condition or circumstance in which an individual is or is reasonably believed by the person to be in imminent danger of serious bodily harm or in which property is or is reasonably believed to be in imminent danger of damage or destruction.

(g) Paragraph (3.5) of subsection

(a) does not apply to a peace officer or other official of a unit of government who enters a building or land in the performance of his or her official duties.

(h) Sentence. A violation of subdivision (a)(1), (a)(2), (a)(3), or (a)(3.5) is a Class B misdemeanor. A violation of subdivision (a)(4) is a Class A misdemeanor.

(i) Civil liability. A person may be liable in any civil action for money damages to the owner of the land he or she entered upon with a motor vehicle as prohibited under paragraph

(4) of subsection

(a) of this Section. A person may also be liable to the owner for court costs and reasonable attorney's fees. The measure of damages shall be:

(i) the actual damages, but not less than \$250, if the vehicle is operated in a nature preserve or registered area as defined in Sections 3.11 and 3.14 of the Illinois Natural Areas Preservation Act; (ii) twice the actual damages if the owner has previously notified the person to cease trespassing; or (iii) in any other case, the actual damages, but not less than \$50. If the person operating the vehicle is under the age of 16, the owner of the vehicle and the parent or legal guardian of the minor are jointly and severally liable. For the purposes of this subsection (i): "Land" includes, but is not limited to, land used for crop land, fallow land, orchard, pasture, feed lot, timber land, prairie land, mine spoil nature preserves and registered areas. "Land" does not include driveways or private roadways upon which the owner allows the public to drive. "Owner" means the person who has the right to possession of the land, including the owner, operator or tenant. "Vehicle" has the same meaning as provided under Section 1-217 of the Illinois Vehicle Code.

(j) This Section does not apply to the following persons while serving process:

(1) a person authorized to serve process under Section 2-202 of the Code of Civil Procedure; or

(2) a special process server appointed by the circuit court.

720 ILCS 5/21-4

Sec. 21-4. (Renumbered).

720 ILCS 5/21-5 — Criminal trespass to State supported land

Sec. 21-5. Criminal trespass to State supported land.

(a) A person commits criminal trespass to State supported land when he or she enters upon land supported in whole or in part with State funds, or federal funds administered or granted through State agencies or any building on the land, after receiving, prior to the entry, notice from the State or its representative that the entry is forbidden, or remains upon the land or in the building after receiving notice from the State or its representative to depart, and who thereby interferes with another person's lawful use or enjoyment of the building or land. A person has received notice from the State within the meaning of this subsection if he or she has been notified personally, either orally or in writing, or if a printed or written

notice forbidding entry to him or her or a group of which he or she is a part, has been conspicuously posted or exhibited at the main entrance to the land or the forbidden part thereof. (a-5) A person commits criminal trespass to State supported land when he or she enters upon a right of way, including facilities and improvements thereon, owned, leased, or otherwise used by a public body or district organized under the Metropolitan Transit Authority Act, the Local Mass Transit District Act, or the Regional Transportation Authority Act, after receiving, prior to the entry, notice from the public body or district, or its representative, that the entry is forbidden, or the person remains upon the right of way after receiving notice from the public body or district, or its representative, to depart, and in either of these instances intends to compromise public safety by causing a delay in transit service lasting more than 15 minutes or destroying property. A person has received notice from the public body or district within the meaning of this subsection if he or she has been notified personally, either orally or in writing, or if a printed or written notice forbidding entry to him or her has been conspicuously posted or exhibited at any point of entrance to the right of way or the forbidden part of the right of way. As used in this subsection (a-5), "right of way" has the meaning ascribed to it in Section 18c-7502 of the Illinois Vehicle Code.

(b) A person commits criminal trespass to State supported land when he or she enters upon land supported in whole or in part with State funds, or federal funds administered or granted through State agencies or any building on the land by presenting false documents or falsely representing his or her identity orally to the State or its representative in order to obtain permission from the State or its representative to enter the building or land; or remains upon the land or in the building by presenting false documents or falsely representing his or her identity orally to the State or its representative in order to remain upon the land or in the building, and who thereby interferes with another person's lawful use or enjoyment of the building or land. This subsection does not apply to a peace officer or other official of a unit of government who enters upon land supported in whole or in part with State funds, or federal funds administered or granted through State agencies or any building on the land in the performance of his or her official duties.

(c) Sentence. Criminal trespass to State supported land is a Class A misdemeanor, except a violation of subsection (a-5) of this Section is a Class A misdemeanor for a first violation and a Class 4 felony for a second or subsequent violation. (Text of Section after amendment by P.A. 104-457) Sec. 21-5. Criminal trespass to State supported land.

(a) A person commits criminal trespass to State supported land when he or she enters upon land supported in whole or in part with State funds, or federal funds administered or granted through State agencies or any building on the land, after receiving, prior to the entry, notice from the State or its representative that the entry is forbidden, or remains upon the land or in the building after receiving notice from the State or its representative to depart, and who thereby interferes with another person's lawful use or enjoyment of the building or land. A person has received notice from the State within the meaning of this subsection if he or she has been notified personally, either orally or in writing, or if a printed or written notice forbidding entry to him or her or a group of which he or she is a part, has been conspicuously posted or exhibited at the main entrance to the land or the forbidden part thereof. (a-5) A person commits criminal trespass to State supported land when he or she enters upon a right-of-way, including facilities and improvements thereon, owned, leased, or otherwise used by a public body or district organized under the Chicago Transit Authority Act, the Local Mass Transit District Act, or the Northern Illinois Transit Authority Act, after receiving, prior to the entry, notice from the public body or district, or its representative, that the entry is forbidden, or the person remains upon the right-of-way after receiving notice from the public body or district, or its representative, to depart, and in either of these instances intends to compromise public safety by causing a delay in transit service lasting more than 15 minutes or destroying property. A person has received notice from the public body or district within the meaning of this subsection if he or she has been notified personally, either orally or in writing, or if a printed or written notice forbidding entry to him or her has been conspicuously posted or exhibited at any point of entrance to the right-of-way or the forbidden part of the right-of-way. As used in this subsection (a-5), "right-of-way" has the meaning ascribed to it in Section 18c-7502 of the Illinois Vehicle Code.

(b) A person commits criminal trespass to State supported land when he or she enters upon land supported in whole or in part with State funds, or federal funds administered or granted through State agencies or any building on the land by presenting false documents or falsely representing his or her identity orally to the State or its representative in order to obtain permission from the State or its representative to enter the building or land; or remains upon the land or in the building by presenting false documents or falsely representing his or her identity orally to the State or its representative in order to remain upon the land or in the building, and who thereby interferes with another person's lawful use or enjoyment of the building or land. This subsection does not apply to a peace officer or other official of a unit of government who enters upon land supported in whole or in part with State funds, or federal funds administered or granted through State agencies or any building on the land in the performance of his or her official duties.

(c) Sentence. Criminal trespass to State supported land is a Class A misdemeanor, except a violation of subsection (a-5) of this Section is a Class A misdemeanor for a first violation and a Class 4 felony for a second or subsequent violation.

720 ILCS 5/21-5.5 — Criminal trespass to a safe school zone

Sec. 21-5.5. Criminal trespass to a safe school zone.

(a) As used in this Section: "Employee" means a person employed by a school whose relationship with that agency constitutes an employer-employee relationship under the usual common law rules, and who is not an independent contractor. "Employee" includes, but is not limited to, a teacher, student teacher, aide, secretary, custodial engineer, coach, or his or her designee. "School administrator" means the school's principal, or his or her designee. "Safe school zone" means an area that encompasses any of the following places during regular school hours or within 60 minutes before or after the school day or 60 minutes before or after a school-sponsored activity. This shall include any school property, ground, or street, sidewalk, or public way immediately adjacent thereto and any public right-of-way situated immediately adjacent to school property. The safe school zone shall not include any portion of the highway not actually on school property. "School activity" means and includes any school session, any extracurricular activity or event sponsored by or participated in by the school, and the 60-minute periods immediately preceding and following any session, activity, or event. "Student" means any person enrolled or previously enrolled in a school.

(b) A person commits the offense of criminal trespass to a safe school zone when he or she knowingly:

(1) enters or remains in a safe school zone without lawful business, when as a student or employee, who has been suspended, expelled, or dismissed for disrupting the orderly operation of the school, and as a condition of the suspension or dismissal, has been denied access to the safe school zone for the period of the suspension or in the case of dismissal for a period not to exceed the term of expulsion, and has been served in person or by registered or certified mail, at the last address given by that person, with a written notice of the suspension or dismissal and condition; or

(2) enters or remains in a safe school zone without lawful business, once being served either in person or by registered or certified mail that his or her presence has been withdrawn by the school administrator, or his or her designee, and whose presence or acts interfere with, or whenever there is reasonable suspicion to believe, such person will disrupt the orderly operation, or the safety, or peaceful conduct of the school or school activities. This clause (b)(2) has no application to conduct protected by the Illinois Educational Labor Relations Act or any other law applicable to labor relations. This clause (b)(2) has no application to conduct protected by the First Amendment to the Constitution of the United States or Article I of the Illinois Constitution, including the exercise of free speech, free expression, and the free exercise of religion or expression of religiously based views.

(c) Sentence. Criminal trespass to a safe school zone is a Class A misdemeanor.

720 ILCS 5/21-6 — Unauthorized Possession or Storage of Weapons

Sec. 21-6. Unauthorized Possession or Storage of Weapons.

(a) Whoever possesses or stores any weapon enumerated in Section 33A-1 in any building or on land supported in whole or in part with public funds or in any building on such land without prior written permission from the chief security officer for such land or building commits a Class A misdemeanor.

(b) The chief security officer must grant any reasonable request for permission under paragraph (a).

720 ILCS 5/21-7

Sec. 21-7. Criminal trespass to restricted areas and restricted landing areas at airports; aggravated criminal trespass to restricted areas and restricted landing areas at airports.

(a) A person commits criminal trespass to restricted areas and restricted landing areas at airports when he or she enters upon, or remains in, any:

(1) restricted area or restricted landing area used in connection with an airport facility, or part thereof, in this State, after the person has received notice from the airport authority that the entry is forbidden;

(2) restricted area or restricted landing area used in connection with an airport facility, or part thereof, in this State by presenting false documents or falsely representing his or her identity orally to the airport authority;

(3) restricted area or restricted landing area as prohibited in paragraph

(1) of this subsection, while dressed in the uniform of, improperly wearing the identification of, presenting false credentials of, or otherwise physically impersonating an airman, employee of an airline, employee of an airport, or contractor at an airport.

(b) A person commits aggravated criminal trespass to restricted areas and restricted landing areas at airports when he or she enters upon, or remains in, any restricted area or restricted landing area used in connection with an airport facility, or part thereof, in this State, while in possession of a weapon, replica of a weapon, or ammunition, after the person has received notice from the airport authority that the entry is forbidden.

(c) Notice that the area is "restricted" and entry thereto "forbidden", for purposes of this Section, means that the person or persons have been notified personally, either orally or in writing, or by a printed or written notice forbidding the entry to him or her or a group or an organization of which he or she is a member, which has been conspicuously posted or exhibited at every usable entrance to the area or the forbidden part thereof.

(d) (Blank).

(e) (Blank).

(f) The terms "Restricted area" or "Restricted landing area" in this Section are defined to incorporate the meaning ascribed to those terms in Section 8 of the "Illinois Aeronautics Act", approved July 24, 1945, as amended, and also include any other area of the airport that has been designated such by the airport authority. The terms "airman" and "airport" in this Section are defined to incorporate the meaning ascribed to those terms in Sections 6 and 12 of the Illinois Aeronautics Act.

(g) Paragraph

(2) of subsection

(a) does not apply to a peace officer or other official of a unit of government who enters a restricted area or a restricted landing area used in connection with an airport facility, or part thereof, in the performance of his or her official duties.

(h) Sentence.

(1) A violation of paragraph

(2) of subsection

(a) is a Class A misdemeanor.

(2) A violation of paragraph

(1) or

(3) of subsection

(a) is a Class 4 felony.

(3) A violation of subsection

(b) is a Class 3 felony.

720 ILCS 5/21-8 — Criminal trespass to a nuclear facility

Sec. 21-8. Criminal trespass to a nuclear facility.

(a) A person commits criminal trespass to a nuclear facility when he or she knowingly and without lawful authority:

(1) enters or remains within a nuclear facility or on the grounds of a nuclear facility, after receiving notice before entry that entry to the nuclear facility is forbidden;

(2) remains within the facility or on the grounds of the facility after receiving notice from the owner or manager of the facility or other person authorized by the owner or manager of the facility to give that notice to depart from the facility or grounds of the facility; or

(3) enters or remains within a nuclear facility or on the grounds of a nuclear facility, by presenting false documents or falsely representing his or her identity orally to the owner or manager of the facility. This paragraph

(3) does not apply to a peace officer or other official of a unit of government who enters or remains in the facility in the performance of his or her official duties.

(b) A person has received notice from the owner or manager of the facility or other person authorized by the owner or manager of the facility within the meaning of paragraphs

(1) and

(2) of subsection

(a) if he or she has been notified personally, either orally or in writing, or if a printed or written notice forbidding the entry has been conspicuously posted or exhibited at the main entrance to the facility or grounds of the facility or the forbidden part of the facility.

(c) In this Section, "nuclear facility" has the meaning ascribed to it in Section 3 of the Illinois Nuclear Safety Preparedness Act.

(d) Sentence. Criminal trespass to a nuclear facility is a Class 4 felony.

720 ILCS 5/21-9 — Criminal trespass to a place of public amusement

Sec. 21-9. Criminal trespass to a place of public amusement.

(a) A person commits criminal trespass to a place of public amusement when he or she knowingly and without lawful authority enters or remains on any portion of a place of public amusement after having received notice that the general public is restricted from access to that portion of the place of public amusement. These areas may include, but are not limited to: a playing field, an athletic surface, a stage, a locker room, or a dressing room located at the place of public amusement. (a-5) A person commits the offense of criminal trespass to a place of public amusement when he or she knowingly and without lawful authority gains access to or remains on any portion of a place of public amusement by presenting false documents or falsely representing his or her identity orally to the property owner, a lessee, an agent of either the owner or lessee, or a performer or participant. This subsection (a-5) does not apply to a peace officer or other official of a unit of government who enters or remains in the place of public amusement in the performance of his or her official duties.

(b) A property owner, a lessee, an agent of either the owner or lessee, or a performer or participant may use reasonable force to restrain a trespasser and remove him or her from the restricted area; however, any use of force beyond reasonable force may subject that person to any applicable criminal penalty.

(c) A person has received notice within the meaning of subsection

(a) if he or she has been notified personally, either orally or in writing, or if a printed or written notice forbidding such entry has been conspicuously posted or exhibited at the entrance to the portion of the place of public amusement that is restricted or an oral warning has been broadcast over the public address system of the place of public amusement.

(d) In this Section, "place of public amusement" means a stadium, a theater, or any other facility of any kind, whether licensed or not, where a live performance, a sporting event, or any other activity takes place for other entertainment and where access to the facility is made available to the public, regardless of whether admission is charged.

(e) Sentence. Criminal trespass to a place of public amusement is a Class 4 felony. Upon imposition of any sentence, the court shall also impose a fine of not less than \$1,000. In addition, any order of probation or conditional discharge entered following a conviction shall include a condition that the offender perform public or community service of not less than 30 and not more than 120 hours, if community service is available in the jurisdiction and is funded and approved by the county board of the county where the offender was convicted. The court may also impose any other condition of probation or conditional discharge under this Section.

720 ILCS 5/21-10 — Criminal use of a motion picture exhibition facility

Sec. 21-10. Criminal use of a motion picture exhibition facility.

(a) A person commits criminal use of a motion picture exhibition facility, when he or she, where a motion picture is being exhibited, knowingly operates an audiovisual recording function of a device without the consent of the owner or lessee of that exhibition facility and of the licensor of the motion picture being exhibited.

(b) Sentence. Criminal use of a motion picture exhibition facility is a Class 4 felony.

(c) The owner or lessee of a facility where a motion picture is being exhibited, the authorized agent or employee of that owner or lessee, or the licensor of the motion picture being exhibited or his or her agent or employee, who alerts law enforcement authorities of an alleged violation of this Section is not liable in any civil action arising out of measures taken by that owner, lessee, licensor, agent, or employee in the course of subsequently detaining a person that the owner, lessee, licensor, agent, or employee, in good faith believed to have violated this Section while awaiting the arrival of law enforcement authorities, unless the plaintiff in such an action shows by clear and convincing evidence that such

measures were manifestly unreasonable or the period of detention was unreasonably long.

(d) This Section does not prevent any lawfully authorized investigative, law enforcement, protective, or intelligence gathering employee or agent of the State or federal government from operating any audiovisual recording device in any facility where a motion picture is being exhibited as part of lawfully authorized investigative, protective, law enforcement, or intelligence gathering activities.

(e) This Section does not apply to a person who operates an audiovisual recording function of a device in a retail establishment solely to demonstrate the use of that device for sales and display purposes.

(f) Nothing in this Section prevents the prosecution for conduct that constitutes a violation of this Section under any other provision of law providing for a greater penalty.

(g) In this Section, "audiovisual recording function" means the capability of a device to record or transmit a motion picture or any part of a motion picture by means of any technology now known or later developed and "facility" does not include a personal residence.

720 ILCS 5/21-11 — Distributing or delivering written or printed solicitation on school property

Sec. 21-11. Distributing or delivering written or printed solicitation on school property.

(a) Distributing or delivering written or printed solicitation on school property or within 1,000 feet of school property, for the purpose of inviting students to any event when a significant purpose of the event is to commit illegal acts or to solicit attendees to commit illegal acts, or to be held in or around abandoned buildings, is prohibited.

(b) For the purposes of this Section, "school property" is defined as the buildings or grounds of any public or private elementary or secondary school.

(c) Sentence. A violation of this Section is a Class C misdemeanor.

720 ILCS 5/21.1-1 — Legislative finding and declaration

Sec. 21.1-1. Legislative finding and declaration. The Legislature finds and declares that men in a free society have the right to quiet enjoyment of their homes; that the stability of community and family life cannot be maintained unless the right to privacy and a sense of security and peace in the home are respected and encouraged; that residential picketing, however just the cause inspiring it, disrupts home, family and communal life; that residential picketing is inappropriate in our society, where the jealously guarded rights of free speech and assembly have always been associated with respect for the rights of others. For these reasons the Legislature finds and declares this Article to be necessary.

720 ILCS 5/21.1-2 — Residential picketing

Sec. 21.1-2. Residential picketing. A person commits residential picketing when he or she pickets before or about the residence or dwelling of any person, except when the residence or dwelling is used as a place of business. This Article does not apply to a person peacefully picketing his own residence or dwelling and does not prohibit the peaceful picketing of the place of holding a meeting or assembly on premises commonly used to discuss subjects of general public interest.

720 ILCS 5/21.1-3 — Sentence

Sec. 21.1-3. Sentence. Violation of Section 21.1-2 is a Class B misdemeanor.

720 ILCS 5/21.2-1

Sec. 21.2-1. The General Assembly, in recognition of unlawful campus and school disorders across the nation which are disruptive of the educational process, dangerous to the health and safety of persons, damaging to public and private property, and which divert the use of institutional facilities from the primary function of education, establishes by this Act criminal penalties for conduct declared in this Article to be unlawful. However, this Article does not modify or supersede any other law relating to damage to persons or property, nor does it prevent a public institution of education from establishing restrictions upon the availability or use of any building or other facility owned, operated or controlled by the institution to preserve their dedication to education, nor from establishing standards of scholastic and behavioral conduct reasonably relevant to the missions, processes and functions of the institution, nor from invoking appropriate discipline or expulsion for violations of such standards.

720 ILCS 5/21.2-2 — Interference with a public institution of education

Sec. 21.2-2. Interference with a public institution of education. A person commits interference with a public institution of education when he or she, on the campus of a public institution of education, or at or in any building or other facility owned, operated or controlled by the institution, without authority from the institution he or she, through force or violence, actual or threatened:

(1) knowingly denies to a trustee, school board member, superintendent, principal, employee, student or invitee of the institution: (A) Freedom of movement at that place; or (B) Use of the property or facilities of the institution; or (C) The right of ingress or egress to the property or facilities of the institution; or

(2) knowingly impedes, obstructs, interferes with or disrupts: (A) the performance of institutional duties by a trustee, school board member, superintendent, principal, or employee of the institution; or (B) the pursuit of educational activities, as determined or prescribed by the institution, by a trustee, school board member, superintendent, principal, employee, student or invitee of the institution; or

(3) knowingly occupies or remains in or at any building, property or other facility owned, operated or controlled by the institution after due notice to depart.

720 ILCS 5/21.2-3

Sec. 21.2-3. Nothing in this Article prevents lawful assembly of the trustees, school board members, superintendent, principal, employees, students or invitees of a public institution of education, or prevents orderly petition for redress of grievances.

720 ILCS 5/21.2-4 — Sentence

Sec. 21.2-4. Sentence. A person convicted of violation of this Article commits a Class C misdemeanor for the first offense and for a second or subsequent offense commits a Class B misdemeanor. If the interference with the public institution of education is accompanied by a threat of personal injury or property damage, the person commits a Class 3 felony and may be sentenced to a term of imprisonment of not less than 2 years and not more than 10 years and may be prosecuted for intimidation in accordance with Section 12-6 of this Code.

720 ILCS 5/21.2-5

Sec. 21.2-5. For the purposes of this Article the words and phrases described in this Section have the meanings designated in this Section, except when a particular context clearly requires a different meaning. "Public institution of education" means an educational organization located in this State which provides an organized elementary, secondary, or post-high school educational program, and which is supported in whole or in part by appropriations of the General Assembly, a unit of local government or school district. A person has received "due notice" if he, or the group of which he is a part, has been given oral or written notice from an authorized representative of the public institution of education in a manner reasonably designated to inform him, or the group of which he is a part, that he or they should cease such action or depart from such premises. The notice may also be given by a printed or written notice forbidding entry conspicuously posted or exhibited at the main entrance of the building or other facility, or the forbidden part thereof. "Force or violence" includes, but is not limited to, use of one's person, individually or in concert with others, to impede access to or movement within or otherwise to interfere with the conduct of the authorized activities of the public institution of education, its trustees, school board members, superintendent, principal, employees, students or invitees.

720 ILCS 5/21.2-6

Sec. 21.2-6. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared severable.

720 ILCS 5/24-1 — Unlawful possession of weapons

Sec. 24-1. Unlawful possession of weapons.

(a) A person commits the offense of unlawful possession of weapons when he knowingly:

(1) Sells, manufactures, purchases, possesses or carries any bludgeon, black-jack, slung-shot, sand-club, sand-bag, metal knuckles or other knuckle weapon regardless of its composition, throwing star, or any knife, commonly referred to as a switchblade knife, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or a ballistic knife, which is a device that propels a knifelike blade as a projectile by

means of a coil spring, elastic material or compressed gas; or

(2) Carries or possesses with intent to use the same unlawfully against another, a dagger, dirk, billy, dangerous knife, razor, stiletto, broken bottle or other piece of glass, stun gun or taser or any other dangerous or deadly weapon or instrument of like character; or (2.5) Carries or possesses with intent to use the same unlawfully against another, any firearm in a church, synagogue, mosque, or other building, structure, or place used for religious worship; or

(3) Carries on or about his person or in any vehicle, a tear gas gun projector or bomb or any object containing noxious liquid gas or substance, other than an object containing a non-lethal noxious liquid gas or substance designed solely for personal defense carried by a person 18 years of age or older; or

(4) Carries or possesses in any vehicle or concealed on or about his person except when on his land or in his own abode, legal dwelling, or fixed place of business, or on the land or in the legal dwelling of another person as an invitee with that person's permission, any pistol, revolver, stun gun or taser or other firearm, except that this subsection (a)(4) does not apply to or affect transportation of weapons that meet one of the following conditions:

(i) are broken down in a non-functioning state; or (ii) are not immediately accessible; or (iii) are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person who has been issued a currently valid Firearm Owner's Identification Card; or (iv) are carried or possessed in accordance with the Firearm Concealed Carry Act by a person who has been issued a currently valid license under the Firearm Concealed Carry Act; or

(5) Sets a spring gun; or

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries:

(i) a machine gun, which shall be defined for the purposes of this subsection as any weapon, which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot without manually reloading by a single function of the trigger, including the frame or receiver of any such weapon, or sells, manufactures, purchases, possesses, or carries any combination of parts designed or intended for use in converting any weapon into a machine gun, or any combination or parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person; (ii) any rifle having one or more barrels less than 16 inches in length or a shotgun having one or more barrels less than 18 inches in length or any weapon made from a rifle or shotgun, whether by alteration, modification, or otherwise, if such a weapon as modified has an overall length of less than 26 inches; or (iii) any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance of over one-quarter ounce for like purposes, such as, but not limited to, black powder bombs and Molotov cocktails or artillery projectiles; or

(8) Carries or possesses any firearm, stun gun or taser or other deadly weapon in any place which is licensed to sell intoxicating beverages, or at any public gathering held pursuant to a license issued by any governmental body or any public gathering at which an admission is charged, excluding a place where a showing, demonstration or lecture involving the exhibition of unloaded firearms is conducted. This subsection (a)(8) does not apply to any auction or raffle of a firearm held pursuant to a license or permit issued by a governmental body, nor does it apply to persons engaged in firearm safety training courses; or

(9) Carries or possesses in a vehicle or on or about his or her person any pistol, revolver, stun gun or taser or firearm or ballistic knife, when he or she is hooded, robed or masked in such manner as to conceal his or her identity; or

(10) Carries or possesses on or about his or her person, upon any public street, alley, or other public lands within the corporate limits of a city, village, or incorporated town, except when an invitee thereon or therein, for the purpose of the display of such weapon or the lawful commerce in weapons, or except when on his land or in his or her own abode, legal dwelling, or fixed place of business, or on the land or in the legal dwelling of another person as an invitee with that person's permission, any pistol, revolver, stun gun, or taser or other firearm, except that this subsection (a)(10) does not apply to or affect transportation of weapons that meet one of the following conditions:

(i) are broken down in a non-functioning state; or (ii) are not immediately accessible; or (iii) are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person who has been issued a currently valid Firearm Owner's Identification Card; or (iv) are carried or possessed in accordance with the Firearm Concealed Carry Act by a person who has been issued a currently valid license under the Firearm Concealed Carry Act. A "stun gun or taser", as used in this paragraph

(a) means

(i) any device which is powered by electrical charging units, such as, batteries, and which fires one or several barbs attached to a length of wire and which, upon hitting a human, can send out a current capable of disrupting the person's nervous system in such a manner as to render him incapable of normal functioning or (ii) any device which is powered by electrical charging units, such as batteries, and which, upon contact with a human or clothing worn by a human, can send out current capable of disrupting the person's nervous system in such a manner as to render him incapable of normal functioning; or

(11) Sells, manufactures, delivers, imports, possesses, or purchases any assault weapon attachment or .50 caliber cartridge in violation of Section 24-1.9 or any explosive bullet. For purposes of this paragraph

(a) "explosive bullet" means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. "Cartridge" means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in such tube between the projectile and the cap; or

(12) (Blank); or

(13) Carries or possesses on or about his or her person while in a building occupied by a unit of government, a billy club, other weapon of like character, or other instrument of like character intended for use as a weapon. For the purposes of this Section, "billy club" means a short stick or club commonly carried by police officers which is either telescopic or constructed of a solid piece of wood or other man-made material; or

(14) Manufactures, possesses, sells, or offers to sell, purchase, manufacture, import, transfer, or use any device, part, kit, tool, accessory, or combination of parts that is designed to and functions to increase the rate of fire of a semiautomatic firearm above the standard rate of fire for semiautomatic firearms that is not equipped with that device, part, or combination of parts; or

(15) Carries or possesses any assault weapon or .50 caliber rifle in violation of Section 24-1.9; or

(16) Manufactures, sells, delivers, imports, or purchases any assault weapon or .50 caliber rifle in violation of Section 24-1.9.

(b) Sentence. A person convicted of a violation of subsection 24-1(a)(1) through (5), subsection 24-1(a)(10), subsection 24-1(a)(11), subsection 24-1(a)(13), or 24-1(a)(15) commits a Class A misdemeanor. A person convicted of a violation of subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a person convicted of a violation of subsection 24-1(a)(6), 24-1(a)(7)(ii), 24-1(a)(7)(iii), or 24-1(a)(16) commits a Class 3 felony. A person convicted of a violation of subsection 24-1(a)(7)(i) commits a Class 2 felony and shall be sentenced to a term of imprisonment of not less than 3 years and not more than 7 years, unless the weapon is possessed in the passenger compartment of a motor vehicle as defined in Section 1-146 of the Illinois Vehicle Code, or on the person, while the weapon is loaded, in which case it shall be a Class X felony. A person convicted of a second or subsequent violation of subsection 24-1(a)(4), 24-1(a)(8), 24-1(a)(9), 24-1(a)(10), or 24-1(a)(15) commits a Class 3 felony. A person convicted of a violation of subsection 24-1(a)(2.5) or 24-1(a)(14) commits a Class 2 felony. The possession of each weapon or device in violation of this Section constitutes a single and separate violation.

(c) Violations in specific places.

(1) A person who violates subsection 24-1(a)(6) or 24-1(a)(7) in any school, regardless of the time of day or the time of year, in residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, in a public park, in a courthouse, on the real property comprising any school, regardless of the time of day or the time of year, on residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, on the real property comprising any public park, on the real property comprising any courthouse, in any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, in any conveyance owned, leased, or contracted by a public transportation agency, or on any public way within 1,000 feet of the real property comprising any school, public park, courthouse, public transportation facility, or residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development commits a Class 2 felony and shall be sentenced to a term of imprisonment of not less than 3 years and not more than 7 years. (1.5) A person who violates subsection 24-1(a)(4), 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the time of day or the time of year, in residential property owned, operated, or managed by a

public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, in a public park, in a courthouse, on the real property comprising any school, regardless of the time of day or the time of year, on residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, on the real property comprising any public park, on the real property comprising any courthouse, in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity, in any conveyance owned, leased, or contracted by a public transportation agency, or on any public way within 1,000 feet of the real property comprising any school, public park, courthouse, public transportation facility, or residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development commits a Class 3 felony.

(2) A person who violates subsection 24-1(a)(1), 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the time of day or the time of year, in residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, in a public park, in a courthouse, on the real property comprising any school, regardless of the time of day or the time of year, on residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, on the real property comprising any public park, on the real property comprising any courthouse, in any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, in any conveyance owned, leased, or contracted by a public transportation agency, or on any public way within 1,000 feet of the real property comprising any school, public park, courthouse, public transportation facility, or residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development commits a Class 4 felony. "Courthouse" means any building that is used by the Circuit, Appellate, or Supreme Court of this State for the conduct of official business.

(3) Paragraphs (1), (1.5), and

(2) of this subsection

(c) shall not apply to law enforcement officers or security officers of such school, college, or university or to students carrying or possessing firearms for use in training courses, parades, hunting, target shooting on school ranges, or otherwise with the consent of school authorities and which firearms are transported unloaded enclosed in a suitable case, box, or transportation package.

(4) For the purposes of this subsection (c), "school" means any public or private elementary or secondary school, community college, college, or university.

(5) For the purposes of this subsection (c), "public transportation agency" means a public or private agency that provides for the transportation or conveyance of persons by means available to the general public, except for transportation by automobiles not used for conveyance of the general public as passengers; and "public transportation facility" means a terminal or other place where one may obtain public transportation.

(d) The presence in an automobile other than a public omnibus of any weapon, instrument or substance referred to in subsection (a)(7) is prima facie evidence that it is in the possession of, and is being carried by, all persons occupying such automobile at the time such weapon, instrument or substance is found, except under the following circumstances:

(i) if such weapon, instrument or instrumentality is found upon the person of one of the occupants therein; or (ii) if such weapon, instrument or substance is found in an automobile operated for hire by a duly licensed driver in the due, lawful and proper pursuit of his or her trade, then such presumption shall not apply to the driver.

(e) Exemptions.

(1) Crossbows, Common or Compound bows and Underwater Spearguns are exempted from the definition of ballistic knife as defined in paragraph

(1) of subsection

(a) of this Section.

(2) The provision of paragraph

(1) of subsection

(a) of this Section prohibiting the sale, manufacture, purchase, possession, or carrying of any knife, commonly referred to as a switchblade knife, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, does not apply to a person who possesses a currently valid Firearm Owner's

Identification Card previously issued in his or her name by the Illinois State Police or to a person or an entity engaged in the business of selling or manufacturing switchblade knives.

720 ILCS 5/24-1.1 — Unlawful possession of weapons by felons or persons in the custody of the Department of Corrections facilities

Sec. 24-1.1. Unlawful possession of weapons by felons or persons in the custody of the Department of Corrections facilities.

(a) It is unlawful for a person to knowingly possess on or about his person or on his land or in his own abode or fixed place of business any weapon prohibited under Section 24-1 of this Act or any firearm or any firearm ammunition if the person has been convicted of a felony under the laws of this State or any other jurisdiction. This Section shall not apply if the person has been granted relief by the Director of the Illinois State Police under Section 10 of the Firearm Owners Identification Card Act.

(b) It is unlawful for any person confined in a penal institution, which is a facility of the Illinois Department of Corrections, to possess any weapon prohibited under Section 24-1 of this Code or any firearm or firearm ammunition, regardless of the intent with which he possesses it.

(c) It shall be an affirmative defense to a violation of subsection (b), that such possession was specifically authorized by rule, regulation, or directive of the Illinois Department of Corrections or order issued pursuant thereto.

(d) The defense of necessity is not available to a person who is charged with a violation of subsection (b) of this Section.

(e) Sentence. Violation of this Section by a person not confined in a penal institution shall be a Class 3 felony for which the person shall be sentenced to no less than 2 years and no more than 10 years. A second or subsequent violation of this Section shall be a Class 2 felony for which the person shall be sentenced to a term of imprisonment of not less than 3 years and not more than 14 years, except as provided for in Section 5-4.5-110 of the Unified Code of Corrections. Violation of this Section by a person not confined in a penal institution who has been convicted of a forcible felony, a felony violation of Article 24 of this Code or of the Firearm Owners Identification Card Act, stalking or aggravated stalking, or a Class 2 or greater felony under the Illinois Controlled Substances Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act is a Class 2 felony for which the person shall be sentenced to not less than 3 years and not more than 14 years, except as provided for in Section 5-4.5-110 of the Unified Code of Corrections. Violation of this Section by a person who is on parole or mandatory supervised release is a Class 2 felony for which the person shall be sentenced to not less than 3 years and not more than 14 years, except as provided for in Section 5-4.5-110 of the Unified Code of Corrections. Violation of this Section by a person not confined in a penal institution is a Class X felony when the firearm possessed is a machine gun. Any person who violates this Section while confined in a penal institution, which is a facility of the Illinois Department of Corrections, is guilty of a Class 1 felony, if he possesses any weapon prohibited under Section 24-1 of this Code regardless of the intent with which he possesses it, a Class X felony if he possesses any firearm, firearm ammunition or explosive, and a Class X felony for which the offender shall be sentenced to not less than 12 years and not more than 50 years when the firearm possessed is a machine gun. A violation of this Section while wearing or in possession of body armor as defined in Section 33F-1 is a Class X felony punishable by a term of imprisonment of not less than 10 years and not more than 40 years. The possession of each firearm or firearm ammunition in violation of this Section constitutes a single and separate violation.

720 ILCS 5/24-1.2 — Aggravated discharge of a firearm

Sec. 24-1.2. Aggravated discharge of a firearm.

(a) A person commits aggravated discharge of a firearm when he or she knowingly or intentionally:

(1) Discharges a firearm at or into a building he or she knows or reasonably should know to be occupied and the firearm is discharged from a place or position outside that building;

(2) Discharges a firearm in the direction of another person or in the direction of a vehicle he or she knows or reasonably should know to be occupied by a person;

(3) Discharges a firearm in the direction of a person he or she knows to be a peace officer, a community policing volunteer, a correctional institution employee, or a fireman while the officer, volunteer, employee or fireman is engaged in the execution of any of his or her official duties, or to prevent the officer, volunteer, employee or fireman from performing

his or her official duties, or in retaliation for the officer, volunteer, employee or fireman performing his or her official duties;

(4) Discharges a firearm in the direction of a vehicle he or she knows to be occupied by a peace officer, a person summoned or directed by a peace officer, a correctional institution employee or a fireman while the officer, employee or fireman is engaged in the execution of any of his or her official duties, or to prevent the officer, employee or fireman from performing his or her official duties, or in retaliation for the officer, employee or fireman performing his or her official duties;

(5) Discharges a firearm in the direction of a person he or she knows to be emergency medical services personnel who is engaged in the execution of any of his or her official duties, or to prevent the emergency medical services personnel from performing his or her official duties, or in retaliation for the emergency medical services personnel performing his or her official duties;

(6) Discharges a firearm in the direction of a vehicle he or she knows to be occupied by emergency medical services personnel while the emergency medical services personnel is engaged in the execution of any of his or her official duties, or to prevent the emergency medical services personnel from performing his or her official duties, or in retaliation for the emergency medical services personnel performing his or her official duties;

(7) Discharges a firearm in the direction of a person he or she knows to be a teacher or other person employed in any school and the teacher or other employee is upon the grounds of a school or grounds adjacent to a school, or is in any part of a building used for school purposes;

(8) Discharges a firearm in the direction of a person he or she knows to be an emergency management worker while the emergency management worker is engaged in the execution of any of his or her official duties, or to prevent the emergency management worker from performing his or her official duties, or in retaliation for the emergency management worker performing his or her official duties; or

(9) Discharges a firearm in the direction of a vehicle he or she knows to be occupied by an emergency management worker while the emergency management worker is engaged in the execution of any of his or her official duties, or to prevent the emergency management worker from performing his or her official duties, or in retaliation for the emergency management worker performing his or her official duties.

(b) A violation of subsection (a)(1) or subsection (a)(2) of this Section is a Class 1 felony. A violation of subsection (a)(1) or (a)(2) of this Section committed in a school, on the real property comprising a school, within 1,000 feet of the real property comprising a school, at a school related activity or on or within 1,000 feet of any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity, regardless of the time of day or time of year that the offense was committed is a Class X felony. A violation of subsection (a)(3), (a)(4), (a)(5), (a)(6), (a)(7), (a)(8), or (a)(9) of this Section is a Class X felony for which the sentence shall be a term of imprisonment of no less than 10 years and not more than 45 years.

(c) For purposes of this Section: "Emergency medical services personnel" has the meaning specified in Section 3.5 of the Emergency Medical Services (EMS) Systems Act and shall include all ambulance crew members, including drivers or pilots. "School" means a public or private elementary or secondary school, community college, college, or university. "School related activity" means any sporting, social, academic, or other activity for which students' attendance or participation is sponsored, organized, or funded in whole or in part by a school or school district.

720 ILCS 5/24-1.2-5

Sec. 24-1.2-5. Aggravated discharge of a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm.

(a) A person commits aggravated discharge of a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm when he or she knowingly or intentionally:

(1) Discharges a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm at or into a building he or she knows to be occupied and the machine gun or the firearm equipped with a device designed or used for silencing the report of a firearm is discharged from a place or position outside that building;

(2) Discharges a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm in the direction of another person or in the direction of a vehicle he or she knows to be occupied;

(3) Discharges a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm in the direction of a person he or she knows to be a peace officer, a person summoned or directed by a peace officer, a

correctional institution employee, or a fireman while the officer, employee or fireman is engaged in the execution of any of his or her official duties, or to prevent the officer, employee or fireman from performing his or her official duties, or in retaliation for the officer, employee or fireman performing his or her official duties;

(4) Discharges a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm in the direction of a vehicle he or she knows to be occupied by a peace officer, a person summoned or directed by a peace officer, a correctional institution employee or a fireman while the officer, employee or fireman is engaged in the execution of any of his or her official duties, or to prevent the officer, employee or fireman from performing his or her official duties, or in retaliation for the officer, employee or fireman performing his or her official duties;

(5) Discharges a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm in the direction of a person he or she knows to be emergency medical services personnel while the emergency medical services personnel is engaged in the execution of any of his or her official duties, or to prevent the emergency medical services personnel from performing his or her official duties, or in retaliation for the emergency medical services personnel performing his or her official duties;

(6) Discharges a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm in the direction of a vehicle he or she knows to be occupied by emergency medical services personnel, while the emergency medical services personnel is engaged in the execution of any of his or her official duties, or to prevent the emergency medical services personnel from performing his or her official duties, or in retaliation for the emergency medical services personnel performing his or her official duties;

(7) Discharges a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm in the direction of a person he or she knows to be an emergency management worker while the emergency management worker is engaged in the execution of any of his or her official duties, or to prevent the emergency management worker from performing his or her official duties, or in retaliation for the emergency management worker performing his or her official duties; or

(8) Discharges a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm in the direction of a vehicle he or she knows to be occupied by an emergency management worker while the emergency management worker is engaged in the execution of any of his or her official duties, or to prevent the emergency management worker from performing his or her official duties, or in retaliation for the emergency management worker performing his or her official duties.

(b) A violation of subsection

(a)

(1) or subsection

(a)

(2) of this Section is a Class X felony. A violation of subsection

(a) (3),

(a) (4),

(a) (5),

(a) (6),

(a) (7), or

(a)

(8) of this Section is a Class X felony for which the sentence shall be a term of imprisonment of no less than 12 years and no more than 50 years.

(c) For the purpose of this Section: "Emergency medical services personnel" has the meaning specified in Section 3.5 of the Emergency Medical Services (EMS) Systems Act and shall include all ambulance crew members, including drivers or pilots. "Machine gun" has the meaning ascribed to it in clause

(i) of paragraph

(7) of subsection

(a) of Section 24-1 of this Code.

(d) This Section does not apply to a peace officer while serving as a member of a tactical response team or special operations team. A peace officer may not personally own or apply for ownership of a device or attachment of any kind designed, used, or intended for use in silencing the report of any firearm. These devices shall be owned and maintained by lawfully recognized units of government whose duties include the investigation of criminal acts.

720 ILCS 5/24-1.5 — Reckless discharge of a firearm

Sec. 24-1.5. Reckless discharge of a firearm.

(a) A person commits reckless discharge of a firearm by discharging a firearm in a reckless manner which endangers the bodily safety of an individual.

(b) If the conduct described in subsection

(a) is committed by a passenger of a moving motor vehicle with the knowledge and consent of the driver of the motor vehicle the driver is accountable for such conduct.

(c) Reckless discharge of a firearm is a Class 4 felony.

(d) This Section does not apply to a peace officer while in the performance of his or her official duties.

720 ILCS 5/24-1.6 — Aggravated unlawful possession of a weapon

Sec. 24-1.6. Aggravated unlawful possession of a weapon.

(a) A person commits the offense of aggravated unlawful possession of a weapon when he or she knowingly:

(1) Carries on or about his or her person or in any vehicle or concealed on or about his or her person except when on his or her land or in his or her abode, legal dwelling, or fixed place of business, or on the land or in the legal dwelling of another person as an invitee with that person's permission, any pistol, revolver, stun gun or taser or other firearm; or

(2) Carries or possesses on or about his or her person, upon any public street, alley, or other public lands within the corporate limits of a city, village or incorporated town, except when an invitee thereon or therein, for the purpose of the display of such weapon or the lawful commerce in weapons, or except when on his or her own land or in his or her own abode, legal dwelling, or fixed place of business, or on the land or in the legal dwelling of another person as an invitee with that person's permission, any pistol, revolver, stun gun or taser or other firearm; and

(3) One of the following factors is present: (A) the firearm, other than a pistol, revolver, or handgun, possessed was uncased, loaded, and immediately accessible at the time of the offense; or (A-5) the pistol, revolver, or handgun possessed was uncased, loaded, and immediately accessible at the time of the offense and the person possessing the pistol, revolver, or handgun has not been issued a currently valid license under the Firearm Concealed Carry Act; or (B) the firearm, other than a pistol, revolver, or handgun, possessed was uncased, unloaded, and the ammunition for the weapon was immediately accessible at the time of the offense; or (B-5) the pistol, revolver, or handgun possessed was uncased, unloaded, and the ammunition for the weapon was immediately accessible at the time of the offense and the person possessing the pistol, revolver, or handgun has not been issued a currently valid license under the Firearm Concealed Carry Act; or (C) the person possessing the firearm has not been issued a currently valid Firearm Owner's Identification Card; or (D) the person possessing the weapon was previously adjudicated a delinquent minor under the Juvenile Court Act of 1987 for an act that if committed by an adult would be a felony; or (E) the person possessing the weapon was engaged in a misdemeanor violation of the Cannabis Control Act, in a misdemeanor violation of the Illinois Controlled Substances Act, or in a misdemeanor violation of the Methamphetamine Control and Community Protection Act; or (F) (blank); or (G) the person possessing the weapon had an order of protection issued against him or her within the previous 2 years; or (H) the person possessing the weapon was engaged in the commission or attempted commission of a misdemeanor involving the use or threat of violence against the person or property of another; or (I) the person possessing the weapon was under 21 years of age and in possession of a handgun, unless the person under 21 is engaged in lawful activities under the Wildlife Code or described in subsection 24-2(b)(1), (b)(3), or 24-2(f). (a-5) "Handgun" as used in this Section has the meaning given to it in Section 5 of the Firearm Concealed Carry Act.

(b) "Stun gun or taser" as used in this Section has the same definition given to it in Section 24-1 of this Code.

(c) This Section does not apply to or affect the transportation or possession of weapons that:

(i) are broken down in a non-functioning state; or (ii) are not immediately accessible; or (iii) are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person who has been issued a currently valid Firearm Owner's Identification Card.

(d) Sentence.

(1) Aggravated unlawful possession of a weapon is a Class 4 felony; a second or subsequent offense is a Class 2 felony for which the person shall be sentenced to a term of imprisonment of not less than 3 years and not more than 7 years, except as provided for in Section 5-4.5-110 of the Unified Code of Corrections.

(2) Except as otherwise provided in paragraphs

(3) and

(4) of this subsection (d), a first offense of aggravated unlawful possession of a weapon committed with a firearm by a person 18 years of age or older where the factors listed in both items (A) and (C) or both items (A-5) and (C) of paragraph (3) of subsection

(a) are present is a Class 4 felony, for which the person shall be sentenced to a term of imprisonment of not less than one year and not more than 3 years.

(3) Aggravated unlawful possession of a weapon by a person who has been previously convicted of a felony in this State or another jurisdiction is a Class 2 felony for which the person shall be sentenced to a term of imprisonment of not less than 3 years and not more than 7 years, except as provided for in Section 5-4.5-110 of the Unified Code of Corrections.

(4) Aggravated unlawful possession of a weapon while wearing or in possession of body armor as defined in Section 33F-1 by a person who has not been issued a valid Firearms Owner's Identification Card in accordance with Section 5 of the Firearm Owners Identification Card Act is a Class X felony.

(e) The possession of each firearm in violation of this Section constitutes a single and separate violation.

720 ILCS 5/24-1.7 — Unlawful possession of a firearm by a repeat felony offender

Sec. 24-1.7. Unlawful possession of a firearm by a repeat felony offender.

(a) A person commits the offense of unlawful possession of a firearm by a repeat felony offender if he or she receives, sells, possesses, or transfers any firearm after having been convicted a total of 2 or more times of any combination of the following offenses:

(1) a forcible felony as defined in Section 2-8 of this Code;

(2) unlawful possession of a weapon by a felon; aggravated unlawful possession of a weapon; aggravated discharge of a firearm; vehicular hijacking; aggravated vehicular hijacking; aggravated battery of a child as described in Section 12-4.3 or subdivision (b)(1) of Section 12-3.05; intimidation; aggravated intimidation; gunrunning; home invasion; or aggravated battery with a firearm as described in Section 12-4.2 or subdivision (e)(1), (e)(2), (e)(3), or (e)(4) of Section 12-3.05; or

(3) any violation of the Illinois Controlled Substances Act or the Cannabis Control Act that is punishable as a Class 3 felony or higher.

(b) Sentence. Unlawful possession of a firearm by a repeat felony offender is a Class X felony.

720 ILCS 5/24-1.8 — Unlawful possession of a firearm by a street gang member

Sec. 24-1.8. Unlawful possession of a firearm by a street gang member.

(a) A person commits unlawful possession of a firearm by a street gang member when he or she knowingly:

(1) possesses, carries, or conceals on or about his or her person a firearm and firearm ammunition while on any street, road, alley, gangway, sidewalk, or any other lands, except when inside his or her own abode or inside his or her fixed place of business, and has not been issued a currently valid Firearm Owner's Identification Card and is a member of a street gang; or

(2) possesses or carries in any vehicle a firearm and firearm ammunition which are both immediately accessible at the time of the offense while on any street, road, alley, or any other lands, except when inside his or her own abode or garage, and has not been issued a currently valid Firearm Owner's Identification Card and is a member of a street gang.

(b) Unlawful possession of a firearm by a street gang member is a Class 2 felony for which the person, if sentenced to a term of imprisonment, shall be sentenced to no less than 3 years and no more than 10 years. A period of probation, a term of periodic imprisonment or conditional discharge shall not be imposed for the offense of unlawful possession of a firearm by a street gang member when the firearm was loaded or contained firearm ammunition and the court shall sentence the offender to not less than the minimum term of imprisonment authorized for the Class 2 felony.

(c) For purposes of this Section: "Street gang" or "gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act. "Street gang member" or "gang member" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

720 ILCS 5/24-1.9 — Manufacture, possession, delivery, sale, and purchase of assault weapons,

Sec. 24-1.9. Manufacture, possession, delivery, sale, and purchase of assault weapons, .50 caliber rifles, and .50 caliber cartridges.

(a) Definitions. In this Section:

(1) "Assault weapon" means any of the following, except as provided in subdivision

(2) of this subsection: (A) A semiautomatic rifle that has the capacity to accept a detachable magazine or that may be readily modified to accept a detachable magazine, if the firearm has one or more of the following:

(i) a pistol grip or thumbhole stock; (ii) any feature capable of functioning as a protruding grip that can be held by the non-trigger hand; (iii) a folding, telescoping, thumbhole, or detachable stock, or a stock that is otherwise foldable or adjustable in a manner that operates to reduce the length, size, or any other dimension, or otherwise enhances the concealability of, the weapon; (iv) a flash suppressor;

(v) a grenade launcher; (vi) a shroud attached to the barrel or that partially or completely encircles the barrel, allowing the bearer to hold the firearm with the non-trigger hand without being burned, but excluding a slide that encloses the barrel.

(B) A semiautomatic rifle that has a fixed magazine with the capacity to accept more than 10 rounds, except for an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition. (C) A semiautomatic pistol that has the capacity to accept a detachable magazine or that may be readily modified to accept a detachable magazine, if the firearm has one or more of the following:

(i) a threaded barrel; (ii) a second pistol grip or another feature capable of functioning as a protruding grip that can be held by the non-trigger hand; (iii) a shroud attached to the barrel or that partially or completely encircles the barrel, allowing the bearer to hold the firearm with the non-trigger hand without being burned, but excluding a slide that encloses the barrel; (iv) a flash suppressor;

(v) the capacity to accept a detachable magazine at some location outside of the pistol grip; or (vi) a buffer tube, arm brace, or other part that protrudes horizontally behind the pistol grip and is designed or redesigned to allow or facilitate a firearm to be fired from the shoulder. (D) A semiautomatic pistol that has a fixed magazine with the capacity to accept more than 15 rounds. (E) Any shotgun with a revolving cylinder. (F) A semiautomatic shotgun that has one or more of the following:

(i) a pistol grip or thumbhole stock; (ii) any feature capable of functioning as a protruding grip that can be held by the non-trigger hand; (iii) a folding or thumbhole stock; (iv) a grenade launcher;

(v) a fixed magazine with the capacity of more than 5 rounds; or (vi) the capacity to accept a detachable magazine. (G) Any semiautomatic firearm that has the capacity to accept a belt ammunition feeding device. (H) Any firearm that has been modified to be operable as an assault weapon as defined in this Section. (I) Any part or combination of parts designed or intended to convert a firearm into an assault weapon, including any combination of parts from which an assault weapon may be readily assembled if those parts are in the possession or under the control of the same person.

(J) All of the following rifles, copies, duplicates, variants, or altered facsimiles with the capability of any such weapon:

(i) All AK types, including the following: (I) AK, AK47, AK47S, AK-74, AKM, AKS, ARM, MAK90, MISR, NHM90, NHM91, SA85, SA93, Vector Arms AK-47, VEPR, WASR-10, and WUM. (II) IZHMAH Saiga AK. (III) MAADI AK47 and ARM. (IV) Norinco 56S, 56S2, 84S, and 86S. (V) Poly Technologies AK47 and AKS. (VI) SKS with a detachable magazine. (ii) all AR types, including the following: (I) AR-10. (II) AR-15. (III) Alexander Arms Overmatch Plus 16. (IV) ArmaLite M15 22LR Carbine. (V) ArmaLite M15-T. (VI) Barrett REC7. (VII) Beretta AR-70. (VIII) Black Rain Ordnance Recon Scout. (IX) Bushmaster ACR. (X) Bushmaster Carbon 15. (XI) Bushmaster MOE series. (XII) Bushmaster XM15. (XIII) Chiappa Firearms MFour rifles. (XIV) Colt Match Target rifles. (XV) CORE Rifle Systems CORE15 rifles. (XVI) Daniel Defense M4A1 rifles. (XVII) Devil Dog Arms 15 Series rifles. (XVIII) Diamondback DB15 rifles. (XIX) DoubleStar AR rifles. (XX) DPMS Tactical rifles. (XXI) DSA Inc. ZM-4 Carbine. (XXII) Heckler & Koch MR556. (XXIII) High Standard HSA-15 rifles. (XXIV) Jesse James Nomad AR-15 rifle. (XXV) Knight's Armament SR-15. (XXVI) Lancer L15 rifles. (XXVII) MGI Hydra Series rifles. (XXVIII) Mossberg MMR Tactical rifles. (XXIX) Noreen Firearms BN 36 rifle. (XXX) Olympic Arms. (XXXI) POF USA P415. (XXXII) Precision Firearms AR rifles. (XXXIII) Remington R-15 rifles. (XXXIV) Rhino Arms AR rifles.

(XXXV) Rock River Arms LAR-15 or Rock River Arms LAR-47. (XXXVI) Sig Sauer SIG516 rifles and MCX rifles. (XXXVII) Smith & Wesson M&P15 rifles. (XXXVIII) Stag Arms AR rifles. (XXXIX) Sturm, Ruger & Co. SR556 and AR-556 rifles. (XL) Uselton Arms Air-Lite M-4 rifles. (XLI) Windham Weaponry AR rifles. (XLII) WMD Guns Big Beast. (XLIII) Yankee Hill Machine Company, Inc. YHM-15 rifles. (iii) Barrett M107A1. (iv) Barrett M82A1.

(v) Beretta CX4 Storm. (vi) Calico Liberty Series. (vii) CETME Sporter. (viii) Daewoo K-1, K-2, Max 1, Max 2, AR 100, and AR 110C. (ix) Fabrique Nationale/FN Herstal FAL, LAR, 22 FNC, 308 Match, L1A1 Sporter, PS90, SCAR, and FS2000.

(x) Feather Industries AT-9. (xi) Galil Model AR and Model ARM. (xii) Hi-Point Carbine. (xiii) HK-91, HK-93, HK-94, HK-PSG-1, and HK USC. (xiv) IWI TAVOR, Galil ACE rifle. (xv) Kel-Tec Sub-2000, SU-16, and RFB. (xvi) SIG AMT, SIG PE-57, Sig Sauer SG 550, Sig Sauer SG 551, and SIG MCX. (xvii) Springfield Armory SAR-48. (xviii) Steyr AUG. (xix) Sturm, Ruger & Co. Mini-14 Tactical Rifle M-14/20CF. (xx) All Thompson rifles, including the following: (I) Thompson M1SB. (II) Thompson T1100D. (III) Thompson T150D. (IV) Thompson T1B. (V) Thompson T1B100D. (VI) Thompson T1B50D. (VII) Thompson T1BSB. (VIII) Thompson T1-C. (IX) Thompson T1D. (X) Thompson T1SB. (XI) Thompson T5. (XII) Thompson T5100D. (XIII) Thompson TM1. (XIV) Thompson TM1C. (xxi) UMAREX UZI rifle. (xxii) UZI Mini Carbine, UZI Model A Carbine, and UZI Model B Carbine. (xxiii) Valmet M62S, M71S, and M78. (xxiv) Vector Arms UZI Type. (xxv) Weaver Arms Nighthawk. (xxvi) Wilkinson Arms Linda Carbine. (K) All of the following pistols, copies, duplicates, variants, or altered facsimiles with the capability of any such weapon thereof:

(i) All AK types, including the following: (I) Centurion 39 AK pistol. (II) CZ Scorpion pistol. (III) Draco AK-47 pistol. (IV) HCR AK-47 pistol. (V) IO Inc. Hellpup AK-47 pistol. (VI) Krinkov pistol. (VII) Mini Draco AK-47 pistol. (VIII) PAP M92 pistol. (IX) Yugo Krebs Krink pistol. (ii) All AR types, including the following: (I) American Spirit AR-15 pistol. (II) Bushmaster Carbon 15 pistol. (III) Chiappa Firearms M4 Pistol GEN II. (IV) CORE Rifle Systems CORE15 Roscoe pistol. (V) Daniel Defense MK18 pistol. (VI) DoubleStar Corporation AR pistol. (VII) DPMS AR-15 pistol. (VIII) Jesse James Nomad AR-15 pistol. (IX) Olympic Arms AR-15 pistol. (X) Osprey Armament MK-18 pistol. (XI) POF USA AR pistols. (XII) Rock River Arms LAR 15 pistol. (XIII) Uselton Arms Air-Lite M-4 pistol. (iii) Calico pistols. (iv) DSA SA58 PKP FAL pistol.

(v) Encom MP-9 and MP-45. (vi) Heckler & Koch model SP-89 pistol. (vii) Intratec AB-10, TEC-22 Scorpion, TEC-9, and TEC-DC9. (viii) IWI Galil Ace pistol, UZI PRO pistol. (ix) Kel-Tec PLR 16 pistol.

(x) All MAC types, including the following: (I) MAC-10. (II) MAC-11. (III) Masterpiece Arms MPA A930 Mini Pistol, MPA460 Pistol, MPA Tactical Pistol, and MPA Mini Tactical Pistol. (IV) Military Armament Corp. Ingram M-11. (V) Velocity Arms VMAC. (xi) Sig Sauer P556 pistol. (xii) Sites Spectre. (xiii) All Thompson types, including the following: (I) Thompson TA510D. (II) Thompson TA5. (xiv) All UZI types, including Micro-UZI. (L) All of the following shotguns, copies, duplicates, variants, or altered facsimiles with the capability of any such weapon thereof:

(i) DERYA Anakon MC-1980, Anakon SD12. (ii) Doruk Lethal shotguns. (iii) Franchi LAW-12 and SPAS 12. (iv) All IZHMASH Saiga 12 types, including the following: (I) IZHMASH Saiga 12. (II) IZHMASH Saiga 12S. (III) IZHMASH Saiga 12S EXP-01. (IV) IZHMASH Saiga 12K. (V) IZHMASH Saiga 12K-030. (VI) IZHMASH Saiga 12K-040 Taktika.

(v) Streetsweeper. (vi) Striker 12.

(2) "Assault weapon" does not include: (A) Any firearm that is an unserviceable firearm or has been made permanently inoperable. (B) An antique firearm or a replica of an antique firearm. (C) A firearm that is manually operated by bolt, pump, lever or slide action, unless the firearm is a shotgun with a revolving cylinder. (D) Any air rifle as defined in Section 24.8-0.1 of this Code. (E) Any handgun, as defined under the Firearm Concealed Carry Act, unless otherwise listed in this Section.

(3) "Assault weapon attachment" means any device capable of being attached to a firearm that is specifically designed for making or converting a firearm into any of the firearms listed in paragraph

(1) of this subsection (a).

(4) "Antique firearm" has the meaning ascribed to it in 18 U.S.C. 921(a)(16).

(5) ".50 caliber rifle" means a centerfire rifle capable of firing a .50 caliber cartridge. The term does not include any antique firearm, any shotgun including a shotgun that has a rifle barrel, or any muzzle-loader which uses black powder for hunting or historical reenactments.

(6) ".50 caliber cartridge" means a cartridge in .50 BMG caliber, either by designation or actual measurement, that is capable of being fired from a centerfire rifle. The term ".50 caliber cartridge" does not include any memorabilia or display item that is filled with a permanent inert substance or that is otherwise permanently altered in a manner that prevents

ready modification for use as live ammunition or shotgun ammunition with a caliber measurement that is equal to or greater than .50 caliber.

(7) "Detachable magazine" means an ammunition feeding device that may be removed from a firearm without disassembly of the firearm action, including an ammunition feeding device that may be readily removed from a firearm with the use of a bullet, cartridge, accessory, or other tool, or any other object that functions as a tool, including a bullet or cartridge.

(8) "Fixed magazine" means an ammunition feeding device that is permanently attached to a firearm, or contained in and not removable from a firearm, or that is otherwise not a detachable magazine, but does not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition.

(b) Except as provided in subsections (c), (d), and (e), on or after January 10, 2023 (the effective date of Public Act 102-1116), it is unlawful for any person within this State to knowingly manufacture, deliver, sell, import, or purchase or cause to be manufactured, delivered, sold, imported, or purchased by another, an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge.

(c) Except as otherwise provided in subsection (d), beginning January 1, 2024, it is unlawful for any person within this State to knowingly possess an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge.

(d) This Section does not apply to a person's possession of an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge device if the person lawfully possessed that assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge prohibited by subsection

(c) of this Section, if the person has provided in an endorsement affidavit, prior to January 1, 2024, under oath or affirmation and in the form and manner prescribed by the Illinois State Police, no later than October 1, 2023:

(1) the affiant's Firearm Owner's Identification Card number;

(2) an affirmation that the affiant:

(i) possessed an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge before January 10, 2023 (the effective date of Public Act 102-1116); or (ii) inherited the assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge from a person with an endorsement under this Section or from a person authorized under subdivisions

(1) through

(5) of subsection

(e) to possess the assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge; and

(3) the make, model, caliber, and serial number of the .50 caliber rifle or assault weapon or assault weapons listed in paragraphs (J), (K), and (L) of subdivision

(1) of subsection

(a) of this Section possessed by the affiant prior to January 10, 2023 (the effective date of Public Act 102-1116) and any assault weapons identified and published by the Illinois State Police pursuant to this subdivision (3). No later than October 1, 2023, and every October 1 thereafter, the Illinois State Police shall, via rulemaking, identify, publish, and make available on its website, the list of assault weapons subject to an endorsement affidavit under this subsection (d). The list shall identify, but is not limited to, the copies, duplicates, variants, and altered facsimiles of the assault weapons identified in paragraphs (J), (K), and (L) of subdivision

(1) of subsection

(a) of this Section and shall be consistent with the definition of "assault weapon" identified in this Section. The Illinois State Police may adopt emergency rulemaking in accordance with Section 5-45 of the Illinois Administrative Procedure Act. The adoption of emergency rules authorized by Section 5-45 of the Illinois Administrative Procedure Act and this paragraph is deemed to be necessary for the public interest, safety, and welfare. The affidavit form shall include the following statement printed in bold type: "Warning: Entering false information on this form is punishable as perjury under Section 32-2 of the Criminal Code of 2012. Entering false information on this form is a violation of the Firearm Owners Identification Card Act." In any administrative, civil, or criminal proceeding in this State, a completed endorsement affidavit submitted to the Illinois State Police by a person under this Section creates a rebuttable presumption that the person is entitled to possess and transport the assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber

cartridge. Beginning 90 days after January 10, 2023 (the effective date of Public Act 102-1116), a person authorized under this Section to possess an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge shall possess such items only:

- (1) on private property owned or immediately controlled by the person;
- (2) on private property that is not open to the public with the express permission of the person who owns or immediately controls such property;
- (3) while on the premises of a licensed firearms dealer or gunsmith for the purpose of lawful repair;
- (4) while engaged in the legal use of the assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge at a properly licensed firing range or sport shooting competition venue; or
- (5) while traveling to or from these locations, provided that the assault weapon, assault weapon attachment, or .50 caliber rifle is unloaded and the assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge is enclosed in a case, firearm carrying box, shipping box, or other container. Beginning on January 1, 2024, the person with the endorsement for an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge or a person authorized under subdivisions

(1) through

(5) of subsection

(e) to possess an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge may transfer the assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge only to an heir, an individual residing in another state maintaining it in another state, or a dealer licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968. Within 10 days after transfer of the weapon except to an heir, the person shall notify the Illinois State Police of the name and address of the transferee and comply with the requirements of subsection

(b) of Section 3 of the Firearm Owners Identification Card Act. The person to whom the weapon or ammunition is transferred shall, within 60 days of the transfer, complete an affidavit required under this Section. A person to whom the weapon is transferred may transfer it only as provided in this subsection. Except as provided in subsection

(e) and beginning on January 1, 2024, any person who moves into this State in possession of an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge shall, within 60 days, apply for a Firearm Owners Identification Card and complete an endorsement application as outlined in subsection (d). Notwithstanding any other law, information contained in the endorsement affidavit shall be confidential, is exempt from disclosure under the Freedom of Information Act, and shall not be disclosed, except to law enforcement agencies acting in the performance of their duties.

(e) The provisions of this Section regarding the purchase or possession of assault weapons, assault weapon attachments, .50 caliber rifles, and .50 cartridges, as well as the provisions of this Section that prohibit causing those items to be purchased or possessed, do not apply to:

- (1) Peace officers, as defined in Section 2-13 of this Code.
 - (2) Qualified law enforcement officers and qualified retired law enforcement officers as defined in the Law Enforcement Officers Safety Act of 2004 (18 U.S.C. 926B and 926C) and as recognized under Illinois law.
 - (3) Acquisition and possession by a federal, State, or local law enforcement agency for the purpose of equipping the agency's peace officers as defined in paragraph
- (1) or
 - (2) of this subsection (e).
 - (4) Wardens, superintendents, and keepers of prisons, penitentiaries, jails, and other institutions for the detention of persons accused or convicted of an offense.
 - (5) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while performing their official duties or while traveling to or from their places of duty.
 - (6) Any company that employs armed security officers in this State at a nuclear energy, storage, weapons, or development site or facility regulated by the federal Nuclear Regulatory Commission and any person employed as an armed security force member at a nuclear energy, storage, weapons, or development site or facility regulated by the federal Nuclear Regulatory Commission who has completed the background screening and training mandated by the rules and regulations of the federal Nuclear Regulatory Commission and while performing official duties.

(7) Any private security contractor agency licensed under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 that employs private security contractors and any private security contractor who is licensed and has been issued a firearm control card under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 while performing official duties. The provisions of this Section do not apply to the manufacture, delivery, sale, import, purchase, or possession of an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge or causing the manufacture, delivery, sale, importation, purchase, or possession of those items: (A) for sale or transfer to persons authorized under subdivisions

(1) through

(7) of this subsection

(e) to possess those items; (B) for sale or transfer to the United States or any department or agency thereof; or (C) for sale or transfer in another state or for export. This Section does not apply to or affect any of the following:

(i) Possession of any firearm if that firearm is sanctioned by the International Olympic Committee and by USA Shooting, the national governing body for international shooting competition in the United States, but only when the firearm is in the actual possession of an Olympic target shooting competitor or target shooting coach for the purpose of storage, transporting to and from Olympic target shooting practice or events if the firearm is broken down in a nonfunctioning state, is not immediately accessible, or is unloaded and enclosed in a firearm case, carrying box, shipping box, or other similar portable container designed for the safe transportation of firearms, and when the Olympic target shooting competitor or target shooting coach is engaging in those practices or events. For the purposes of this paragraph (8), "firearm" has the meaning provided in Section 1.1 of the Firearm Owners Identification Card Act. (ii) Any nonresident who transports, within 24 hours, a weapon for any lawful purpose from any place where the nonresident may lawfully possess and carry that weapon to any other place where the nonresident may lawfully possess and carry that weapon if, during the transportation, the weapon is unloaded, and neither the weapon nor any ammunition being transported is readily accessible or is directly accessible from the passenger compartment of the transporting vehicle. In the case of a vehicle without a compartment separate from the driver's compartment, the weapon or ammunition shall be contained in a locked container other than the glove compartment or console. (iii) Possession of a weapon at an event taking place at the World Shooting and Recreational Complex at Sparta, only while engaged in the legal use of the weapon, or while traveling to or from that location if the weapon is broken down in a nonfunctioning state, is not immediately accessible, or is unloaded and enclosed in a firearm case, carrying box, shipping box, or other similar portable container designed for the safe transportation of firearms. (iv) Possession of a weapon only for hunting use expressly permitted under the Wildlife Code, or while traveling to or from a location authorized for this hunting use under the Wildlife Code if the weapon is broken down in a nonfunctioning state, is not immediately accessible, or is unloaded and enclosed in a firearm case, carrying box, shipping box, or other similar portable container designed for the safe transportation of firearms. By October 1, 2023, the Illinois State Police, in consultation with the Department of Natural Resources, shall adopt rules concerning the list of applicable weapons approved under this subparagraph (iv). The Illinois State Police may adopt emergency rules in accordance with Section 5-45 of the Illinois Administrative Procedure Act. The adoption of emergency rules authorized by Section 5-45 of the Illinois Administrative Procedure Act and this paragraph is deemed to be necessary for the public interest, safety, and welfare.

(v) The manufacture, transportation, possession, sale, or rental of blank-firing assault weapons and .50 caliber rifles, or the weapon's respective attachments, to persons authorized or permitted, or both authorized and permitted, to acquire and possess these weapons or attachments for the purpose of rental for use solely as props for a motion picture, television, or video production or entertainment event. Any person not subject to this Section may submit an endorsement affidavit if the person chooses.

(f) Any sale or transfer with a background check initiated to the Illinois State Police on or before January 10, 2023 (the effective date of Public Act 102-1116) is allowed to be completed after January 10, 2023 once an approval is issued by the Illinois State Police and any applicable waiting period under Section 24-3 has expired.

(g) The Illinois State Police shall take all steps necessary to carry out the requirements of this Section by October 1, 2023.

(h) The Illinois State Police shall also develop and implement a public notice and public outreach campaign to promote awareness about the provisions of Public Act 102-1116 and to increase compliance with this Section.

720 ILCS 5/24-1.10 — Manufacture, delivery, sale, and possession of large capacity ammunition feeding devices

Sec. 24-1.10. Manufacture, delivery, sale, and possession of large capacity ammunition feeding devices.

(a) In this Section: "Handgun" has the meaning ascribed to it in the Firearm Concealed Carry Act. "Long gun" means a rifle or shotgun. "Large capacity ammunition feeding device" means:

(1) a magazine, belt, drum, feed strip, or similar device that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition for long guns and more than 15 rounds of ammunition for handguns; or

(2) any combination of parts from which a device described in paragraph

(1) can be assembled. "Large capacity ammunition feeding device" does not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition. "Large capacity ammunition feeding device" does not include a tubular magazine that is contained in a lever-action firearm or any device that has been made permanently inoperable.

(b) Except as provided in subsections

(e) and (f), it is unlawful for any person within this State to knowingly manufacture, deliver, sell, purchase, or cause to be manufactured, delivered, sold, or purchased a large capacity ammunition feeding device.

(c) Except as provided in subsections (d), (e), and (f), and beginning 90 days after January 10, 2023 (the effective date of Public Act 102-1116), it is unlawful to knowingly possess a large capacity ammunition feeding device.

(d) Subsection

(c) does not apply to a person's possession of a large capacity ammunition feeding device if the person lawfully possessed that large capacity ammunition feeding device before January 10, 2023 (the effective date of Public Act 102-1116), provided that the person shall possess such device only:

(1) on private property owned or immediately controlled by the person;

(2) on private property that is not open to the public with the express permission of the person who owns or immediately controls such property;

(3) while on the premises of a licensed firearms dealer or gunsmith for the purpose of lawful repair;

(4) while engaged in the legal use of the large capacity ammunition feeding device at a properly licensed firing range or sport shooting competition venue; or

(5) while traveling to or from these locations, provided that the large capacity ammunition feeding device is stored unloaded and enclosed in a case, firearm carrying box, shipping box, or other container. A person authorized under this Section to possess a large capacity ammunition feeding device may transfer the large capacity ammunition feeding device only to an heir, an individual residing in another state maintaining it in another state, or a dealer licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968. Within 10 days after transfer of the large capacity ammunition feeding device except to an heir, the person shall notify the Illinois State Police of the name and address of the transferee and comply with the requirements of subsection

(b) of Section 3 of the Firearm Owners Identification Card Act. The person to whom the large capacity ammunition feeding device is transferred shall, within 60 days of the transfer, notify the Illinois State Police of the person's acquisition and comply with the requirements of subsection

(b) of Section 3 of the Firearm Owners Identification Card Act. A person to whom the large capacity ammunition feeding device is transferred may transfer it only as provided in this subsection. Except as provided in subsections

(e) and

(f) and beginning 90 days after January 10, 2023 (the effective date of Public Act 102-1116), any person who moves into this State in possession of a large capacity ammunition feeding device shall, within 60 days, apply for a Firearm Owners Identification Card.

(e) The provisions of this Section regarding the purchase or possession of large capacity ammunition feeding devices, as well as the provisions of this Section that prohibit causing those items to be purchased or possessed, do not apply to:

(1) Peace officers as defined in Section 2-13 of this Code.

(2) Qualified law enforcement officers and qualified retired law enforcement officers as defined in the Law Enforcement Officers Safety Act of 2004 (18 U.S.C. 926B and 926C) and as recognized under Illinois law.

(3) A federal, State, or local law enforcement agency for the purpose of equipping the agency's peace officers as defined in paragraph

(1) or

(2) of this subsection (e).

(4) Wardens, superintendents, and keepers of prisons, penitentiaries, jails, and other institutions for the detention of persons accused or convicted of an offense.

(5) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while performing their official duties or while traveling to or from their places of duty.

(6) Any company that employs armed security officers in this State at a nuclear energy, storage, weapons, or development site or facility regulated by the federal Nuclear Regulatory Commission and any person employed as an armed security force member at a nuclear energy, storage, weapons, or development site or facility regulated by the federal Nuclear Regulatory Commission who has completed the background screening and training mandated by the rules and regulations of the federal Nuclear Regulatory Commission and while performing official duties.

(7) Any private security contractor agency licensed under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 that employs private security contractors and any private security contractor who is licensed and has been issued a firearm control card under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 while performing official duties.

(f) This Section does not apply to or affect any of the following:

(1) Manufacture, delivery, sale, importation, purchase, or possession or causing to be manufactured, delivered, sold, imported, purchased, or possessed a large capacity ammunition feeding device: (A) for sale or transfer to persons authorized under subdivisions

(1) through

(7) of subsection

(e) to possess those items; (B) for sale or transfer to the United States or any department or agency thereof; or (C) for sale or transfer in another state or for export.

(2) Sale or rental of large capacity ammunition feeding devices for blank-firing assault weapons and .50 caliber rifles, to persons authorized or permitted, or both authorized and permitted, to acquire these devices for the purpose of rental for use solely as props for a motion picture, television, or video production or entertainment event.

(g) Sentence. A person who knowingly manufactures, delivers, sells, purchases, possesses, or causes to be manufactured, delivered, sold, possessed, or purchased in violation of this Section a large capacity ammunition feeding device capable of holding more than 10 rounds of ammunition for long guns or more than 15 rounds of ammunition for handguns commits a petty offense with a fine of \$1,000 for each violation.

(h) The Illinois State Police shall also develop and implement a public notice and public outreach campaign to promote awareness about the provisions of Public Act 102-1116 and to increase compliance with this Section.

720 ILCS 5/24-2 — Exemptions

Sec. 24-2. Exemptions.

(a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of the following:

(1) Peace officers, and any person summoned by a peace officer to assist in making arrests or preserving the peace, while actually engaged in assisting such officer.

(2) Wardens, superintendents, and keepers of prisons, penitentiaries, jails, and other institutions for the detention of persons accused or convicted of an offense, while in the performance of their official duty, or while commuting between their homes and places of employment.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard or the Reserve Officers Training Corps, while in the performance of their official duty.

(4) Special agents employed by a railroad or a public utility to perform police functions, and guards of armored car companies, while actually engaged in the performance of the duties of their employment or commuting between their

homes and places of employment; and watchmen while actually engaged in the performance of the duties of their employment.

(5) Persons licensed as private security contractors, private detectives, or private alarm contractors, or employed by a private security contractor, private detective, or private alarm contractor agency licensed by the Department of Financial and Professional Regulation, if their duties include the carrying of a weapon under the provisions of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004, while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment. A person shall be considered eligible for this exemption if he or she has completed the required 20 hours of training for a private security contractor, private detective, or private alarm contractor, or employee of a licensed private security contractor, private detective, or private alarm contractor agency and 28 hours of required firearm training, and has been issued a firearm control card by the Department of Financial and Professional Regulation. Conditions for the renewal of firearm control cards issued under the provisions of this Section shall be the same as for those cards issued under the provisions of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. The firearm control card shall be carried by the private security contractor, private detective, or private alarm contractor, or employee of the licensed private security contractor, private detective, or private alarm contractor agency at all times when he or she is in possession of a concealable weapon permitted by his or her firearm control card.

(6) Any person regularly employed in a commercial or industrial operation as a security guard for the protection of persons employed and private property related to such commercial or industrial operation, while actually engaged in the performance of his or her duty or traveling between sites or properties belonging to the employer, and who, as a security guard, is a member of a security force registered with the Department of Financial and Professional Regulation; provided that such security guard has successfully completed a course of study, approved by and supervised by the Department of Financial and Professional Regulation, consisting of not less than 48 hours of training that includes the theory of law enforcement, liability for acts, and the handling of weapons. A person shall be considered eligible for this exemption if he or she has completed the required 20 hours of training for a security officer and 28 hours of required firearm training, and has been issued a firearm control card by the Department of Financial and Professional Regulation. Conditions for the renewal of firearm control cards issued under the provisions of this Section shall be the same as for those cards issued under the provisions of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. The firearm control card shall be carried by the security guard at all times when he or she is in possession of a concealable weapon permitted by his or her firearm control card.

(7) Agents and investigators of the Illinois Legislative Investigating Commission authorized by the Commission to carry the weapons specified in subsections 24-1(a)(3) and 24-1(a)(4), while on duty in the course of any investigation for the Commission.

(8) Persons employed by a financial institution as a security guard for the protection of other employees and property related to such financial institution, while actually engaged in the performance of their duties, commuting between their homes and places of employment, or traveling between sites or properties owned or operated by such financial institution, and who, as a security guard, is a member of a security force registered with the Department; provided that any person so employed has successfully completed a course of study, approved by and supervised by the Department of Financial and Professional Regulation, consisting of not less than 48 hours of training which includes theory of law enforcement, liability for acts, and the handling of weapons. A person shall be considered to be eligible for this exemption if he or she has completed the required 20 hours of training for a security officer and 28 hours of required firearm training, and has been issued a firearm control card by the Department of Financial and Professional Regulation. Conditions for renewal of firearm control cards issued under the provisions of this Section shall be the same as for those issued under the provisions of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. The firearm control card shall be carried by the security guard at all times when he or she is in possession of a concealable weapon permitted by his or her firearm control card. For purposes of this subsection, "financial institution" means a bank, savings and loan association, credit union, or company providing armored car services.

(9) Any person employed by an armored car company to drive an armored car, while actually engaged in the performance of his duties.

(10) Persons who have been classified as peace officers pursuant to the Peace Officer Fire Investigation Act.

(11) Investigators of the Office of the State's Attorneys Appellate Prosecutor authorized by the board of governors of the Office of the State's Attorneys Appellate Prosecutor to carry weapons pursuant to Section 7.06 of the State's Attorneys

Appellate Prosecutor's Act.

(12) Special investigators appointed by a State's Attorney under Section 3-9005 of the Counties Code. (12.5) Probation officers while in the performance of their duties, or while commuting between their homes, places of employment or specific locations that are part of their assigned duties, with the consent of the chief judge of the circuit for which they are employed, if they have received weapons training according to requirements of the Peace Officer and Probation Officer Firearm Training Act.

(13) Court security officers while in the performance of their official duties, or while commuting between their homes and places of employment, with the consent of the sheriff. (13.5) A person employed as an armed security guard at a nuclear energy, storage, weapons, or development site or facility regulated by the Nuclear Regulatory Commission who has completed the background screening and training mandated by the rules and regulations of the Nuclear Regulatory Commission.

(14) Manufacture, transportation, or sale of weapons to persons authorized under subdivisions

(1) through (13.5) of this subsection to possess those weapons. (a-5) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply to or affect any person carrying a concealed pistol, revolver, or handgun and the person has been issued a currently valid license under the Firearm Concealed Carry Act at the time of the commission of the offense. (a-6) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply to or affect a qualified current or retired law enforcement officer or a current or retired deputy, county correctional officer, or correctional officer of the Department of Corrections qualified under the laws of this State or under the federal Law Enforcement Officers Safety Act.

(b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section 24-1.6 do not apply to or affect any of the following:

(1) Members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, and patrons of such ranges, while such members or patrons are using their firearms on those target ranges.

(2) Duly authorized military or civil organizations while parading, with the special permission of the Governor.

(3) Hunters, trappers, or fishermen while engaged in lawful hunting, trapping, or fishing under the provisions of the Wildlife Code or the Fish and Aquatic Life Code.

(4) Transportation of weapons that are broken down in a non-functioning state or are not immediately accessible.

(5) Carrying or possessing any pistol, revolver, stun gun or taser or other firearm on the land or in the legal dwelling of another person as an invitee with that person's permission.

(c) Subsection 24-1(a)(7) does not apply to or affect any of the following:

(1) Peace officers while in performance of their official duties.

(2) Wardens, superintendents, and keepers of prisons, penitentiaries, jails, and other institutions for the detention of persons accused or convicted of an offense.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

(4) Manufacture, transportation, or sale of machine guns to persons authorized under subdivisions

(1) through

(3) of this subsection to possess machine guns, if the machine guns are broken down in a non-functioning state or are not immediately accessible.

(5) Persons licensed under federal law to manufacture any weapon from which 8 or more shots or bullets can be discharged by a single function of the firing device, or ammunition for such weapons, and actually engaged in the business of manufacturing such weapons or ammunition, but only with respect to activities which are within the lawful scope of such business, such as the manufacture, transportation, or testing of such weapons or ammunition. This exemption does not authorize the general private possession of any weapon from which 8 or more shots or bullets can be discharged by a single function of the firing device, but only such possession and activities as are within the lawful scope of a licensed manufacturing business described in this paragraph. During transportation, such weapons shall be broken down in a non-functioning state or not immediately accessible.

(6) The manufacture, transport, testing, delivery, transfer, or sale, and all lawful commercial or experimental activities necessary thereto, of rifles, shotguns, and weapons made from rifles or shotguns, or ammunition for such rifles, shotguns,

or weapons, where engaged in by a person operating as a contractor or subcontractor pursuant to a contract or subcontract for the development and supply of such rifles, shotguns, weapons, or ammunition to the United States government or any branch of the Armed Forces of the United States, when such activities are necessary and incident to fulfilling the terms of such contract. The exemption granted under this subdivision (c)(6) shall also apply to any authorized agent of any such contractor or subcontractor who is operating within the scope of his employment, where such activities involving such weapon, weapons, or ammunition are necessary and incident to fulfilling the terms of such contract.

(7) A person possessing a rifle with a barrel or barrels less than 16 inches in length if: (A) the person has been issued a Curios and Relics license from the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives; or (B) the person is an active member of a bona fide, nationally recognized military re-enacting group and the modification is required and necessary to accurately portray the weapon for historical re-enactment purposes; the re-enactor is in possession of a valid and current re-enacting group membership credential; and the overall length of the weapon as modified is not less than 26 inches.

(d) Subsection 24-1(a)(1) does not apply to the purchase, possession or carrying of a black-jack or slung-shot by a peace officer.

(e) Subsection 24-1(a)(8) does not apply to any owner, manager, or authorized employee of any place specified in that subsection nor to any law enforcement officer.

(f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and Section 24-1.6 do not apply to members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, while using their firearms on those target ranges.

(g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply to:

(1) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

(2) Bonafide collectors of antique or surplus military ordnance.

(3) Laboratories having a department of forensic ballistics or specializing in the development of ammunition or explosive ordnance.

(4) Commerce, preparation, assembly, or possession of explosive bullets by manufacturers of ammunition licensed by the federal government, in connection with the supply of those organizations and persons exempted by subdivision (g)(1) of this Section, or like organizations and persons outside this State, or the transportation of explosive bullets to any organization or person exempted in this Section by a common carrier or by a vehicle owned or leased by an exempted manufacturer. (g-5) Subsection 24-1(a)(6) does not apply to or affect persons licensed under federal law to manufacture any device or attachment of any kind designed, used, or intended for use in silencing the report of any firearm, firearms, or ammunition for those firearms equipped with those devices, and actually engaged in the business of manufacturing those devices, firearms, or ammunition, but only with respect to activities that are within the lawful scope of that business, such as the manufacture, transportation, or testing of those devices, firearms, or ammunition. This exemption does not authorize the general private possession of any device or attachment of any kind designed, used, or intended for use in silencing the report of any firearm, but only such possession and activities as are within the lawful scope of a licensed manufacturing business described in this subsection (g-5). During transportation, these devices shall be detached from any weapon or not immediately accessible. (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section 24-1.6 do not apply to or affect any parole agent or parole supervisor who meets the qualifications and conditions prescribed in Section 3-14-1.5 of the Unified Code of Corrections. (g-7) Subsection 24-1(a)(6) does not apply to a peace officer while serving as a member of a tactical response team or special operations team. A peace officer may not personally own or apply for ownership of a device or attachment of any kind designed, used, or intended for use in silencing the report of any firearm. These devices shall be owned and maintained by lawfully recognized units of government whose duties include the investigation of criminal acts. (g-10) (Blank).

(h) An information or indictment based upon a violation of any subsection of this Article need not negate any exemptions contained in this Article. The defendant shall have the burden of proving such an exemption.

(i) Nothing in this Article shall prohibit, apply to, or affect the transportation, carrying, or possession of any pistol or revolver, stun gun, taser, or other firearm consigned to a common carrier operating under license of the State of Illinois or the federal government, where such transportation, carrying, or possession is incident to the lawful transportation in which such common carrier is engaged; and nothing in this Article shall prohibit, apply to, or affect the transportation, carrying,

or possession of any pistol, revolver, stun gun, taser, or other firearm, not the subject of and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of this Article, which is unloaded and enclosed in a case, firearm carrying box, shipping box, or other container, by the possessor of a valid Firearm Owners Identification Card.

720 ILCS 5/24-2.1 — Unlawful possession of firearm projectiles

Sec. 24-2.1. Unlawful possession of firearm projectiles.

(a) A person commits the offense of unlawful possession of firearm projectiles when he or she knowingly manufactures, sells, purchases, possesses, or carries any armor piercing bullet, dragon's breath shotgun shell, bolo shell, or flechette shell. For the purposes of this Section: "Armor piercing bullet" means any handgun bullet or handgun ammunition with projectiles or projectile cores constructed entirely (excluding the presence of traces of other substances) from tungsten alloys, steel, iron, brass, bronze, beryllium copper or depleted uranium, or fully jacketed bullets larger than 22 caliber designed and intended for use in a handgun and whose jacket has a weight of more than 25% of the total weight of the projectile, and excluding those handgun projectiles whose cores are composed of soft materials such as lead or lead alloys, zinc or zinc alloys, frangible projectiles designed primarily for sporting purposes, and any other projectiles or projectile cores that the U. S. Secretary of the Treasury finds to be primarily intended to be used for sporting purposes or industrial purposes or that otherwise does not constitute "armor piercing ammunition" as that term is defined by federal law. The definition contained herein shall not be construed to include shotgun shells. "Dragon's breath shotgun shell" means any shotgun shell that contains exothermic pyrophoric mesh metal as the projectile and is designed for the purpose of throwing or spewing a flame or fireball to simulate a flame-thrower. "Bolo shell" means any shell that can be fired in a firearm and expels as projectiles 2 or more metal balls connected by solid metal wire. "Flechette shell" means any shell that can be fired in a firearm and expels 2 or more pieces of fin-stabilized solid metal wire or 2 or more solid dart-type projectiles.

(b) Exemptions. This Section does not apply to or affect any of the following:

(1) Peace officers.

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard while in the performance of their official duties.

(4) Federal officials required to carry firearms, while engaged in the performance of their official duties.

(5) United States Marshals, while engaged in the performance of their official duties.

(6) Persons licensed under federal law to manufacture, import, or sell firearms and firearm ammunition, and actually engaged in any such business, but only with respect to activities which are within the lawful scope of such business, such as the manufacture, transportation, or testing of such bullets or ammunition. This exemption does not authorize the general private possession of any armor piercing bullet, dragon's breath shotgun shell, bolo shell, or flechette shell, but only such possession and activities which are within the lawful scope of a licensed business described in this paragraph.

(7) Laboratories having a department of forensic ballistics or specializing in the development of ammunition or explosive ordnance.

(8) Manufacture, transportation, or sale of armor piercing bullets, dragon's breath shotgun shells, bolo shells, or flechette shells to persons specifically authorized under paragraphs

(1) through

(7) of this subsection to possess such bullets or shells.

(c) An information or indictment based upon a violation of this Section need not negate any exemption herein contained. The defendant shall have the burden of proving such an exemption.

(d) Sentence. A person convicted of unlawful possession of armor piercing bullets shall be guilty of a Class 3 felony.

720 ILCS 5/24-2.2

Sec. 24-2.2. Manufacture, sale or transfer of bullets or shells represented to be armor piercing bullets, dragon's breath shotgun shells, bolo shells, or flechette shells.

(a) Except as provided in subsection

(b) of this Section, it is unlawful for any person to knowingly manufacture, sell, offer to sell, or transfer any bullet or shell which is represented to be an armor piercing bullet, a dragon's breath shotgun shell, a bolo shell, or a flechette shell as defined in Section 24-2.1 of this Code.

(b) Exemptions. This Section does not apply to or affect any person authorized under Section 24-2.1 to manufacture, sell, purchase, possess, or carry any armor piercing bullet or any dragon's breath shotgun shell, bolo shell, or flechette shell with respect to activities which are within the lawful scope of the exemption therein granted.

(c) An information or indictment based upon a violation of this Section need not negate any exemption herein contained. The defendant shall have the burden of proving such an exemption and that the activities forming the basis of any criminal charge brought pursuant to this Section were within the lawful scope of such exemption.

(d) Sentence. A violation of this Section is a Class 4 felony.

720 ILCS 5/24-3 — Unlawful sale or delivery of firearms

Sec. 24-3. Unlawful sale or delivery of firearms. (A) A person commits the offense of unlawful sale or delivery of firearms when he or she knowingly does any of the following:

(a) Sells or gives any firearm of a size which may be concealed upon the person to any person under 18 years of age.

(b) Sells or gives any firearm to a person under 21 years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent.

(c) Sells or gives any firearm to any narcotic addict.

(d) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction.

(e) Sells or gives any firearm to any person who has been a patient in a mental institution within the past 5 years. In this subsection (e): "Mental institution" means any hospital, institution, clinic, evaluation facility, mental health center, or part thereof, which is used primarily for the care or treatment of persons with mental illness. "Patient in a mental institution" means the person was admitted, either voluntarily or involuntarily, to a mental institution for mental health treatment, unless the treatment was voluntary and solely for an alcohol abuse disorder and no other secondary substance abuse disorder or mental illness.

(f) Sells or gives any firearms to any person who is a person with an intellectual disability.

(g) Delivers any firearm, incidental to a sale, without withholding delivery of the firearm for at least 72 hours after application for its purchase has been made, or delivers a stun gun or taser, incidental to a sale, without withholding delivery of the stun gun or taser for at least 24 hours after application for its purchase has been made. However, this paragraph

(g) does not apply to:

(1) the sale of a firearm to a law enforcement officer if the seller of the firearm knows that the person to whom he or she is selling the firearm is a law enforcement officer or the sale of a firearm to a person who desires to purchase a firearm for use in promoting the public interest incident to his or her employment as a bank guard, armed truck guard, or other similar employment;

(2) a mail order sale of a firearm from a federally licensed firearms dealer to a nonresident of Illinois under which the firearm is mailed to a federally licensed firearms dealer outside the boundaries of Illinois;

(3) (blank);

(4) the sale of a firearm to a dealer licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923); or

(5) the transfer or sale of any rifle, shotgun, or other long gun to a resident registered competitor or attendee or non-resident registered competitor or attendee by any dealer licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968 at competitive shooting events held at the World Shooting Complex sanctioned by a national governing body. For purposes of transfers or sales under subparagraph

(5) of this paragraph (g), the Department of Natural Resources shall give notice to the Illinois State Police at least 30 calendar days prior to any competitive shooting events at the World Shooting Complex sanctioned by a national governing body. The notification shall be made on a form prescribed by the Illinois State Police. The sanctioning body

shall provide a list of all registered competitors and attendees at least 24 hours before the events to the Illinois State Police. Any changes to the list of registered competitors and attendees shall be forwarded to the Illinois State Police as soon as practicable. The Illinois State Police must destroy the list of registered competitors and attendees no later than 30 days after the date of the event. Nothing in this paragraph

(g) relieves a federally licensed firearm dealer from the requirements of conducting a NICS background check through the Illinois Point of Contact under 18 U.S.C. 922(t). For purposes of this paragraph (g), "application" means when the buyer and seller reach an agreement to purchase a firearm. For purposes of this paragraph (g), "national governing body" means a group of persons who adopt rules and formulate policy on behalf of a national firearm sporting organization.

(h) While holding any license as a dealer, importer, manufacturer or pawnbroker under the federal Gun Control Act of 1968, manufactures, sells or delivers to any unlicensed person a handgun having a barrel, slide, frame or receiver which is a die casting of zinc alloy or any other nonhomogeneous metal which will melt or deform at a temperature of less than 800 degrees Fahrenheit. For purposes of this paragraph,

(1) "firearm" is defined as in the Firearm Owners Identification Card Act; and

(2) "handgun" is defined as a firearm designed to be held and fired by the use of a single hand, and includes a combination of parts from which such a firearm can be assembled.

(i) Sells or gives a firearm of any size to any person under 18 years of age who does not possess a valid Firearm Owner's Identification Card.

(j) Sells or gives a firearm while engaged in the business of selling firearms at wholesale or retail without being licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923). In this paragraph

(j): A person "engaged in the business" means a person who devotes time, attention, and labor to engaging in the activity as a regular course of trade or business with the principal objective of livelihood and profit, but does not include a person who makes occasional repairs of firearms or who occasionally fits special barrels, stocks, or trigger mechanisms to firearms. "With the principal objective of livelihood and profit" means that the intent underlying the sale or disposition of firearms is predominantly one of obtaining livelihood and pecuniary gain, as opposed to other intents, such as improving or liquidating a personal firearms collection; however, proof of profit shall not be required as to a person who engages in the regular and repetitive purchase and disposition of firearms for criminal purposes or terrorism.

(k) Sells or transfers ownership of a firearm to a person who does not display to the seller or transferor of the firearm either:

(1) a currently valid Firearm Owner's Identification Card that has previously been issued in the transferee's name by the Illinois State Police under the provisions of the Firearm Owners Identification Card Act; or

(2) a currently valid license to carry a concealed firearm that has previously been issued in the transferee's name by the Illinois State Police under the Firearm Concealed Carry Act. This paragraph

(k) does not apply to the transfer of a firearm to a person who is exempt from the requirement of possessing a Firearm Owner's Identification Card under Section 2 of the Firearm Owners Identification Card Act. For the purposes of this Section, a currently valid Firearm Owner's Identification Card or license to carry a concealed firearm means receipt of an approval number issued in accordance with subsection (a-10) of Section 3 or Section 3.1 of the Firearm Owners Identification Card Act.

(1) In addition to the other requirements of this paragraph (k), all persons who are not federally licensed firearms dealers must also have complied with subsection (a-10) of Section 3 of the Firearm Owners Identification Card Act by determining the validity of a purchaser's Firearm Owner's Identification Card.

(2) All sellers or transferors who have complied with the requirements of subparagraph

(1) of this paragraph

(k) shall not be liable for damages in any civil action arising from the use or misuse by the transferee of the firearm transferred, except for willful or wanton misconduct on the part of the seller or transferor.

(l) Not being entitled to the possession of a firearm, delivers the firearm, knowing it to have been stolen or converted. It may be inferred that a person who possesses a firearm with knowledge that its serial number has been removed or altered has knowledge that the firearm is stolen or converted. (B) Paragraph

(h) of subsection (A) does not include firearms sold within 6 months after enactment of Public Act 78-355 (approved August 21, 1973, effective October 1, 1973), nor is any firearm legally owned or possessed by any citizen or purchased

by any citizen within 6 months after the enactment of Public Act 78-355 subject to confiscation or seizure under the provisions of that Public Act. Nothing in Public Act 78-355 shall be construed to prohibit the gift or trade of any firearm if that firearm was legally held or acquired within 6 months after the enactment of that Public Act. (C) Sentence.

(1) Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (c), (e), (f), (g), or

(h) of subsection (A) commits a Class 4 felony.

(2) Any person convicted of unlawful sale or delivery of firearms in violation of paragraph

(b) or

(i) of subsection (A) commits a Class 3 felony.

(3) Any person convicted of unlawful sale or delivery of firearms in violation of paragraph

(a) of subsection (A) commits a Class 2 felony.

(4) Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (a), (b), or

(i) of subsection (A) in any school, on the real property comprising a school, within 1,000 feet of the real property comprising a school, at a school related activity, or on or within 1,000 feet of any conveyance owned, leased, or contracted by a school or school district to transport students to or from school or a school related activity, regardless of the time of day or time of year at which the offense was committed, commits a Class 1 felony. Any person convicted of a second or subsequent violation of unlawful sale or delivery of firearms in violation of paragraph (a), (b), or

(i) of subsection (A) in any school, on the real property comprising a school, within 1,000 feet of the real property comprising a school, at a school related activity, or on or within 1,000 feet of any conveyance owned, leased, or contracted by a school or school district to transport students to or from school or a school related activity, regardless of the time of day or time of year at which the offense was committed, commits a Class 1 felony for which the sentence shall be a term of imprisonment of no less than 5 years and no more than 15 years.

(5) Any person convicted of unlawful sale or delivery of firearms in violation of paragraph

(a) or

(i) of subsection (A) in residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, in a public park, in a courthouse, on residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, on the real property comprising any public park, on the real property comprising any courthouse, or on any public way within 1,000 feet of the real property comprising any public park, courthouse, or residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development commits a Class 2 felony.

(6) Any person convicted of unlawful sale or delivery of firearms in violation of paragraph

(j) of subsection (A) commits a Class A misdemeanor. A second or subsequent violation is a Class 4 felony.

(7) Any person convicted of unlawful sale or delivery of firearms in violation of paragraph

(k) of subsection (A) commits a Class 4 felony, except that a violation of subparagraph

(1) of paragraph

(k) of subsection (A) shall not be punishable as a crime or petty offense. A third or subsequent conviction for a violation of paragraph

(k) of subsection (A) is a Class 1 felony.

(8) A person 18 years of age or older convicted of unlawful sale or delivery of firearms in violation of paragraph

(a) or

(i) of subsection (A), when the firearm that was sold or given to another person under 18 years of age was used in the commission of or attempt to commit a forcible felony, shall be fined or imprisoned, or both, not to exceed the maximum provided for the most serious forcible felony so committed or attempted by the person under 18 years of age who was sold or given the firearm.

(9) Any person convicted of unlawful sale or delivery of firearms in violation of paragraph

(d) of subsection (A) commits a Class 3 felony.

(10) Any person convicted of unlawful sale or delivery of firearms in violation of paragraph

(l) of subsection (A) commits a Class 2 felony if the delivery is of one firearm. Any person convicted of unlawful sale or delivery of firearms in violation of paragraph

(l) of subsection (A) commits a Class 1 felony if the delivery is of not less than 2 and not more than 5 firearms at the same time or within a one-year period. Any person convicted of unlawful sale or delivery of firearms in violation of paragraph

(l) of subsection (A) commits a Class X felony for which he or she shall be sentenced to a term of imprisonment of not less than 6 years and not more than 30 years if the delivery is of not less than 6 and not more than 10 firearms at the same time or within a 2-year period. Any person convicted of unlawful sale or delivery of firearms in violation of paragraph

(l) of subsection (A) commits a Class X felony for which he or she shall be sentenced to a term of imprisonment of not less than 6 years and not more than 40 years if the delivery is of not less than 11 and not more than 20 firearms at the same time or within a 3-year period. Any person convicted of unlawful sale or delivery of firearms in violation of paragraph

(l) of subsection (A) commits a Class X felony for which he or she shall be sentenced to a term of imprisonment of not less than 6 years and not more than 50 years if the delivery is of not less than 21 and not more than 30 firearms at the same time or within a 4-year period. Any person convicted of unlawful sale or delivery of firearms in violation of paragraph

(l) of subsection (A) commits a Class X felony for which he or she shall be sentenced to a term of imprisonment of not less than 6 years and not more than 60 years if the delivery is of 31 or more firearms at the same time or within a 5-year period. (D) For purposes of this Section: "School" means a public or private elementary or secondary school, community college, college, or university. "School related activity" means any sporting, social, academic, or other activity for which students' attendance or participation is sponsored, organized, or funded in whole or in part by a school or school district.

(E) A prosecution for a violation of paragraph

(k) of subsection (A) of this Section may be commenced within 6 years after the commission of the offense. A prosecution for a violation of this Section other than paragraph

(g) of subsection (A) of this Section may be commenced within 5 years after the commission of the offense defined in the particular paragraph.

720 ILCS 5/24-3A — Gunrunning

Sec. 24-3A. Gunrunning.

(a) A person commits gunrunning when he or she transfers 3 or more firearms in violation of any of the paragraphs of Section 24-3 of this Code.

(b) Sentence. A person who commits gunrunning:

(1) is guilty of a Class 1 felony;

(2) is guilty of a Class X felony for which the sentence shall be a term of imprisonment of not less than 8 years and not more than 40 years if the transfer is of not less than 11 firearms and not more than 20 firearms;

(3) is guilty of a Class X felony for which the sentence shall be a term of imprisonment of not less than 10 years and not more than 50 years if the transfer is of more than 20 firearms. A person who commits gunrunning by transferring firearms to a person who, at the time of the commission of the offense, is under 18 years of age is guilty of a Class X felony.

720 ILCS 5/24-3B — Firearms trafficking

Sec. 24-3B. Firearms trafficking.

(a) A person commits firearms trafficking when he or she has not been issued a currently valid Firearm Owner's Identification Card and knowingly:

(1) brings, or causes to be brought, into this State, a firearm or firearm ammunition for the purpose of sale, delivery, or transfer to any other person or with the intent to sell, deliver, or transfer the firearm or firearm ammunition to any other person;

(2) brings, or causes to be brought, into this State, a firearm and firearm ammunition for the purpose of sale, delivery, or transfer to any other person or with the intent to sell, deliver, or transfer the firearm and firearm ammunition to any other person; or

(3) brings, or causes to be brought, into this State, in a vehicle on an expressway in this State, more than one firearm prohibited from possession by Section 24-1.9, per occupants of the vehicle. (a-5) This Section does not apply to:

(1) a person exempt under Section 2 of the Firearm Owners Identification Card Act from the requirement of having possession of a Firearm Owner's Identification Card previously issued in his or her name by the Illinois State Police in order to acquire or possess a firearm or firearm ammunition;

(2) a common carrier under subsection

(i) of Section 24-2 of this Code; or

(3) a non-resident who may lawfully possess a firearm in his or her resident state.

(b) Sentence.

(1) Firearms trafficking is a Class 1 felony for which the person, if sentenced to a term of imprisonment, shall be sentenced to not less than 4 years and not more than 20 years.

(2) Firearms trafficking by a person who has been previously convicted of firearms trafficking, gunrunning, or a felony offense for the unlawful sale, delivery, or transfer of a firearm or firearm ammunition in this State or another jurisdiction is a Class X felony.

720 ILCS 5/24-3.1 — Unlawful possession of firearms and firearm ammunition

Sec. 24-3.1. Unlawful possession of firearms and firearm ammunition.

(a) A person commits the offense of unlawful possession of firearms or firearm ammunition when:

(1) He is under 18 years of age and has in his possession any firearm of a size which may be concealed upon the person; or

(2) He is under 21 years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his possession; or

(3) He is a narcotic addict and has any firearms or firearm ammunition in his possession; or

(4) He has been a patient in a mental institution within the past 5 years and has any firearms or firearm ammunition in his possession. For purposes of this paragraph (4): "Mental institution" means any hospital, institution, clinic, evaluation facility, mental health center, or part thereof, which is used primarily for the care or treatment of persons with mental illness. "Patient in a mental institution" means the person was admitted, either voluntarily or involuntarily, to a mental institution for mental health treatment, unless the treatment was voluntary and solely for an alcohol abuse disorder and no other secondary substance abuse disorder or mental illness; or

(5) He is a person with an intellectual disability and has any firearms or firearm ammunition in his possession; or

(6) He has in his possession any explosive bullet. For purposes of this paragraph "explosive bullet" means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. "Cartridge" means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in such tube between the projectile and the cap.

(b) Sentence. Unlawful possession of firearms, other than handguns, and firearm ammunition is a Class A misdemeanor. Unlawful possession of handguns is a Class 4 felony. The possession of each firearm or firearm ammunition in violation of this Section constitutes a single and separate violation.

(c) Nothing in paragraph

(1) of subsection

(a) of this Section prohibits a person under 18 years of age from participating in any lawful recreational activity with a firearm such as, but not limited to, practice shooting at targets upon established public or private target ranges or hunting, trapping, or fishing in accordance with the Wildlife Code or the Fish and Aquatic Life Code.

720 ILCS 5/24-3.2 — Unlawful discharge of firearm projectiles

Sec. 24-3.2. Unlawful discharge of firearm projectiles.

(a) A person commits the offense of unlawful discharge of firearm projectiles when he or she knowingly or recklessly uses an armor piercing bullet, dragon's breath shotgun shell, bolo shell, or flechette shell in violation of this Section. For purposes of this Section: "Armor piercing bullet" means any handgun bullet or handgun ammunition with projectiles or projectile cores constructed entirely (excluding the presence of traces of other substances) from tungsten alloys, steel, iron, brass, bronze, beryllium copper or depleted uranium, or fully jacketed bullets larger than 22 caliber whose jacket has

a weight of more than 25% of the total weight of the projectile, and excluding those handgun projectiles whose cores are composed of soft materials such as lead or lead alloys, zinc or zinc alloys, frangible projectiles designed primarily for sporting purposes, and any other projectiles or projectile cores that the U. S. Secretary of the Treasury finds to be primarily intended to be used for sporting purposes or industrial purposes or that otherwise does not constitute "armor piercing ammunition" as that term is defined by federal law. "Dragon's breath shotgun shell" means any shotgun shell that contains exothermic pyrophoric mesh metal as the projectile and is designed for the purpose of throwing or spewing a flame or fireball to simulate a flame-thrower. "Bolo shell" means any shell that can be fired in a firearm and expels as projectiles 2 or more metal balls connected by solid metal wire. "Flechette shell" means any shell that can be fired in a firearm and expels 2 or more pieces of fin-stabilized solid metal wire or 2 or more solid dart-type projectiles.

(b) A person commits a Class X felony when he or she, knowing that a firearm, as defined in Section 1.1 of the Firearm Owners Identification Card Act, is loaded with an armor piercing bullet, dragon's breath shotgun shell, bolo shell, or flechette shell, intentionally or recklessly discharges such firearm and such bullet or shell strikes any other person.

(c) Any person who possesses, concealed on or about his or her person, an armor piercing bullet, dragon's breath shotgun shell, bolo shell, or flechette shell and a firearm suitable for the discharge thereof is guilty of a Class 2 felony.

(d) This Section does not apply to or affect any of the following:

(1) Peace officers;

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense;

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard while in the performance of their official duties;

(4) Federal officials required to carry firearms, while engaged in the performance of their official duties;

(5) United States Marshals, while engaged in the performance of their official duties.

720 ILCS 5/24-3.3

Sec. 24-3.3. Unlawful Sale or Delivery of Firearms on the Premises of Any School, regardless of the time of day or the time of year, or any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, or residential property owned, operated or managed by a public housing agency. Any person 18 years of age or older who sells, gives or delivers any firearm to any person under 18 years of age in any school, regardless of the time of day or the time of year or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, on the real property comprising any school, regardless of the time of day or the time of year or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development commits a Class 3 felony. School is defined, for the purposes of this Section, as any public or private elementary or secondary school, community college, college or university. This does not apply to peace officers or to students carrying or possessing firearms for use in school training courses, parades, target shooting on school ranges, or otherwise with the consent of school authorities and which firearms are transported unloaded and enclosed in a suitable case, box or transportation package.

720 ILCS 5/24-3.4 — Unlawful sale of firearms by liquor licensee

Sec. 24-3.4. Unlawful sale of firearms by liquor licensee.

(a) It shall be unlawful for any person who holds a license to sell at retail any alcoholic liquor issued by the Illinois Liquor Control Commission or local liquor control commissioner under the Liquor Control Act of 1934 or an agent or employee of the licensee to sell or deliver to any other person a firearm in or on the real property of the establishment where the licensee is licensed to sell alcoholic liquors unless the sale or delivery of the firearm is otherwise lawful under this Article and under the Firearm Owners Identification Card Act.

(b) Sentence. A violation of subsection

(a) of this Section is a Class 4 felony.

720 ILCS 5/24-3.5 — Unlawful purchase of a firearm

Sec. 24-3.5. Unlawful purchase of a firearm.

(a) For purposes of this Section, "firearms transaction record form" means a form:

(1) executed by a transferee of a firearm stating:

(i) the transferee's name and address (including county or similar political subdivision); (ii) whether the transferee is a citizen of the United States; (iii) the transferee's State of residence; and (iv) the date and place of birth, height, weight, and race of the transferee; and

(2) on which the transferee certifies that he or she is not prohibited by federal law from transporting or shipping a firearm in interstate or foreign commerce or receiving a firearm that has been shipped or transported in interstate or foreign commerce or possessing a firearm in or affecting commerce.

(b) A person commits the offense of unlawful purchase of a firearm who knowingly purchases or attempts to purchase a firearm with the intent to deliver that firearm to another person who is prohibited by federal or State law from possessing a firearm.

(c) A person commits the offense of unlawful purchase of a firearm when he or she, in purchasing or attempting to purchase a firearm, intentionally provides false or misleading information on a United States Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms firearms transaction record form.

(d) Exemption. It is not a violation of subsection

(b) of this Section for a person to make a gift or loan of a firearm to a person who is not prohibited by federal or State law from possessing a firearm if the transfer of the firearm is made in accordance with Section 3 of the Firearm Owners Identification Card Act.

(e) Sentence.

(1) A person who commits the offense of unlawful purchase of a firearm: (A) is guilty of a Class 2 felony for purchasing or attempting to purchase one firearm; (B) is guilty of a Class 1 felony for purchasing or attempting to purchase not less than 2 firearms and not more than 5 firearms at the same time or within a one year period; (C) is guilty of a Class X felony for which the offender shall be sentenced to a term of imprisonment of not less than 9 years and not more than 40 years for purchasing or attempting to purchase not less than 6 firearms at the same time or within a 2 year period.

(2) In addition to any other penalty that may be imposed for a violation of this Section, the court may sentence a person convicted of a violation of subsection

(c) of this Section to a fine not to exceed \$250,000 for each violation.

(f) A prosecution for unlawful purchase of a firearm may be commenced within 6 years after the commission of the offense.

720 ILCS 5/24-3.6 — Unlawful possession of a firearm in the shape of a wireless telephone

Sec. 24-3.6. Unlawful possession of a firearm in the shape of a wireless telephone.

(a) For the purposes of this Section, "wireless telephone" means a device that is capable of transmitting or receiving telephonic communications without a wire connecting the device to the telephone network.

(b) A person commits the offense of unlawful possession of a firearm in the shape of a wireless telephone when he or she manufactures, sells, transfers, purchases, possesses, or carries a firearm shaped or designed to appear as a wireless telephone.

(c) This Section does not apply to or affect the sale to or possession of a firearm in the shape of a wireless telephone by a peace officer.

(d) Sentence. Unlawful possession of a firearm in the shape of a wireless telephone is a Class 4 felony.

720 ILCS 5/24-3.7 — Use of a stolen firearm in the commission of an offense

Sec. 24-3.7. Use of a stolen firearm in the commission of an offense.

(a) A person commits the offense of use of a stolen firearm in the commission of an offense when he or she knowingly uses a stolen firearm in the commission of any offense and the person knows that the firearm was stolen.

(b) Sentence. Use of a stolen firearm in the commission of an offense is a Class 2 felony.

720 ILCS 5/24-3.8 — Possession of a stolen firearm

Sec. 24-3.8. Possession of a stolen firearm.

(a) A person commits possession of a stolen firearm when he or she, not being entitled to the possession of a firearm, possesses the firearm, knowing it to have been stolen or converted. The trier of fact may infer that a person who possesses a firearm with knowledge that its serial number has been removed or altered has knowledge that the firearm is stolen or converted.

(b) Possession of a stolen firearm is a Class 2 felony.

720 ILCS 5/24-3.9 — Aggravated possession of a stolen firearm

Sec. 24-3.9. Aggravated possession of a stolen firearm.

(a) A person commits aggravated possession of a stolen firearm when he or she:

(1) Not being entitled to the possession of not less than 2 and not more than 5 firearms, possesses those firearms at the same time or within a one-year period, knowing the firearms to have been stolen or converted.

(2) Not being entitled to the possession of not less than 6 and not more than 10 firearms, possesses those firearms at the same time or within a 2-year period, knowing the firearms to have been stolen or converted.

(3) Not being entitled to the possession of not less than 11 and not more than 20 firearms, possesses those firearms at the same time or within a 3-year period, knowing the firearms to have been stolen or converted.

(4) Not being entitled to the possession of not less than 21 and not more than 30 firearms, possesses those firearms at the same time or within a 4-year period, knowing the firearms to have been stolen or converted.

(5) Not being entitled to the possession of more than 30 firearms, possesses those firearms at the same time or within a 5-year period, knowing the firearms to have been stolen or converted.

(b) The trier of fact may infer that a person who possesses a firearm with knowledge that its serial number has been removed or altered has knowledge that the firearm is stolen or converted.

(c) Sentence.

(1) A person who violates paragraph

(1) of subsection

(a) of this Section commits a Class 1 felony.

(2) A person who violates paragraph

(2) of subsection

(a) of this Section commits a Class X felony for which he or she shall be sentenced to a term of imprisonment of not less than 6 years and not more than 30 years.

(3) A person who violates paragraph

(3) of subsection

(a) of this Section commits a Class X felony for which he or she shall be sentenced to a term of imprisonment of not less than 6 years and not more than 40 years.

(4) A person who violates paragraph

(4) of subsection

(a) of this Section commits a Class X felony for which he or she shall be sentenced to a term of imprisonment of not less than 6 years and not more than 50 years.

(5) A person who violates paragraph

(5) of subsection

(a) of this Section commits a Class X felony for which he or she shall be sentenced to a term of imprisonment of not less than 6 years and not more than 60 years.

720 ILCS 5/24-4 — Register of sales by dealer

Sec. 24-4. Register of sales by dealer.

(a) Any seller of firearms of a size which may be concealed upon the person, other than a manufacturer selling to a bona fide wholesaler or retailer or a wholesaler selling to a bona fide retailer, shall keep a register of all firearms sold or given away.

(b) Such register shall contain the date of the sale or gift, the name, address, age and occupation of the person to whom the weapon is sold or given, the price of the weapon, the kind, description and number of the weapon, and the purpose for which it is purchased and obtained.

(c) Such seller on demand of a peace officer shall produce for inspection the register and allow such peace officer to inspect such register and all stock on hand.

(d) Sentence. Violation of this Section is a Class B misdemeanor.

720 ILCS 5/24-4.1 — Report of lost or stolen firearms

Sec. 24-4.1. Report of lost or stolen firearms.

(a) If a person who possesses a valid Firearm Owner's Identification Card and who possesses or acquires a firearm thereafter loses the firearm, or if the firearm is stolen from the person, the person must report the loss or theft of any such firearm to the local law enforcement agency within 48 hours after obtaining knowledge of the loss or theft. The report shall include:

(1) the date the firearm was lost or stolen;

(2) the exact location where the firearm was lost or stolen or, if the exact location is not known, the last known location of the firearm;

(3) the caliber, make, model, and serial number of the firearm;

(4) a description of the circumstances under which the firearm was lost or stolen; and

(5) the Firearm Owner's Identification Card number of the person making the report, if applicable.

(b) A law enforcement agency having jurisdiction shall take a written report and shall, as soon as practical, and in no event later than 48 hours after receiving the report, enter the information and the firearm's serial number as stolen into the Law Enforcement Agencies Data System (LEADS).

(c) A person shall not be in violation of this Section if:

(1) the failure to report is due to an act of God, act of war, or inability of a law enforcement agency to receive the report;

(2) the person is hospitalized, in a coma, or is otherwise seriously physically or mentally impaired as to prevent the person from reporting; or

(3) the person's designee makes a report if the person is unable to make the report.

(d) Sentence. A person who violates this Section is guilty of a petty offense for a first violation. A second or subsequent violation of this Section is a Class A misdemeanor.

(e) A prosecution for an offense under this Section may be commenced within 3 years after the discovery by law enforcement or prosecution of the failure to report the theft or loss of a firearm as required under subsection (a).

720 ILCS 5/24-5 — Defacing identification marks of firearms

Sec. 24-5. Defacing identification marks of firearms.

(a) Any person who shall knowingly or intentionally change, alter, remove or obliterate the name of the importer's or manufacturer's serial number of any firearm commits a Class 2 felony.

(b) A person who possesses any firearm upon which any such importer's or manufacturer's serial number has been changed, altered, removed or obliterated commits a Class 3 felony.

(c) Nothing in this Section shall prevent a person from making repairs, replacement of parts, or other changes to a firearm if those repairs, replacement of parts, or changes cause the removal of the name of the maker, model, or other marks of identification other than the serial number on the firearm's frame or receiver.

(d) A prosecution for a violation of this Section may be commenced within 6 years after the commission of the offense.

720 ILCS 5/24-5.1 — Serialization of unfinished frames or receivers; prohibition on unserialized firearms; exceptions; penalties

Sec. 24-5.1. Serialization of unfinished frames or receivers; prohibition on unserialized firearms; exceptions; penalties.

(a) In this Section: "Bona fide supplier" means an established business entity engaged in the development and sale of firearms parts to one or more federal firearms manufacturers or federal firearms importers. "Federal firearms dealer"

means a licensed manufacturer pursuant to 18 U.S.C. 921(a)(11). "Federal firearms importer" means a licensed importer pursuant to 18 U.S.C. 921(a)(9). "Federal firearms manufacturer" means a licensed manufacturer pursuant to 18 U.S.C. 921(a)(10). "Frame or receiver" means a part of a firearm that, when the complete weapon is assembled, is visible from the exterior and provides housing or a structure designed to hold or integrate one or more fire control components, even if pins or other attachments are required to connect those components to the housing or structure. For models of firearms in which multiple parts provide such housing or structure, the part or parts that the Director of the federal Bureau of Alcohol, Tobacco, Firearms and Explosives has determined are a frame or receiver constitute the frame or receiver. For purposes of this definition, "fire control component" means a component necessary for the firearm to initiate, complete, or continue the firing sequence, including any of the following: hammer, bolt, bolt carrier, breechblock, cylinder, trigger mechanism, firing pin, striker, or slide rails. "Security exemplar" means an object to be fabricated at the direction of the United States Attorney General that is

(1) constructed of 3.7 ounces of material type 17-4 PH stainless steel in a shape resembling a handgun and

(2) suitable for testing and calibrating metal detectors. "Three-dimensional printer" means a computer or computer-drive machine capable of producing a three-dimensional object from a digital model. "Undetectable firearm" means

(1) a firearm constructed entirely of non-metal substances;

(2) a firearm that, after removal of all parts but the major components of the firearm, is not detectable by walk-through metal detectors calibrated and operated to detect the security exemplar; or

(3) a firearm that includes a major component of a firearm, which, if subject to the types of detection devices commonly used at airports for security screening, would not generate an image that accurately depicts the shape of the component. "Undetectable firearm" does not include a firearm subject to the provisions of 18 U.S.C. 922(p)(3) through (6). "Unfinished frame or receiver" means any forging, casting, printing, extrusion, machined body, or similar article that:

(1) has reached a stage in manufacture where it may readily be completed, assembled, or converted to be a functional firearm; or

(2) is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once completed, assembled, or converted. "Unserialized" means lacking a serial number imprinted by:

(1) a federal firearms manufacturer, federal firearms importer, federal firearms dealer, or other federal licensee authorized to provide marking services, pursuant to a requirement under federal law; or

(2) a federal firearms dealer or other federal licensee authorized to provide marking services pursuant to subsection (f) of this Section.

(b) It is unlawful for any person to knowingly sell, offer to sell, or transfer an unserialized unfinished frame or receiver or unserialized firearm, including those produced using a three-dimensional printer, unless the party purchasing or receiving the unfinished frame or receiver or unserialized firearm is a federal firearms importer, federal firearms manufacturer, or federal firearms dealer.

(c) Beginning 180 days after May 18, 2022 (the effective date of Public Act 102-889), it is unlawful for any person to knowingly possess, transport, or receive an unfinished frame or receiver, unless:

(1) the party possessing or receiving the unfinished frame or receiver is a federal firearms importer or federal firearms manufacturer;

(2) the unfinished frame or receiver is possessed or transported by a person for transfer to a federal firearms importer or federal firearms manufacturer; or

(3) the unfinished frame or receiver has been imprinted with a serial number issued by a federal firearms importer or federal firearms manufacturer in compliance with subsection

(f) of this Section.

(d) Beginning 180 days after May 18, 2022 (the effective date of Public Act 102-889), unless the party receiving the firearm is a federal firearms importer or federal firearms manufacturer, it is unlawful for any person to knowingly possess, purchase, transport, or receive a firearm that is not imprinted with a serial number by

(1) a federal firearms importer or federal firearms manufacturer in compliance with all federal laws and regulations regulating the manufacture and import of firearms or

(2) a federal firearms manufacturer, federal firearms dealer, or other federal licensee authorized to provide marking services in compliance with the unserialized firearm serialization process under subsection

(f) of this Section.

(e) Any firearm or unfinished frame or receiver manufactured using a three-dimensional printer must also be serialized in accordance with the requirements of subsection

(f) within 30 days after May 18, 2022 (the effective date of Public Act 102-889), or prior to reaching a stage of manufacture where it may be readily completed, assembled, or converted to be a functional firearm.

(f) Unserialized unfinished frames or receivers and unserialized firearms serialized pursuant to this Section shall be serialized in compliance with all of the following:

(1) An unserialized unfinished frame or receiver and unserialized firearm shall be serialized by a federally licensed firearms dealer or other federal licensee authorized to provide marking services with the licensee's abbreviated federal firearms license number as a prefix (which is the first 3 and last 5 digits) followed by a hyphen, and then followed by a number as a suffix, such as 12345678-(number). The serial number or numbers must be placed in a manner that accords with the requirements under federal law for affixing serial numbers to firearms, including the requirements that the serial number or numbers be at the minimum size and depth, and not susceptible to being readily obliterated, altered, or removed, and the licensee must retain records that accord with the requirements under federal law in the case of the sale of a firearm. The imprinting of any serial number upon an undetectable firearm must be done on a steel plaque in compliance with 18 U.S.C. 922(p).

(2) Every federally licensed firearms dealer or other federal licensee that engraves, casts, stamps, or otherwise conspicuously and permanently places a unique serial number pursuant to this Section shall maintain a record of such indefinitely. Licensees subject to the Firearm Dealer License Certification Act shall make all records accessible for inspection upon the request of the Illinois State Police or a law enforcement agency in accordance with Section 5-35 of the Firearm Dealer License Certification Act.

(3) Every federally licensed firearms dealer or other federal licensee that engraves, casts, stamps, or otherwise conspicuously and permanently places a unique serial number pursuant to this Section shall record it at the time of every transaction involving the transfer of a firearm, rifle, shotgun, finished frame or receiver, or unfinished frame or receiver that has been so marked in compliance with the federal guidelines set forth in 27 CFR 478.124.

(4) Every federally licensed firearms dealer or other federal licensee that engraves, casts, stamps, or otherwise conspicuously and permanently places a unique serial number pursuant to this Section shall review and confirm the validity of the owner's Firearm Owner's Identification Card issued under the Firearm Owners Identification Card Act prior to returning the firearm to the owner.

(g) Within 30 days after May 18, 2022 (the effective date of Public Act 102-889), the Director of the Illinois State Police shall issue a public notice regarding the provisions of this Section. The notice shall include posting on the Illinois State Police website and may include written notification or any other means of communication statewide to all Illinois-based federal firearms manufacturers, federal firearms dealers, or other federal licensees authorized to provide marking services in compliance with the serialization process in subsection

(f) in order to educate the public.

(h) Exceptions. This Section does not apply to an unserialized unfinished frame or receiver or an unserialized firearm that:

(1) has been rendered permanently inoperable;

(2) is an antique firearm, as defined in 18 U.S.C. 921(a)(16);

(3) was manufactured prior to October 22, 1968;

(4) is an unfinished frame or receiver and is possessed by a bona fide supplier exclusively for transfer to a federal firearms manufacturer or federal firearms importer, or is possessed by a federal firearms manufacturer or federal firearms importer in compliance with all federal laws and regulations regulating the manufacture and import of firearms; except this exemption does not apply if an unfinished frame or receiver is possessed for transfer or is transferred to a person other than a federal firearms manufacturer or federal firearms importer; or

(5) is possessed by a person who received the unserialized unfinished frame or receiver or unserialized firearm through inheritance, and is not otherwise prohibited from possessing the unserialized unfinished frame or receiver or unserialized firearm, for a period not exceeding 30 days after inheriting the unserialized unfinished frame or receiver or unserialized

firearm.

(i) Penalties.

(1) A person who violates subsection

(c) or

(d) is guilty of a Class A misdemeanor for a first violation and is guilty of a Class 3 felony for a second or subsequent violation.

(2) A person who violates subsection

(b) is guilty of a Class 4 felony for a first violation and is guilty of a Class 2 felony for a second or subsequent violation.

720 ILCS 5/24-6 — Confiscation and disposition of weapons

Sec. 24-6. Confiscation and disposition of weapons.

(a) Upon conviction of an offense in which a weapon was used or possessed by the offender, any weapon seized shall be confiscated by the trial court.

(b) Any stolen weapon so confiscated, when no longer needed for evidentiary purposes, shall be returned to the person entitled to possession, if known. After the disposition of a criminal case or in any criminal case where a final judgment in the case was not entered due to the death of the defendant, and when a confiscated weapon is no longer needed for evidentiary purposes, and when in due course no legitimate claim has been made for the weapon, the court may transfer the weapon to the sheriff of the county who may proceed to destroy it, or may in its discretion order the weapon preserved as property of the governmental body whose police agency seized the weapon, or may in its discretion order the weapon to be transferred to the Illinois State Police for use by the crime laboratory system, for training purposes, or for any other application as deemed appropriate by the Department. If, after the disposition of a criminal case, a need still exists for the use of the confiscated weapon for evidentiary purposes, the court may transfer the weapon to the custody of the State Department of Corrections for preservation. The court may not order the transfer of the weapon to any private individual or private organization other than to return a stolen weapon to its rightful owner. The provisions of this Section shall not apply to violations of the Fish and Aquatic Life Code or the Wildlife Code. Confiscation of weapons for Fish and Aquatic Life Code and Wildlife Code violations shall be only as provided in those Codes.

(c) Any mental hospital that admits a person as an inpatient pursuant to any of the provisions of the Mental Health and Developmental Disabilities Code shall confiscate any firearms in the possession of that person at the time of admission, or at any time the firearms are discovered in the person's possession during the course of hospitalization. The hospital shall, as soon as possible following confiscation, transfer custody of the firearms to the appropriate law enforcement agency. The hospital shall give written notice to the person from whom the firearm was confiscated of the identity and address of the law enforcement agency to which it has given the firearm. The law enforcement agency shall maintain possession of any firearm it obtains pursuant to this subsection for a minimum of 90 days. Thereafter, the firearm may be disposed of pursuant to the provisions of subsection

(b) of this Section.

720 ILCS 5/24-7 — Weapons offenses; community service

Sec. 24-7. Weapons offenses; community service. In addition to any other sentence that may be imposed, a court shall order any person convicted of a violation of this Article to perform community service for not less than 30 and not more than 120 hours, if community service is available in the jurisdiction and is funded and approved by the county board of the county where the offense was committed. In addition, whenever any person is placed on supervision for an alleged offense under this Article, the supervision shall be conditioned upon the performance of the community service. This Section does not apply when the court imposes a sentence of incarceration.

720 ILCS 5/24-8 — Firearm evidence

Sec. 24-8. Firearm evidence.

(a) Upon seizing or taking into custody a firearm that was

(i) unlawfully possessed, (ii) used for any unlawful purpose, (iii) recovered from the scene of a crime, or (iv) reasonably believed to have been used or associated with the commission of a crime, or when a firearm is acquired by the law enforcement agency as an abandoned, lost, or discarded firearm, a law enforcement agency shall use the best available

information, including a firearms trace, to determine how and from whom the person gained possession of the firearm and to determine prior ownership of the firearm.

(b) Law enforcement shall use the National Tracing Center of the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives and the National Crime Information Center of the Federal Bureau of Investigation in complying with subsection

(a) of this Section. (b-5) Law enforcement shall use the National Tracing Center of the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives' eTrace platform or successor platform in complying with subsection (a). Law enforcement shall participate in the National Tracing Center of the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives' eTrace platform or successor platform's collective data sharing program for the purpose of sharing firearm trace reports among all law enforcement agencies in this State on a reciprocal basis.

(c) Law enforcement agencies shall use the Illinois State Police Law Enforcement Agencies Data System (LEADS) Gun File to enter all stolen, seized, or recovered firearms as prescribed by LEADS regulations and policies.

(d) Whenever a law enforcement agency recovers a fired cartridge case at a crime scene or has reason to believe that the recovered fired cartridge case is related to or associated with the commission of a crime, the law enforcement agency shall submit the evidence to the National Integrated Ballistics Information Network (NIBIN) or an Illinois State Police laboratory for NIBIN processing. Whenever a law enforcement agency seizes or recovers a semiautomatic firearm that is deemed suitable to be entered into the NIBIN that was:

(i) unlawfully possessed, (ii) used for any unlawful purpose, (iii) recovered from the scene of a crime, (iv) is reasonably believed to have been used or associated with the commission of a crime, or

(v) is acquired by the law enforcement agency as an abandoned or discarded firearm, the law enforcement agency shall submit the evidence to the NIBIN or an Illinois State Police laboratory for NIBIN processing. When practicable, all NIBIN-suitable evidence and NIBIN-suitable test fires from recovered firearms shall be entered into the NIBIN within 2 business days of submission to Illinois State Police laboratories that have NIBIN access or another NIBIN site. Exceptions to this may occur if the evidence in question requires analysis by other forensic disciplines. The Illinois State Police laboratory, submitting agency, and relevant court representatives shall determine whether the request for additional analysis outweighs the 2 business-day requirement. Illinois State Police laboratories that do not have NIBIN access shall submit NIBIN-suitable evidence and test fires to an Illinois State Police laboratory with NIBIN access. Upon receipt at the laboratory with NIBIN access, when practicable, the evidence and test fires shall be entered into the NIBIN within 2 business days. Exceptions to this 2 business-day requirement may occur if the evidence in question requires analysis by other forensic disciplines. The Illinois State Police laboratory, submitting agency, and relevant court representatives shall determine whether the request for additional analysis outweighs the 2 business-day requirement. Nothing in this Section shall be interpreted to conflict with standards and policies for NIBIN sites as promulgated by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives or successor agencies.

720 ILCS 5/24-9 — Firearms; Child Protection

Sec. 24-9. Firearms; Child Protection.

(a) Except as provided in subsection (c), it is unlawful for any person to store or leave, within premises under his or her control, a firearm if the person knows or has reason to believe that a minor under the age of 18 years who does not have a Firearm Owners Identification Card is likely to gain access to the firearm without the lawful permission of the minor's parent, guardian, or person having charge of the minor, and the minor causes death or great bodily harm with the firearm, unless the firearm is:

(1) secured by a device or mechanism, other than the firearm safety, designed to render a firearm temporarily inoperable; or

(2) placed in a securely locked box or container.

(b) Sentence. A person who violates this Section is guilty of a Class C misdemeanor and shall be fined not less than \$1,000. A second or subsequent violation of this Section is a Class A misdemeanor.

(c) Subsection

(a) does not apply:

(1) if the minor under 18 years of age gains access to a firearm and uses it in a lawful act of self-defense or defense of another; or

(2) to any firearm obtained by a minor under the age of 18 because of an unlawful entry of the premises by the minor or another person.

(d) For the purposes of this Section, "firearm" has the meaning ascribed to it in Section 1.1 of the Firearm Owners Identification Card Act.

720 ILCS 5/24-9.5 — Handgun safety devices

Sec. 24-9.5. Handgun safety devices.

(a) It is unlawful for a person licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923) to offer for sale, sell, or transfer a handgun to a person not licensed under that Act, unless he or she sells or includes with the handgun a device or mechanism, other than the firearm safety, designed to render the handgun temporarily inoperable or inaccessible. This includes but is not limited to:

(1) An external device that is:

(i) attached to the handgun with a key or combination lock; and (ii) designed to prevent the handgun from being discharged unless the device has been deactivated.

(2) An integrated mechanical safety, disabling, or locking device that is:

(i) built into the handgun; and (ii) designed to prevent the handgun from being discharged unless the device has been deactivated.

(b) Sentence. A person who violates this Section is guilty of a Class C misdemeanor and shall be fined not less than \$1,000. A second or subsequent violation of this Section is a Class A misdemeanor.

(c) For the purposes of this Section, "handgun" has the meaning ascribed to it in clause (h)(2) of subsection (A) of Section 24-3 of this Code.

(d) This Section does not apply to:

(1) the purchase, sale, or transportation of a handgun to or by a federally licensed firearms dealer or manufacturer that provides or services a handgun for:

(i) personnel of any unit of the federal government; (ii) members of the armed forces of the United States or the National Guard; (iii) law enforcement personnel of the State or any local law enforcement agency in the State while acting within the scope of their official duties; and (iv) an organization that is required by federal law governing its specific business or activity to maintain handguns and applicable ammunition;

(2) a firearm modified to be permanently inoperative;

(3) the sale or transfer of a handgun by a federally licensed firearms dealer or manufacturer described in item

(1) of this subsection (d);

(4) the sale or transfer of a handgun by a federally licensed firearms dealer or manufacturer to a lawful customer outside the State; or

(5) an antique firearm.

720 ILCS 5/24-10 — Municipal ordinance regulating firearms; affirmative defense to a violation

Sec. 24-10. Municipal ordinance regulating firearms; affirmative defense to a violation. It is an affirmative defense to a violation of a municipal ordinance that prohibits, regulates, or restricts the private ownership of firearms if the individual who is charged with the violation used the firearm in an act of self-defense or defense of another as defined in Sections 7-1 and 7-2 of this Code when on his or her land or in his or her abode or fixed place of business.

720 ILCS 5/24.5-5 — Unlawful possession

Sec. 24.5-5. Unlawful possession. Any person who possesses nitrous oxide or any substance containing nitrous oxide, with the intent to breathe, inhale, or ingest for the purpose of causing a condition of intoxication, elation, euphoria, dizziness, stupefaction, or dulling of the senses or for the purpose of, in any manner, changing, distorting, or disturbing the audio, visual, or mental processes, or who knowingly and with the intent to do so is under the influence of nitrous oxide or any material containing nitrous oxide is guilty of a Class A misdemeanor. A person who commits a second or subsequent violation of this Section is guilty of a Class 4 felony. This Section shall not apply to any person who is under the influence of nitrous oxide or any material containing nitrous oxide pursuant to an administration for the purpose of

medical, surgical, or dental care by a person duly licensed to administer such an agent.

720 ILCS 5/24.5-10 — Unlawful manufacture or delivery

Sec. 24.5-10. Unlawful manufacture or delivery. Any person, firm, corporation, co-partnership, limited liability company, or association that intentionally manufactures, delivers, or possesses with intent to manufacture or deliver nitrous oxide for any purpose prohibited under Section 24.5-5 is guilty of a Class 3 felony.

720 ILCS 5/24.8-0.1 — Definitions

Sec. 24.8-0.1. Definitions. As used in this Article: "Air rifle" means and includes any air gun, air pistol, spring gun, spring pistol, B-B gun, paint ball gun, pellet gun or any implement that is not a firearm which impels a breakable paint ball containing washable marking colors or, a pellet constructed of hard plastic, steel, lead or other hard materials with a force that reasonably is expected to cause bodily harm. "Dealer" means any person, copartnership, association or corporation engaged in the business of selling at retail or renting any of the articles included in the definition of "air rifle".

"Municipalities" include cities, villages, incorporated towns and townships.

720 ILCS 5/24.8-1 — Selling, renting, or transferring air rifles to children

Sec. 24.8-1. Selling, renting, or transferring air rifles to children.

(a) A dealer commits selling, renting, or transferring air rifles to children when he or she sells, lends, rents, gives or otherwise transfers an air rifle to any person under the age of 13 years where the dealer knows or has cause to believe the person to be under 13 years of age or where the dealer has failed to make reasonable inquiry relative to the age of the person and the person is under 13 years of age.

(b) A person commits selling, renting, or transferring air rifles to children when he or she sells, gives, lends, or otherwise transfers any air rifle to any person under 13 years of age except where the relationship of parent and child, guardian and ward or adult instructor and pupil, exists between this person and the person under 13 years of age, or where the person stands in loco parentis to the person under 13 years of age.

720 ILCS 5/24.8-2 — Carrying or discharging air rifles on public streets

Sec. 24.8-2. Carrying or discharging air rifles on public streets.

(a) A person under 13 years of age commits carrying or discharging air rifles on public streets when he or she carries any air rifle on the public streets, roads, highways or public lands within this State, unless the person under 13 years of age carries the air rifle unloaded.

(b) A person commits carrying or discharging air rifles on public streets when he or she discharges any air rifle from or across any street, sidewalk, road, highway or public land or any public place except on a safely constructed target range.

720 ILCS 5/24.8-3 — Permissive possession of an air rifle by a person under 13 years of age

Sec. 24.8-3. Permissive possession of an air rifle by a person under 13 years of age. Notwithstanding any provision of this Article, it is lawful for any person under 13 years of age to have in his or her possession any air rifle if it is:

- (1) Kept within his or her house of residence or other private enclosure;
- (2) Used by the person and he or she is a duly enrolled member of any club, team or society organized for educational purposes and maintaining as part of its facilities or having written permission to use an indoor or outdoor rifle range under the supervision guidance and instruction of a responsible adult and then only if the air rifle is actually being used in connection with the activities of the club team or society under the supervision of a responsible adult; or
- (3) Used in or on any private grounds or residence under circumstances when the air rifle is fired, discharged or operated in a manner as not to endanger persons or property and then only if it is used in a manner as to prevent the projectile from passing over any grounds or space outside the limits of the grounds or residence.

720 ILCS 5/24.8-4 — Permissive sales

Sec. 24.8-4. Permissive sales. The provisions of this Article do not prohibit sales of air rifles:

- (1) By wholesale dealers or jobbers;
- (2) To be shipped out of the State; or

(3) To be used at a target range operated in accordance with Section 24.8-3 of this Article or by members of the Armed Services of the United States or Veterans' organizations.

720 ILCS 5/24.8-5 — Sentence

Sec. 24.8-5. Sentence. A violation of this Article is a petty offense. The Illinois State Police or any sheriff or police officer shall seize, take, remove or cause to be removed at the expense of the owner, any air rifle sold or used in any manner in violation of this Article.

720 ILCS 5/24.8-6 — Municipal regulation

Sec. 24.8-6. Municipal regulation. The provisions of any ordinance enacted by any municipality which impose greater restrictions or limitations in respect to the sale and purchase, use or possession of air rifles as herein defined than are imposed by this Article, are not invalidated nor affected by this Article.

720 ILCS 5/25-1 — Mob action

Sec. 25-1. Mob action.

(a) A person commits mob action when he or she engages in any of the following:

(1) the knowing or reckless use of force or violence disturbing the public peace by 2 or more persons acting together and without authority of law;

(2) the knowing assembly of 2 or more persons with the intent to commit or facilitate the commission of a felony or misdemeanor; or

(3) the knowing assembly of 2 or more persons, without authority of law, for the purpose of doing violence to the person or property of anyone supposed to have been guilty of a violation of the law, or for the purpose of exercising correctional powers or regulative powers over any person by violence.

(b) Sentence.

(1) Mob action in violation of paragraph

(1) of subsection

(a) is a Class 4 felony.

(2) Mob action in violation of paragraphs

(2) and

(3) of subsection

(a) is a Class C misdemeanor.

(3) A participant in a mob action that by violence inflicts injury to the person or property of another commits a Class 4 felony.

(4) A participant in a mob action who does not withdraw when commanded to do so by a peace officer commits a Class A misdemeanor.

(5) In addition to any other sentence that may be imposed, a court shall order any person convicted of mob action to perform community service for not less than 30 and not more than 120 hours, if community service is available in the jurisdiction and is funded and approved by the county board of the county where the offense was committed. In addition, whenever any person is placed on supervision for an alleged offense under this Section, the supervision shall be conditioned upon the performance of the community service. This paragraph does not apply when the court imposes a sentence of incarceration.

720 ILCS 5/25-1.1

Sec. 25-1.1. (Renumbered).

720 ILCS 5/25-2

Sec. 25-2. (Renumbered).

720 ILCS 5/25-4 — Looting by individuals

Sec. 25-4. Looting by individuals.

(a) A person commits looting when he or she knowingly without authority of law or the owner enters any home or dwelling or upon any premises of another, or enters any commercial, mercantile, business, or industrial building, plant, or establishment, in which normal security of property is not present by virtue of a hurricane, fire, or vis major of any kind or by virtue of a riot, mob, or other human agency, and obtains or exerts control over property of the owner.

(b) Sentence. Looting is a Class 4 felony. In addition to any other penalty imposed, the court shall impose a sentence of at least 100 hours of community service as determined by the court and shall require the defendant to make restitution to the owner of the property looted pursuant to Section 5-5-6 of the Unified Code of Corrections.

720 ILCS 5/25-5 — Unlawful participation in streetgang related activity

Sec. 25-5. Unlawful participation in streetgang related activity.

(a) A person commits unlawful participation in streetgang related activity when he or she knowingly commits any act in furtherance of streetgang related activity as defined in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act after having been:

(1) sentenced to probation, conditional discharge, or supervision for a criminal offense with a condition of that sentence being to refrain from direct or indirect contact with a streetgang member or members;

(2) released on bond for any criminal offense with a condition of that bond being to refrain from direct or indirect contact with a streetgang member or members;

(3) ordered by a judge in any non-criminal proceeding to refrain from direct or indirect contact with a streetgang member or members; or

(4) released from the Illinois Department of Corrections on a condition of parole or mandatory supervised release that he or she refrain from direct or indirect contact with a streetgang member or members.

(b) Unlawful participation in streetgang related activity is a Class A misdemeanor.

(c) (Blank).

720 ILCS 5/25-6 — Removal of chief of police or sheriff for allowing a person in his or her custody to be lynched

Sec. 25-6. Removal of chief of police or sheriff for allowing a person in his or her custody to be lynched.

(a) If a prisoner is taken from the custody of any policeman or chief of police of any municipality and lynched, it shall be prima facie evidence of wrong-doing on the part of that chief of police and he or she shall be suspended. The mayor or chief executive of the municipality shall appoint an acting chief of police until he or she has ascertained whether the suspended chief of police had done all in his or her power to protect the life of the prisoner. If, upon hearing all evidence and argument, the mayor or chief executive finds that the chief of police had done his or her utmost to protect the prisoner, he or she may reinstate the chief of police; but, if he or she finds the chief of police guilty of not properly protecting the prisoner, a new chief of police shall be appointed. Any chief of police replaced is not be eligible to serve again in that office.

(b) If a prisoner is taken from the custody of any sheriff or his or her deputy and lynched, it is prima facie evidence of wrong-doing on the part of that sheriff and he or she shall be suspended. The Governor shall appoint an acting sheriff until he or she has ascertained whether the suspended sheriff had done all in his or her power to protect the life of the prisoner. If, upon hearing all evidence and argument, the Governor finds that the sheriff had done his or her utmost to protect the prisoner, he or she shall reinstate the sheriff; but, if he or she finds the sheriff guilty of not properly protecting the prisoner, a new sheriff shall be duly elected or appointed, pursuant to the existing law provided for the filling of vacancies in that office. Any sheriff replaced is not eligible to serve again in that office.

720 ILCS 5/26-1 — Disorderly conduct

Sec. 26-1. Disorderly conduct.

(a) A person commits disorderly conduct when he or she knowingly:

(1) Does any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace;

(2) Transmits or causes to be transmitted in any manner to the fire department of any city, town, village or fire protection district a false alarm of fire, knowing at the time of the transmission that there is no reasonable ground for believing that the fire exists;

(3) Transmits or causes to be transmitted in any manner to another a false alarm to the effect that a bomb or other explosive of any nature or a container holding poison gas, a deadly biological or chemical contaminant, or radioactive substance is concealed in a place where its explosion or release would endanger human life, knowing at the time of the transmission that there is no reasonable ground for believing that the bomb, explosive or a container holding poison gas, a deadly biological or chemical contaminant, or radioactive substance is concealed in the place; (3.5) Transmits or causes to be transmitted in any manner a threat of destruction of a school building or school property, or a threat of violence, death, or bodily harm directed against persons at a school, school function, or school event, whether or not school is in session;

(4) Transmits or causes to be transmitted in any manner to any peace officer, public officer or public employee a report to the effect that an offense will be committed, is being committed, or has been committed, knowing at the time of the transmission that there is no reasonable ground for believing that the offense will be committed, is being committed, or has been committed;

(5) Transmits or causes to be transmitted in any manner a false report to any public safety agency without the reasonable grounds necessary to believe that transmitting the report is necessary for the safety and welfare of the public;

(6) Calls or texts the number "911" or transmits or causes to be transmitted in any manner to a public safety agency or public safety answering point for the purpose of making or transmitting a false alarm or complaint and reporting information when, at the time the call, text, or transmission is made, the person knows there is no reasonable ground for making the call, text, or transmission and further knows that the call, text, or transmission could result in the emergency response of any public safety agency;

(7) Transmits or causes to be transmitted in any manner a false report to the Department of Children and Family Services under Section 4 of the Abused and Neglected Child Reporting Act;

(8) Transmits or causes to be transmitted in any manner a false report to the Department of Public Health under the Nursing Home Care Act, the Specialized Mental Health Rehabilitation Act of 2013, the ID/DD Community Care Act, or the MC/DD Act;

(9) Transmits or causes to be transmitted in any manner to the police department or fire department of any municipality or fire protection district, or any privately owned and operated ambulance service, a false request for an ambulance, emergency medical technician-ambulance or emergency medical technician-paramedic knowing at the time there is no reasonable ground for believing that the assistance is required;

(10) Transmits or causes to be transmitted in any manner a false report under Article II of Public Act 83-1432;

(11) Enters upon the property of another and for a lewd or unlawful purpose deliberately looks into a dwelling on the property through any window or other opening in it; or

(12) While acting as a collection agency as defined in the Collection Agency Act or as an employee of the collection agency, and while attempting to collect an alleged debt, makes a telephone call to the alleged debtor which is designed to harass, annoy or intimidate the alleged debtor.

(b) Sentence. A violation of subsection (a)(1) of this Section is a Class C misdemeanor. A violation of subsection (a)(5) or (a)(11) of this Section is a Class A misdemeanor. A violation of subsection (a)(8) or (a)(10) of this Section is a Class B misdemeanor. A violation of subsection (a)(2), (a)(3.5), (a)(4), (a)(6), (a)(7), or (a)(9) of this Section is a Class 4 felony. A violation of subsection (a)(3) of this Section is a Class 3 felony, for which a fine of not less than \$3,000 and no more than \$10,000 shall be assessed in addition to any other penalty imposed. A violation of subsection (a)(12) of this Section is a Business Offense and shall be punished by a fine not to exceed \$3,000. A second or subsequent violation of subsection (a)(7) or (a)(5) of this Section is a Class 4 felony. A third or subsequent violation of subsection (a)(11) of this Section is a Class 4 felony.

(c) In addition to any other sentence that may be imposed, a court shall order any person convicted of disorderly conduct to perform community service for not less than 30 and not more than 120 hours, if community service is available in the jurisdiction and is funded and approved by the county board of the county where the offense was committed. In addition, whenever any person is placed on supervision for an alleged offense under this Section, the supervision shall be conditioned upon the performance of the community service. This subsection does not apply when the court imposes a sentence of incarceration.

(d) In addition to any other sentence that may be imposed, the court shall order any person convicted of disorderly conduct under paragraph

(3) of subsection

(a) involving a false alarm of a threat that a bomb or explosive device has been placed in a school that requires an emergency response to reimburse the unit of government that employs the emergency response officer or officers that were dispatched to the school for the cost of the response. If the court determines that the person convicted of disorderly conduct that requires an emergency response to a school is indigent, the provisions of this subsection

(d) do not apply.

(e) In addition to any other sentence that may be imposed, the court shall order any person convicted of disorderly conduct under paragraph (3.5) or

(6) of subsection

(a) to reimburse the public agency for the reasonable costs of the emergency response by the public agency up to \$10,000. If the court determines that the person convicted of disorderly conduct under paragraph (3.5) or

(6) of subsection

(a) is indigent, the provisions of this subsection

(e) do not apply.

(f) For the purposes of this Section, "emergency response" means any condition that results in, or could result in, the response of a public official in an authorized emergency vehicle, any condition that jeopardizes or could jeopardize public safety and results in, or could result in, the evacuation of any area, building, structure, vehicle, or of any other place that any person may enter, or any incident requiring a response by a police officer, a firefighter, a State Fire Marshal employee, or an ambulance.

720 ILCS 5/26-1.1 — False report of theft and other losses

Sec. 26-1.1. False report of theft and other losses.

(a) A person who knowingly makes a false report of a theft, destruction, damage or conversion of any property to a law enforcement agency or other governmental agency with the intent to defraud an insurer is guilty of a Class A misdemeanor.

(b) A person convicted of a violation of this Section a second or subsequent time is guilty of a Class 4 felony.

720 ILCS 5/26-2 — Interference with emergency communication

Sec. 26-2. Interference with emergency communication.

(a) A person commits interference with emergency communication when he or she knowingly, intentionally and without lawful justification interrupts, disrupts, impedes, or otherwise interferes with the transmission of a communication over a citizens band radio channel, the purpose of which communication is to inform or inquire about an emergency.

(b) For the purpose of this Section, "emergency" means a condition or circumstance in which an individual is or is reasonably believed by the person transmitting the communication to be in imminent danger of serious bodily injury or in which property is or is reasonably believed by the person transmitting the communication to be in imminent danger of damage or destruction.

(c) Sentence.

(1) Interference with emergency communication is a Class B misdemeanor, except as otherwise provided in paragraph (2).

(2) Interference with emergency communication, where serious bodily injury or property loss in excess of \$1,000 results, is a Class A misdemeanor.

720 ILCS 5/26-3 — Use of a facsimile machine in unsolicited advertising or fund-raising

Sec. 26-3. Use of a facsimile machine in unsolicited advertising or fund-raising.

(a) Definitions:

(1) "Facsimile machine" means a device which is capable of sending or receiving facsimiles of documents through connection with a telecommunications network.

(2) "Person" means an individual, public or private corporation, unit of government, partnership or unincorporated association.

(b) A person commits use of a facsimile machine in unsolicited advertising or fund-raising when he or she knowingly uses a facsimile machine to send or cause to be sent to another person a facsimile of a document containing unsolicited advertising or fund-raising material, except to a person which the sender knows or under all of the circumstances reasonably believes has given the sender permission, either on a case by case or continuing basis, for the sending of the material.

(c) Sentence. Any person who violates subsection

(b) is guilty of a petty offense and shall be fined an amount not to exceed \$500.

720 ILCS 5/26-4 — Unauthorized video recording and live video transmission

Sec. 26-4. Unauthorized video recording and live video transmission.

(a) It is unlawful for any person to knowingly make a video record or transmit live video of another person without that person's consent in a restroom, tanning bed, tanning salon, locker room, changing room, or hotel bedroom. (a-5) It is unlawful for any person to knowingly make a video record or transmit live video of another person in that other person's residence without that person's consent. (a-6) It is unlawful for any person to knowingly make a video record or transmit live video of another person in that other person's residence without that person's consent when the recording or transmission is made outside that person's residence by use of an audio or video device that records or transmits from a remote location. (a-10) It is unlawful for any person to knowingly make a video record or transmit live video of another person's intimate parts for the purpose of viewing the body of or the undergarments worn by that other person without that person's consent. For the purposes of this subsection (a-10), "intimate parts" means the fully unclothed, partially unclothed, or transparently clothed genitals, pubic area, anus, or if the person is female, a partially or fully exposed nipple, including exposure through transparent clothing. (a-15) It is unlawful for any person to place or cause to be placed a device that makes a video record or transmits a live video in a restroom, tanning bed, tanning salon, locker room, changing room, or hotel bedroom with the intent to make a video record or transmit live video of another person without that person's consent. (a-20) It is unlawful for any person to place or cause to be placed a device that makes a video record or transmits a live video with the intent to make a video record or transmit live video of another person in that other person's residence without that person's consent. (a-25) It is unlawful for any person to, by any means, knowingly disseminate, or permit to be disseminated, a video record or live video that he or she knows to have been made or transmitted in violation of (a), (a-5), (a-6), (a-10), (a-15), or (a-20).

(b) Exemptions. The following activities shall be exempt from the provisions of this Section:

(1) The making of a video record or transmission of live video by law enforcement officers pursuant to a criminal investigation, which is otherwise lawful;

(2) The making of a video record or transmission of live video by correctional officials for security reasons or for investigation of alleged misconduct involving a person committed to the Department of Corrections; and

(3) The making of a video record or transmission of live video in a locker room by a reporter or news medium, as those terms are defined in Section 8-902 of the Code of Civil Procedure, where the reporter or news medium has been granted access to the locker room by an appropriate authority for the purpose of conducting interviews.

(c) The provisions of this Section do not apply to any sound recording or transmission of an oral conversation made as the result of the making of a video record or transmission of live video, and to which Article 14 of this Code applies.

(d) Sentence.

(1) A violation of subsection (a-15) or (a-20) is a Class A misdemeanor.

(2) A violation of subsection (a), (a-5), (a-6), or (a-10) is a Class 4 felony.

(3) A violation of subsection (a-25) is a Class 3 felony.

(4) A violation of subsection (a), (a-5), (a-6), (a-10), (a-15) or (a-20) is a Class 3 felony if the victim is a person under 18 years of age or if the violation is committed by an individual who is required to register as a sex offender under the Sex Offender Registration Act.

(5) A violation of subsection (a-25) is a Class 2 felony if the victim is a person under 18 years of age or if the violation is committed by an individual who is required to register as a sex offender under the Sex Offender Registration Act.

(e) For purposes of this Section:

(1) "Residence" includes a rental dwelling, but does not include stairwells, corridors, laundry facilities, or additional areas in which the general public has access.

(2) "Video record" means and includes any videotape, photograph, film, or other electronic or digital recording of a still or moving visual image; and "live video" means and includes any real-time or contemporaneous electronic or digital transmission of a still or moving visual image.

720 ILCS 5/26-4.5 — Consumer communications privacy

Sec. 26-4.5. Consumer communications privacy.

(a) For purposes of this Section, "communications company" means any person or organization which owns, controls, operates or manages any company which provides information or entertainment electronically to a household, including but not limited to a cable or community antenna television system.

(b) It shall be unlawful for a communications company to:

(1) install and use any equipment which would allow a communications company to visually observe or listen to what is occurring in an individual subscriber's household without the knowledge or permission of the subscriber;

(2) provide any person or public or private organization with a list containing the name of a subscriber, unless the communications company gives notice thereof to the subscriber;

(3) disclose the television viewing habits of any individual subscriber without the subscriber's consent; or

(4) install or maintain a home-protection scanning device in a dwelling as part of a communication service without the express written consent of the occupant.

(c) Sentence. A violation of this Section is a business offense, punishable by a fine not to exceed \$10,000 for each violation.

(d) Civil liability. Any person who has been injured by a violation of this Section may commence an action in the circuit court for damages against any communications company which has committed a violation. If the court awards damages, the plaintiff shall be awarded costs.

720 ILCS 5/26-5

Sec. 26-5. (Renumbered).

720 ILCS 5/26-6 — Disorderly conduct at a funeral or memorial service

Sec. 26-6. Disorderly conduct at a funeral or memorial service.

(a) The General Assembly finds and declares that due to the unique nature of funeral and memorial services and the heightened opportunity for extreme emotional distress on such occasions, the purpose of this Section is to protect the privacy and ability to mourn of grieving families directly before, during, and after a funeral or memorial service.

(b) For purposes of this Section:

(1) "Funeral" means the ceremonies, rituals, processions, and memorial services held at a funeral site in connection with the burial, cremation, or memorial of a deceased person.

(2) "Funeral site" means a church, synagogue, mosque, funeral home, mortuary, cemetery, gravesite, mausoleum, or other place at which a funeral is conducted or is scheduled to be conducted within the next 30 minutes or has been conducted within the last 30 minutes.

(c) A person commits the offense of disorderly conduct at a funeral or memorial service when he or she:

(1) engages, with knowledge of the existence of a funeral site, in any loud singing, playing of music, chanting, whistling, yelling, or noisemaking with, or without, noise amplification including, but not limited to, bullhorns, auto horns, and microphones within 300 feet of any ingress or egress of that funeral site, where the volume of such singing, music, chanting, whistling, yelling, or noisemaking is likely to be audible at and disturbing to the funeral site;

(2) displays, with knowledge of the existence of a funeral site and within 300 feet of any ingress or egress of that funeral site, any visual images that convey fighting words or actual or veiled threats against any other person; or

(3) with knowledge of the existence of a funeral site, knowingly obstructs, hinders, impedes, or blocks another person's entry to or exit from that funeral site or a facility containing that funeral site, except that the owner or occupant of property

may take lawful actions to exclude others from that property.

(d) Disorderly conduct at a funeral or memorial service is a Class C misdemeanor. A second or subsequent violation is a Class 4 felony.

(e) If any clause, sentence, section, provision, or part of this Section or the application thereof to any person or circumstance is adjudged to be unconstitutional, the remainder of this Section or its application to persons or circumstances other than those to which it is held invalid, is not affected thereby.

720 ILCS 5/26-7 — Disorderly conduct with a laser or laser pointer

Sec. 26-7. Disorderly conduct with a laser or laser pointer.

(a) Definitions. For the purposes of this Section: "Aircraft" means any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air, but excluding parachutes. "Laser" means both of the following:

(1) any device that utilizes the natural oscillations of atoms or molecules between energy levels for generating coherent electromagnetic radiation in the ultraviolet, visible, or infrared region of the spectrum and when discharged exceeds one milliwatt continuous wave;

(2) any device designed or used to amplify electromagnetic radiation by simulated emission that is visible to the human eye. "Laser pointer" means a hand-held device that emits light amplified by the stimulated emission of radiation that is visible to the human eye. "Laser sight" means a laser pointer that can be attached to a firearm and can be used to improve the accuracy of the firearm.

(b) A person commits disorderly conduct with a laser or laser pointer when he or she intentionally or knowingly:

(1) aims an operating laser pointer at a person he or she knows or reasonably should know to be a peace officer; or

(2) aims and discharges a laser or other device that creates visible light into the cockpit of an aircraft that is in the process of taking off, landing, or is in flight.

(c) Paragraph

(2) of subsection

(b) does not apply to the following individuals who aim and discharge a laser or other device at an aircraft:

(1) an authorized individual in the conduct of research and development or flight test operations conducted by an aircraft manufacturer, the Federal Aviation Administration, or any other person authorized by the Federal Aviation Administration to conduct this research and development or flight test operations; or

(2) members or elements of the Department of Defense or Department of Homeland Security acting in an official capacity for the purpose of research, development, operations, testing, or training.

(d) Sentence. Disorderly conduct with a laser or laser pointer is a Class A misdemeanor.

720 ILCS 5/26.5-0.1 — Definitions

Sec. 26.5-0.1. Definitions. As used in this Article: "Electronic communication" means any transfer of signs, signals, writings, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectric or photo-optical system. "Electronic communication" includes transmissions through an electronic device including, but not limited to, a telephone, cellular phone, computer, or pager, which communication includes, but is not limited to, e-mail, instant message, text message, or voice mail. "Family or household member" includes spouses, former spouses, parents, children, stepchildren and other persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relationship, and persons with disabilities and their personal assistants. For purposes of this Article, neither a casual acquaintanceship nor ordinary fraternization between 2 individuals in business or social contexts shall be deemed to constitute a dating relationship. "Harass" or "harassing" means knowing conduct which is not necessary to accomplish a purpose that is reasonable under the circumstances, that would cause a reasonable person emotional distress and does cause emotional distress to another.

720 ILCS 5/26.5-1 — Transmission of obscene messages

Sec. 26.5-1. Transmission of obscene messages.

(a) A person commits transmission of obscene messages when he or she sends messages or uses language or terms which are obscene, lewd or immoral with the intent to offend by means of or while using a telephone or telegraph facilities, equipment or wires of any person, firm or corporation engaged in the transmission of news or messages between states or within the State of Illinois.

(b) The trier of fact may infer intent to offend from the use of language or terms which are obscene, lewd or immoral.

720 ILCS 5/26.5-2 — Harassment by telephone

Sec. 26.5-2. Harassment by telephone.

(a) A person commits harassment by telephone when he or she uses telephone communication for any of the following purposes:

- (1) Making any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy or indecent with an intent to offend;
- (2) Making a telephone call, whether or not conversation ensues, with intent to abuse, threaten or harass any person at the called number;
- (3) Making or causing the telephone of another repeatedly to ring, with intent to harass any person at the called number;
- (4) Making repeated telephone calls, during which conversation ensues, solely to harass any person at the called number;
- (5) Making a telephone call or knowingly inducing a person to make a telephone call for the purpose of harassing another person who is under 13 years of age, regardless of whether the person under 13 years of age consents to the harassment, if the defendant is at least 16 years of age at the time of the commission of the offense; or
- (6) Knowingly permitting any telephone under one's control to be used for any of the purposes mentioned herein.

(b) Every telephone directory published for distribution to members of the general public shall contain a notice setting forth a summary of the provisions of this Section. The notice shall be printed in type which is no smaller than any other type on the same page and shall be preceded by the word "WARNING". All telephone companies in this State shall cooperate with law enforcement agencies in using their facilities and personnel to detect and prevent violations of this Article.

720 ILCS 5/26.5-3 — Harassment through electronic communications

Sec. 26.5-3. Harassment through electronic communications.

(a) A person commits harassment through electronic communications when he or she uses electronic communication for any of the following purposes:

- (1) Making any comment, request, suggestion or proposal which is obscene with an intent to offend;
- (2) Interrupting, with the intent to harass, the telephone service or the electronic communication service of any person;
- (3) Transmitting to any person, with the intent to harass and regardless of whether the communication is read in its entirety or at all, any file, document, or other communication which prevents that person from using his or her telephone service or electronic communications device;
- (4) Transmitting an electronic communication or knowingly inducing a person to transmit an electronic communication for the purpose of harassing another person who is under 13 years of age, regardless of whether the person under 13 years of age consents to the harassment, if the defendant is at least 16 years of age at the time of the commission of the offense;
- (5) Threatening injury to the person or to the property of the person to whom an electronic communication is directed or to any of his or her family or household members; or
- (6) Knowingly permitting any electronic communications device to be used for any of the purposes mentioned in this subsection (a).

(b) Telecommunications carriers, commercial mobile service providers, and providers of information services, including, but not limited to, Internet service providers and hosting service providers, are not liable under this Section, except for willful and wanton misconduct, by virtue of the transmission, storage, or caching of electronic communications or messages of others or by virtue of the provision of other related telecommunications, commercial mobile services, or information services used by others in violation of this Section.

720 ILCS 5/26.5-4 — Evidence inference

Sec. 26.5-4. Evidence inference. Evidence that a defendant made additional telephone calls or engaged in additional electronic communications after having been requested by a named complainant or by a family or household member of the complainant to stop may be considered as evidence of an intent to harass unless disproved by evidence to the contrary.

720 ILCS 5/26.5-5 — Sentence

Sec. 26.5-5. Sentence.

(a) Except as provided in subsection (b), a person who violates any of the provisions of Section 26.5-1, 26.5-2, or 26.5-3 of this Article is guilty of a Class B misdemeanor. Except as provided in subsection (b), a second or subsequent violation of Section 26.5-1, 26.5-2, or 26.5-3 of this Article is a Class A misdemeanor, for which the court shall impose a minimum of 14 days in jail or, if public or community service is established in the county in which the offender was convicted, 240 hours of public or community service.

(b) In any of the following circumstances, a person who violates Section 26.5-1, 26.5-2, or 26.5-3 of this Article shall be guilty of a Class 4 felony:

(1) The person has 3 or more prior violations in the last 10 years of harassment by telephone, harassment through electronic communications, or any similar offense of any other state;

(2) The person has previously violated the harassment by telephone provisions, or the harassment through electronic communications provisions, or committed any similar offense in any other state with the same victim or a member of the victim's family or household;

(3) At the time of the offense, the offender was under conditions of pretrial release, probation, conditional discharge, mandatory supervised release or was the subject of an order of protection, in this or any other state, prohibiting contact with the victim or any member of the victim's family or household;

(4) In the course of the offense, the offender threatened to kill the victim or any member of the victim's family or household;

(5) The person has been convicted in the last 10 years of a forcible felony as defined in Section 2-8 of the Criminal Code of 1961 or the Criminal Code of 2012;

(6) The person violates paragraph

(5) of Section 26.5-2 or paragraph

(4) of Section 26.5-3; or

(7) The person was at least 18 years of age at the time of the commission of the offense and the victim was under 18 years of age at the time of the commission of the offense.

(c) The court may order any person convicted under this Article to submit to a psychiatric examination.

720 ILCS 5/28-1 — Gambling

Sec. 28-1. Gambling.

(a) A person commits gambling when he or she:

(1) knowingly plays a game of chance or skill for money or other thing of value, unless excepted in subsection

(b) of this Section;

(2) knowingly makes a wager upon the result of any game, contest, or any political nomination, appointment or election;

(3) knowingly operates, keeps, owns, uses, purchases, exhibits, rents, sells, bargains for the sale or lease of, manufactures or distributes any gambling device;

(4) contracts to have or give himself or herself or another the option to buy or sell, or contracts to buy or sell, at a future time, any grain or other commodity whatsoever, or any stock or security of any company, where it is at the time of making such contract intended by both parties thereto that the contract to buy or sell, or the option, whenever exercised, or the contract resulting therefrom, shall be settled, not by the receipt or delivery of such property, but by the payment only of differences in prices thereof; however, the issuance, purchase, sale, exercise, endorsement or guarantee, by or through a person registered with the Secretary of State pursuant to Section 8 of the Illinois Securities Law of 1953, or by or through

a person exempt from such registration under said Section 8, of a put, call, or other option to buy or sell securities which have been registered with the Secretary of State or which are exempt from such registration under Section 3 of the Illinois Securities Law of 1953 is not gambling within the meaning of this paragraph (4);

(5) knowingly owns or possesses any book, instrument or apparatus by means of which bets or wagers have been, or are, recorded or registered, or knowingly possesses any money which he has received in the course of a bet or wager;

(6) knowingly sells pools upon the result of any game or contest of skill or chance, political nomination, appointment or election;

(7) knowingly sets up or promotes any lottery or sells, offers to sell or transfers any ticket or share for any lottery;

(8) knowingly sets up or promotes any policy game or sells, offers to sell or knowingly possesses or transfers any policy ticket, slip, record, document or other similar device;

(9) knowingly drafts, prints or publishes any lottery ticket or share, or any policy ticket, slip, record, document or similar device, except for such activity related to lotteries, bingo games and raffles authorized by and conducted in accordance with the laws of Illinois or any other state or foreign government;

(10) knowingly advertises any lottery or policy game, except for such activity related to lotteries, bingo games and raffles authorized by and conducted in accordance with the laws of Illinois or any other state;

(11) knowingly transmits information as to wagers, betting odds, or changes in betting odds by telephone, telegraph, radio, semaphore or similar means; or knowingly installs or maintains equipment for the transmission or receipt of such information; except that nothing in this subdivision

(11) prohibits transmission or receipt of such information for use in news reporting of sporting events or contests; or

(12) knowingly establishes, maintains, or operates an Internet site that permits a person to play a game of chance or skill for money or other thing of value by means of the Internet or to make a wager upon the result of any game, contest, political nomination, appointment, or election by means of the Internet. This item

(12) does not apply to activities referenced in items (6), (6.1), (8), (8.1), and

(15) of subsection

(b) of this Section.

(b) Participants in any of the following activities shall not be convicted of gambling:

(1) Agreements to compensate for loss caused by the happening of chance including without limitation contracts of indemnity or guaranty and life or health or accident insurance.

(2) Offers of prizes, award or compensation to the actual contestants in any bona fide contest for the determination of skill, speed, strength or endurance or to the owners of animals or vehicles entered in such contest.

(3) Pari-mutuel betting as authorized by the law of this State.

(4) Manufacture of gambling devices, including the acquisition of essential parts therefor and the assembly thereof, for transportation in interstate or foreign commerce to any place outside this State when such transportation is not prohibited by any applicable Federal law; or the manufacture, distribution, or possession of video gaming terminals, as defined in the Video Gaming Act, by manufacturers, distributors, and terminal operators licensed to do so under the Video Gaming Act.

(5) The game commonly known as "bingo", when conducted in accordance with the Bingo License and Tax Act.

(6) Lotteries when conducted by the State of Illinois in accordance with the Illinois Lottery Law. This exemption includes any activity conducted by the Department of Revenue to sell lottery tickets pursuant to the provisions of the Illinois Lottery Law and its rules. (6.1) The purchase of lottery tickets through the Internet for a lottery conducted by the State of Illinois under the program established in Section 7.12 of the Illinois Lottery Law.

(7) Possession of an antique slot machine that is neither used nor intended to be used in the operation or promotion of any unlawful gambling activity or enterprise. For the purpose of this subparagraph (b)(7), an antique slot machine is one manufactured 25 years ago or earlier.

(8) Raffles and poker runs when conducted in accordance with the Raffles and Poker Runs Act. (8.1) The purchase of raffle chances for a raffle conducted in accordance with the Raffles and Poker Runs Act.

(9) Charitable games when conducted in accordance with the Charitable Games Act.

(10) Pull tabs and jar games when conducted under the Illinois Pull Tabs and Jar Games Act.

(11) Gambling games when authorized by the Illinois Gambling Act.

(12) Video gaming terminal games at a licensed establishment, licensed truck stop establishment, licensed large truck stop establishment, licensed fraternal establishment, or licensed veterans establishment when conducted in accordance with the Video Gaming Act.

(13) Games of skill or chance where money or other things of value can be won but no payment or purchase is required to participate.

(14) Savings promotion raffles authorized under Section 5g of the Illinois Banking Act, Section 7008 of the Savings Bank Act, Section 42.7 of the Illinois Credit Union Act, Section 5136B of the National Bank Act (12 U.S.C. 25a), or Section 4 of the Home Owners' Loan Act (12 U.S.C. 1463).

(15) Sports wagering when conducted in accordance with the Sports Wagering Act.

(c) Sentence. Gambling is a Class A misdemeanor. A second or subsequent conviction under subsections (a)(3) through (a)(12), is a Class 4 felony.

(d) Circumstantial evidence. In prosecutions under this Section circumstantial evidence shall have the same validity and weight as in any criminal prosecution.

720 ILCS 5/28-1.1 — Syndicated gambling

Sec. 28-1.1. Syndicated gambling.

(a) Declaration of Purpose. Recognizing the close relationship between professional gambling and other organized crime, it is declared to be the policy of the legislature to restrain persons from engaging in the business of gambling for profit in this State. This Section shall be liberally construed and administered with a view to carrying out this policy.

(b) A person commits syndicated gambling when he or she operates a "policy game" or engages in the business of bookmaking.

(c) A person "operates a policy game" when he or she knowingly uses any premises or property for the purpose of receiving or knowingly does receive from what is commonly called "policy":

(1) money from a person other than the bettor or player whose bets or plays are represented by the money; or

(2) written "policy game" records, made or used over any period of time, from a person other than the bettor or player whose bets or plays are represented by the written record.

(d) A person engages in bookmaking when he or she knowingly receives or accepts more than five bets or wagers upon the result of any trials or contests of skill, speed or power of endurance or upon any lot, chance, casualty, unknown or contingent event whatsoever, which bets or wagers shall be of such size that the total of the amounts of money paid or promised to be paid to the bookmaker on account thereof shall exceed \$2,000. Bookmaking is the receiving or accepting of bets or wagers regardless of the form or manner in which the bookmaker records them.

(e) Participants in any of the following activities shall not be convicted of syndicated gambling:

(1) Agreements to compensate for loss caused by the happening of chance including without limitation contracts of indemnity or guaranty and life or health or accident insurance;

(2) Offers of prizes, award or compensation to the actual contestants in any bona fide contest for the determination of skill, speed, strength or endurance or to the owners of animals or vehicles entered in the contest;

(3) Pari-mutuel betting as authorized by law of this State;

(4) Manufacture of gambling devices, including the acquisition of essential parts therefor and the assembly thereof, for transportation in interstate or foreign commerce to any place outside this State when the transportation is not prohibited by any applicable Federal law;

(5) Raffles and poker runs when conducted in accordance with the Raffles and Poker Runs Act;

(6) Gambling games conducted on riverboats, in casinos, or at organization gaming facilities when authorized by the Illinois Gambling Act;

(7) Video gaming terminal games at a licensed establishment, licensed truck stop establishment, licensed large truck stop establishment, licensed fraternal establishment, or licensed veterans establishment when conducted in accordance with the Video Gaming Act; and

(8) Savings promotion raffles authorized under Section 5g of the Illinois Banking Act, Section 7008 of the Savings Bank Act, Section 42.7 of the Illinois Credit Union Act, Section 5136B of the National Bank Act (12 U.S.C. 25a), or Section 4 of the Home Owners' Loan Act (12 U.S.C. 1463).

(f) Sentence. Syndicated gambling is a Class 3 felony.

720 ILCS 5/28-2 — Definitions

Sec. 28-2. Definitions.

(a) A "gambling device" is any clock, tape machine, slot machine or other machines or device for the reception of money or other thing of value on chance or skill or upon the action of which money or other thing of value is staked, hazarded, bet, won, or lost; or any mechanism, furniture, fixture, equipment, or other device designed primarily for use in a gambling place. A "gambling device" does not include:

(1) A coin-in-the-slot operated mechanical device played for amusement which rewards the player with the right to replay such mechanical device, which device is so constructed or devised as to make such result of the operation thereof depend in part upon the skill of the player and which returns to the player thereof no money, property, or right to receive money or property.

(2) Vending machines by which full and adequate return is made for the money invested and in which there is no element of chance or hazard.

(3) A crane game. For the purposes of this paragraph (3), a "crane game" is an amusement device involving skill, if it rewards the player exclusively with merchandise contained within the amusement device proper and limited to toys, novelties, and prizes other than currency, each having a wholesale value which is not more than \$25.

(4) A redemption machine. For the purposes of this paragraph (4), a "redemption machine" is a single-player or multi-player amusement device involving a game, the object of which is throwing, rolling, bowling, shooting, placing, or propelling a ball or other object that is either physical or computer generated on a display or with lights into, upon, or against a hole or other target that is either physical or computer generated on a display or with lights, or stopping, by physical, mechanical, or electronic means, a moving object that is either physical or computer generated on a display or with lights into, upon, or against a hole or other target that is either physical or computer generated on a display or with lights, provided that all of the following conditions are met: (A) The outcome of the game is predominantly determined by the skill of the player. (B) The award of the prize is based solely upon the player's achieving the object of the game or otherwise upon the player's score. (C) Only merchandise prizes are awarded. (D) The wholesale value of prizes awarded in lieu of tickets or tokens for single play of the device does not exceed \$25. (E) The redemption value of tickets, tokens, and other representations of value, which may be accumulated by players to redeem prizes of greater value, for a single play of the device does not exceed \$25.

(5) Video gaming terminals at a licensed establishment, licensed truck stop establishment, licensed large truck stop establishment, licensed fraternal establishment, or licensed veterans establishment licensed in accordance with the Video Gaming Act. (a-5) "Internet" means an interactive computer service or system or an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, and includes, but is not limited to, an information service, system, or access software provider that provides access to a network system commonly known as the Internet, or any comparable system or service and also includes, but is not limited to, a World Wide Web page, newsgroup, message board, mailing list, or chat area on any interactive computer service or system or other online service. (a-6) "Access" has the meaning ascribed to the term in Section 17-55. (a-7) "Computer" has the meaning ascribed to the term in Section 17-0.5.

(b) A "lottery" is any scheme or procedure whereby one or more prizes are distributed by chance among persons who have paid or promised consideration for a chance to win such prizes, whether such scheme or procedure is called a lottery, raffle, gift, sale, or some other name, excluding savings promotion raffles authorized under Section 5g of the Illinois Banking Act, Section 7008 of the Savings Bank Act, Section 42.7 of the Illinois Credit Union Act, Section 5136B of the National Bank Act (12 U.S.C. 25a), or Section 4 of the Home Owners' Loan Act (12 U.S.C. 1463).

(c) A "policy game" is any scheme or procedure whereby a person promises or guarantees by any instrument, bill, certificate, writing, token, or other device that any particular number, character, ticket, or certificate shall in the event of any contingency in the nature of a lottery entitle the purchaser or holder to receive money, property, or evidence of debt.

720 ILCS 5/28-3 — Keeping a gambling place

Sec. 28-3. Keeping a gambling place. A "gambling place" is any real estate, vehicle, boat, or any other property whatsoever used for the purposes of gambling other than gambling conducted in the manner authorized by the Illinois Gambling Act, the Sports Wagering Act, or the Video Gaming Act. Any person who knowingly permits any premises or property owned or occupied by him or under his control to be used as a gambling place commits a Class A misdemeanor. Each subsequent offense is a Class 4 felony. When any premises is determined by the circuit court to be a gambling place:

(a) Such premises is a public nuisance and may be proceeded against as such, and

(b) All licenses, permits or certificates issued by the State of Illinois or any subdivision or public agency thereof authorizing the serving of food or liquor on such premises shall be void; and no license, permit or certificate so cancelled shall be reissued for such premises for a period of 60 days thereafter; nor shall any person convicted of keeping a gambling place be reissued such license for one year from his conviction and, after a second conviction of keeping a gambling place, any such person shall not be reissued such license, and

(c) Such premises of any person who knowingly permits thereon a violation of any Section of this Article shall be held liable for, and may be sold to pay any unsatisfied judgment that may be recovered and any unsatisfied fine that may be levied under any Section of this Article.

720 ILCS 5/28-4 — Registration of Federal Gambling Stamps

Sec. 28-4. Registration of Federal Gambling Stamps.

(a) Every person who has purchased a Federal Wagering Occupational Tax Stamp, as required by the United States under the applicable provisions of the Internal Revenue Code, or a Federal Gaming Device Tax Stamp, as required by the United States under the applicable provisions of the Internal Revenue Code, shall register forthwith such stamp or stamps with the county clerk's office in which he resides and the county clerk's office of each and every county in which he conducts any business. A violation of this Section is a Class B misdemeanor. A subsequent violation is a Class A misdemeanor.

(b) To register a stamp as required by this Section, each individual stamp purchaser and each member of a firm or association which is a stamp purchaser and, if such purchaser is corporate, the registered agent of the purchasing corporation shall deliver the stamp to the county clerk for inspection and shall under oath or affirmation complete and sign a registration form which shall state the full name and residence and business address of each purchaser and of each member of a purchasing firm or association and of each person employed or engaged in gambling on behalf of such purchaser, shall state the registered agent and registered address of a corporate purchaser, shall state each place where gambling is to be performed by or on behalf of the purchaser, and shall state the duration of validity of the stamp and the federal registration number and tax return number thereof. Any false statement in the registration form is material and is evidence of perjury.

(c) Within 3 days after such registration the county clerk shall by registered mail forward notice of such registration and a duplicate copy of each registration form to the Attorney General of this State, to the Chairman of the Illinois Liquor Control Commission, to the State's Attorney and Sheriff of each county wherein the stamp is registered, and to the principal official of the department of police of each city, village and incorporated town in this State wherein the stamp is registered or wherein the registrant maintains a business address.

720 ILCS 5/28-5 — Seizure of gambling devices and gambling funds

Sec. 28-5. Seizure of gambling devices and gambling funds.

(a) Every device designed for gambling which is incapable of lawful use or every device used unlawfully for gambling shall be considered a "gambling device", and shall be subject to seizure, confiscation and destruction by the Illinois State Police or by any municipal, or other local authority, within whose jurisdiction the same may be found. As used in this Section, a "gambling device" includes any slot machine, and includes any machine or device constructed for the reception of money or other thing of value and so constructed as to return, or to cause someone to return, on chance to the player thereof money, property or a right to receive money or property. With the exception of any device designed for gambling which is incapable of lawful use, no gambling device shall be forfeited or destroyed unless an individual with a property interest in said device knows of the unlawful use of the device.

(b) Every gambling device shall be seized and forfeited to the county wherein such seizure occurs. Any money or other thing of value integrally related to acts of gambling shall be seized and forfeited to the county wherein such seizure

occurs.

(c) If, within 60 days after any seizure pursuant to subparagraph

(b) of this Section, a person having any property interest in the seized property is charged with an offense, the court which renders judgment upon such charge shall, within 30 days after such judgment, conduct a forfeiture hearing to determine whether such property was a gambling device at the time of seizure. Such hearing shall be commenced by a written petition by the State, including material allegations of fact, the name and address of every person determined by the State to have any property interest in the seized property, a representation that written notice of the date, time and place of such hearing has been mailed to every such person by certified mail at least 10 days before such date, and a request for forfeiture. Every such person may appear as a party and present evidence at such hearing. The quantum of proof required shall be a preponderance of the evidence, and the burden of proof shall be on the State. If the court determines that the seized property was a gambling device at the time of seizure, an order of forfeiture and disposition of the seized property shall be entered: a gambling device shall be received by the State's Attorney, who shall effect its destruction, except that valuable parts thereof may be liquidated and the resultant money shall be deposited in the general fund of the county wherein such seizure occurred; money and other things of value shall be received by the State's Attorney and, upon liquidation, shall be deposited in the general fund of the county wherein such seizure occurred. However, in the event that a defendant raises the defense that the seized slot machine is an antique slot machine described in subparagraph

(b)

(7) of Section 28-1 of this Code and therefore he is exempt from the charge of a gambling activity participant, the seized antique slot machine shall not be destroyed or otherwise altered until a final determination is made by the Court as to whether it is such an antique slot machine. Upon a final determination by the Court of this question in favor of the defendant, such slot machine shall be immediately returned to the defendant. Such order of forfeiture and disposition shall, for the purposes of appeal, be a final order and judgment in a civil proceeding.

(d) If a seizure pursuant to subparagraph

(b) of this Section is not followed by a charge pursuant to subparagraph

(c) of this Section, or if the prosecution of such charge is permanently terminated or indefinitely discontinued without any judgment of conviction or acquittal

(1) the State's Attorney shall commence an in rem proceeding for the forfeiture and destruction of a gambling device, or for the forfeiture and deposit in the general fund of the county of any seized money or other things of value, or both, in the circuit court and

(2) any person having any property interest in such seized gambling device, money or other thing of value may commence separate civil proceedings in the manner provided by law.

(e) Any gambling device displayed for sale to a riverboat gambling operation, casino gambling operation, or organization gaming facility or used to train occupational licensees of a riverboat gambling operation, casino gambling operation, or organization gaming facility as authorized under the Illinois Gambling Act is exempt from seizure under this Section.

(f) Any gambling equipment, devices, and supplies provided by a licensed supplier in accordance with the Illinois Gambling Act which are removed from a riverboat, casino, or organization gaming facility for repair are exempt from seizure under this Section.

(g) The following video gaming terminals are exempt from seizure under this Section:

(1) Video gaming terminals for sale to a licensed distributor or operator under the Video Gaming Act.

(2) Video gaming terminals used to train licensed technicians or licensed terminal handlers.

(3) Video gaming terminals that are removed from a licensed establishment, licensed truck stop establishment, licensed large truck stop establishment, licensed fraternal establishment, or licensed veterans establishment for repair.

(h) Property seized or forfeited under this Section is subject to reporting under the Seizure and Forfeiture Reporting Act.

(i) Any sports lottery terminals provided by a central system provider that are removed from a lottery retailer for repair under the Sports Wagering Act are exempt from seizure under this Section.

720 ILCS 5/28-7 — Gambling contracts void

Sec. 28-7. Gambling contracts void.

(a) All promises, notes, bills, bonds, covenants, contracts, agreements, judgments, mortgages, or other securities or conveyances made, given, granted, drawn, or entered into, or executed by any person whatsoever, where the whole or any part of the consideration thereof is for any money or thing of value, won or obtained in violation of any Section of this Article are null and void.

(b) Any obligation void under this Section may be set aside and vacated by any court of competent jurisdiction, upon a complaint filed for that purpose, by the person so granting, giving, entering into, or executing the same, or by his executors or administrators, or by any creditor, heir, legatee, purchaser or other person interested therein; or if a judgment, the same may be set aside on motion of any person stated above, on due notice thereof given.

(c) No assignment of any obligation void under this Section may in any manner affect the defense of the person giving, granting, drawing, entering into or executing such obligation, or the remedies of any person interested therein.

(d) This Section shall not prevent a licensed owner of a riverboat gambling operation, a casino gambling operation, or an organization gaming licensee under the Illinois Gambling Act and the Illinois Horse Racing Act of 1975 from instituting a cause of action to collect any amount due and owing under an extension of credit to a gambling patron as authorized under Section 11.1 of the Illinois Gambling Act.

720 ILCS 5/28-8 — Gambling losses recoverable

Sec. 28-8. Gambling losses recoverable.

(a) Any person who by gambling shall lose to any other person, any sum of money or thing of value, amounting to the sum of \$50 or more and shall pay or deliver the same or any part thereof, may sue for and recover the money or other thing of value, so lost and paid or delivered, in a civil action against the winner thereof, with costs, in the circuit court. No person who accepts from another person for transmission, and transmits, either in his own name or in the name of such other person, any order for any transaction to be made upon, or who executes any order given to him by another person, or who executes any transaction for his own account on, any regular board of trade or commercial, commodity or stock exchange, shall, under any circumstances, be deemed a "winner" of any moneys lost by such other person in or through any such transactions.

(b) If within 6 months, such person who under the terms of Subsection 28-8(a) is entitled to initiate action to recover his losses does not in fact pursue his remedy, any person may initiate a civil action against the winner. The court or the jury, as the case may be, shall determine the amount of the loss. After such determination, the court shall enter a judgment of triple the amount so determined.

(c) Gambling losses as a result of gambling conducted on a video gaming terminal licensed under the Video Gaming Act are not recoverable under this Section.

720 ILCS 5/28-9

Sec. 28-9. At the option of the prosecuting attorney any prosecution under this Article may be commenced by an information as defined in Section 102-12 of the Code of Criminal Procedure of 1963.

720 ILCS 5/29-1 — Offering a bribe

Sec. 29-1. Offering a bribe.

(a) Any person who, with intent to influence any person participating in, officiating or connected with any professional or amateur athletic contest, sporting event or exhibition, gives, offers or promises any money, bribe or other thing of value or advantage to induce such participant, official or other person not to use his best efforts in connection with such contest, event or exhibition commits a Class 4 felony.

(b) Any person who, with the intent to influence the decision of any individual, offers or promises any money, bribe or other thing of value or advantage to induce such individual to attend, refrain from attending or continue to attend a particular public or private institution of secondary education or higher education for the purpose of participating or not participating in interscholastic athletic competition for such institution commits a Class A misdemeanor. This Section does not apply to the:

- (1) offering or awarding to an individual any type of scholarship, grant or other bona fide financial aid or employment;
- (2) offering of any type of financial assistance by such individual's family; or

(3) offering of any item of de minimis value by such institution's authorities if such item is of the nature of an item that is commonly provided to any or all students or prospective students.

(c) Any person who gives any money, goods or other thing of value to an individual enrolled in an institution of higher education who participates in interscholastic competition and represents or attempts to represent such individual in future negotiations for employment with any professional sports team commits a Class A misdemeanor.

720 ILCS 5/29-2 — Accepting a bribe

Sec. 29-2. Accepting a bribe. Any person participating in, officiating or connected with any professional or amateur athletic contest, sporting event or exhibition who accepts or agrees to accept any money, bribe or other thing of value or advantage with the intent, understanding or agreement that he will not use his best efforts in connection with such contest, event or exhibition commits a Class 4 felony.

720 ILCS 5/29-3 — Failure to report offer of bribe

Sec. 29-3. Failure to report offer of bribe. Any person participating, officiating or connected with any professional or amateur athletic contest, sporting event or exhibition who fails to report forthwith to his employer, the promoter of such contest, event or exhibition, a peace officer, or the local State's Attorney any offer or promise made to him in violation of Section 29-1 commits a Class A misdemeanor.

720 ILCS 5/29A-1

Sec. 29A-1. A person commits commercial bribery when he confers, or offers or agrees to confer, any benefit upon any employee, agent or fiduciary without the consent of the latter's employer or principal, with intent to influence his conduct in relation to his employer's or principal's affairs.

720 ILCS 5/29A-2

Sec. 29A-2. An employee, agent or fiduciary commits commercial bribe receiving when, without consent of his employer or principal, he solicits, accepts or agrees to accept any benefit from another person upon an agreement or understanding that such benefit will influence his conduct in relation to his employer's or principal's affairs.

720 ILCS 5/29A-3 — Sentence

Sec. 29A-3. Sentence.

(a) If the benefit offered, conferred, or agreed to be conferred, solicited, accepted or agreed to be accepted is less than \$500,000, commercial bribery or commercial bribe receiving is a Class A misdemeanor and the sentence shall include, but not be limited to, a fine not to exceed \$5,000.

(b) If the benefit offered, conferred, or agreed to be conferred, solicited, accepted, or agreed to be accepted in violation of this Article is \$500,000 or more, the offender is guilty of a Class 3 felony.

720 ILCS 5/29A-4 — Corporate Crime Fund

Sec. 29A-4. Corporate Crime Fund.

(a) In addition to any fines, penalties, and assessments otherwise authorized under this Code, any person convicted of a violation of this Article or Section 17-26 or 17-27 of this Code shall be assessed a penalty of not more than 3 times the value of all property involved in the criminal activity.

(b) The penalties assessed under subsection

(a) shall be deposited into the Corporate Crime Fund, a special fund hereby created in the State treasury. Moneys in the Fund shall be used to make restitution to a person who has suffered property loss as a result of violations of this Article. The court may determine the reasonable amount, terms, and conditions of the restitution. In determining the amount and method of payment of restitution, the court shall take into account all financial resources of the defendant.

720 ILCS 5/29B-0.5 — Definitions

Sec. 29B-0.5. Definitions. In this Article: "Conduct" or "conducts" includes, in addition to its ordinary meaning, initiating, concluding, or participating in initiating or concluding a transaction. "Criminally derived property" means:

(1) any property, real or personal, constituting or derived from proceeds obtained, directly or indirectly, from activity that constitutes a felony under State, federal, or foreign law; or

(2) any property represented to be property constituting or derived from proceeds obtained, directly or indirectly, from activity that constitutes a felony under State, federal, or foreign law. "Director" means the Director of the Illinois State Police or his or her designated agents. "Financial institution" means any bank; savings and loan association; trust company; agency or branch of a foreign bank in the United States; currency exchange; credit union; mortgage banking institution; pawnbroker; loan or finance company; operator of a credit card system; issuer, redeemer, or cashier of travelers checks, checks, or money orders; dealer in precious metals, stones, or jewels; broker or dealer in securities or commodities; investment banker; or investment company. "Financial transaction" means a purchase, sale, loan, pledge, gift, transfer, delivery, or other disposition utilizing criminally derived property, and with respect to financial institutions, includes a deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, purchase or sale of any stock, bond, certificate of deposit or other monetary instrument, use of safe deposit box, or any other payment, transfer or delivery by, through, or to a financial institution. "Financial transaction" also means a transaction which without regard to whether the funds, monetary instruments, or real or personal property involved in the transaction are criminally derived, any transaction which in any way or degree:

(1) involves the movement of funds by wire or any other means;

(2) involves one or more monetary instruments; or

(3) the transfer of title to any real or personal property. The receipt by an attorney of bona fide fees for the purpose of legal representation is not a financial transaction for purposes of this Article. "Form 4-64" means the Illinois State Police Notice/Inventory of Seized Property (Form 4-64). "Knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity" means that the person knew the property involved in the transaction represented proceeds from some form, though not necessarily which form, of activity that constitutes a felony under State, federal, or foreign law. "Monetary instrument" means United States coins and currency; coins and currency of a foreign country; travelers checks; personal checks, bank checks, and money orders; investment securities; bearer negotiable instruments; bearer investment securities; or bearer securities and certificates of stock in a form that title passes upon delivery. "Specified criminal activity" means any violation of Section 29D-15.1 and any violation of Article 29D of this Code. "Transaction reporting requirement under State law" means any violation as defined under the Currency Reporting Act.

720 ILCS 5/29B-1 — Money laundering

Sec. 29B-1. Money laundering.

(a) A person commits the offense of money laundering:

(1) when, knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity, he or she conducts or attempts to conduct the financial transaction which in fact involves criminally derived property: (A) with the intent to promote the carrying on of the unlawful activity from which the criminally derived property was obtained; or (B) where he or she knows or reasonably should know that the financial transaction is designed in whole or in part:

(i) to conceal or disguise the nature, the location, the source, the ownership or the control of the criminally derived property; or (ii) to avoid a transaction reporting requirement under State law; or (1.5) when he or she transports, transmits, or transfers, or attempts to transport, transmit, or transfer a monetary instrument: (A) with the intent to promote the carrying on of the unlawful activity from which the criminally derived property was obtained; or (B) knowing, or having reason to know, that the financial transaction is designed in whole or in part:

(i) to conceal or disguise the nature, the location, the source, the ownership or the control of the criminally derived property; or (ii) to avoid a transaction reporting requirement under State law; or

(2) when, with the intent to: (A) promote the carrying on of a specified criminal activity as defined in this Article; or (B) conceal or disguise the nature, location, source, ownership, or control of property believed to be the proceeds of a specified criminal activity as defined in this Article; or (C) avoid a transaction reporting requirement under State law, he or she conducts or attempts to conduct a financial transaction involving property he or she believes to be the proceeds of specified criminal activity or property used to conduct or facilitate specified criminal activity as defined in this Article.

(b) (Blank).

(c) Sentence.

(1) Laundering of criminally derived property of a value not exceeding \$10,000 is a Class 3 felony;

- (2) Laundering of criminally derived property of a value exceeding \$10,000 but not exceeding \$100,000 is a Class 2 felony;
- (3) Laundering of criminally derived property of a value exceeding \$100,000 but not exceeding \$500,000 is a Class 1 felony;
- (4) Money laundering in violation of subsection (a)(2) of this Section is a Class X felony;
- (5) Laundering of criminally derived property of a value exceeding \$500,000 is a Class 1 non-probationable felony;
- (6) In a prosecution under clause (a)(1.5)(B)(ii) of this Section, the sentences are as follows: (A) Laundering of property of a value not exceeding \$10,000 is a Class 3 felony; (B) Laundering of property of a value exceeding \$10,000 but not exceeding \$100,000 is a Class 2 felony; (C) Laundering of property of a value exceeding \$100,000 but not exceeding \$500,000 is a Class 1 felony; (D) Laundering of property of a value exceeding \$500,000 is a Class 1 non-probationable felony.

720 ILCS 5/29B-2 — Evidence in money laundering prosecutions

Sec. 29B-2. Evidence in money laundering prosecutions. In a prosecution under this Article, either party may introduce the following evidence pertaining to the issue of whether the property or proceeds were known to be some form of criminally derived property or from some form of unlawful activity:

- (1) a financial transaction was conducted or structured or attempted in violation of the reporting requirements of any State or federal law;
- (2) a financial transaction was conducted or attempted with the use of a false or fictitious name or a forged instrument;
- (3) a falsely altered or completed written instrument or a written instrument that contains any materially false personal identifying information was made, used, offered, or presented, whether accepted or not, in connection with a financial transaction;
- (4) a financial transaction was structured or attempted to be structured so as to falsely report the actual consideration or value of the transaction;
- (5) a money transmitter, a person engaged in a trade or business, or any employee of a money transmitter or a person engaged in a trade or business, knows or reasonably should know that false personal identifying information has been presented and incorporates the false personal identifying information into any report or record;
- (6) the criminally derived property is transported or possessed in a fashion inconsistent with the ordinary or usual means of transportation or possession of the property and where the property is discovered in the absence of any documentation or other indicia of legitimate origin or right to the property;
- (7) a person pays or receives substantially less than face value for one or more monetary instruments; or
- (8) a person engages in a transaction involving one or more monetary instruments, where the physical condition or form of the monetary instrument or instruments makes it apparent that they are not the product of bona fide business or financial transactions.

720 ILCS 5/29B-3 — Duty to enforce this Article

Sec. 29B-3. Duty to enforce this Article.

- (a) It is the duty of the Illinois State Police, and its agents, officers, and investigators, to enforce this Article, except those provisions otherwise specifically delegated, and to cooperate with all agencies charged with the enforcement of the laws of the United States, or of any state, relating to money laundering. Only an agent, officer, or investigator designated by the Director may be authorized in accordance with this Section to serve seizure notices, warrants, subpoenas, and summonses under the authority of this State.
- (b) An agent, officer, investigator, or peace officer designated by the Director may:
 - (1) make seizure of property under this Article; and
 - (2) perform other law enforcement duties as the Director designates. It is the duty of all State's Attorneys to prosecute violations of this Article and institute legal proceedings as authorized under this Article.

720 ILCS 5/29B-4 — Protective orders and warrants for forfeiture purposes

Sec. 29B-4. Protective orders and warrants for forfeiture purposes.

(a) Upon application of the State, the court may enter a restraining order or injunction, require the execution of a satisfactory performance bond, or take any other action to preserve the availability of property described in Section 29B-5 of this Article for forfeiture under this Article:

(1) upon the filing of an indictment, information, or complaint charging a violation of this Article for which forfeiture may be ordered under this Article and alleging that the property with respect to which the order is sought would be subject to forfeiture under this Article; or

(2) prior to the filing of the indictment, information, or complaint, if, after notice to persons appearing to have an interest in the property and opportunity for a hearing, the court determines that: (A) there is probable cause to believe that the State will prevail on the issue of forfeiture and that failure to enter the order will result in the property being destroyed, removed from the jurisdiction of the court, or otherwise made unavailable for forfeiture; and (B) the need to preserve the availability of the property through the entry of the requested order outweighs the hardship on any party against whom the order is to be entered. Provided, however, that an order entered under paragraph

(2) of this Section shall be effective for not more than 90 days, unless extended by the court for good cause shown or unless an indictment, information, complaint, or administrative notice has been filed.

(b) A temporary restraining order under this subsection

(b) may be entered upon application of the State without notice or opportunity for a hearing when an indictment, information, complaint, or administrative notice has not yet been filed with respect to the property, if the State demonstrates that there is probable cause to believe that the property with respect to which the order is sought would be subject to forfeiture under this Article and that provision of notice will jeopardize the availability of the property for forfeiture. The temporary order shall expire not more than 30 days after the date on which it is entered, unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period. A hearing requested concerning an order entered under this subsection

(b) shall be held at the earliest possible time and prior to the expiration of the temporary order.

(c) The court may receive and consider, at a hearing held under this Section, evidence and information that would be inadmissible under the Illinois rules of evidence.

(d) Under its authority to enter a pretrial restraining order under this Section, the court may order a defendant to repatriate any property that may be seized and forfeited and to deposit that property pending trial with the Illinois State Police or another law enforcement agency designated by the Illinois State Police. Failure to comply with an order under this Section is punishable as a civil or criminal contempt of court.

(e) The State may request the issuance of a warrant authorizing the seizure of property described in Section 29B-5 of this Article in the same manner as provided for a search warrant. If the court determines that there is probable cause to believe that the property to be seized would be subject to forfeiture, the court shall issue a warrant authorizing the seizure of that property.

720 ILCS 5/29B-5 — Property subject to forfeiture

Sec. 29B-5. Property subject to forfeiture. The following are subject to forfeiture:

(1) any property, real or personal, constituting, derived from, or traceable to any proceeds the person obtained, directly or indirectly, as a result of a violation of this Article;

(2) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, a violation of this Article;

(3) all conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of property described in paragraphs

(1) and

(2) of this Section, but: (A) no conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this Section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this Article; (B) no conveyance is subject to forfeiture under this Article by reason of any act or omission which the owner proves to have been committed or omitted without his or her knowledge or consent; (C) a forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he or she neither had knowledge of nor consented to the act or omission;

(4) all real property, including any right, title, and interest, including, but not limited to, any leasehold interest or the beneficial interest in a land trust, in the whole of any lot or tract of land and any appurtenances or improvements, which is used or intended to be used, in any manner or part, to commit, or in any manner to facilitate the commission of, any violation of this Article or that is the proceeds of any violation or act that constitutes a violation of this Article.

720 ILCS 5/29B-6 — Seizure

Sec. 29B-6. Seizure.

(a) Property subject to forfeiture under this Article may be seized by the Director or any peace officer upon process or seizure warrant issued by any court having jurisdiction over the property. Seizure by the Director or any peace officer without process may be made:

- (1) if the seizure is incident to a seizure warrant;
- (2) if the property subject to seizure has been the subject of a prior judgment in favor of the State in a criminal proceeding, or in an injunction or forfeiture proceeding based upon this Article;
- (3) if there is probable cause to believe that the property is directly or indirectly dangerous to health or safety;
- (4) if there is probable cause to believe that the property is subject to forfeiture under this Article and the property is seized under circumstances in which a warrantless seizure or arrest would be reasonable; or
- (5) in accordance with the Code of Criminal Procedure of 1963.

(b) In the event of seizure under subsection

(a) of this Section, forfeiture proceedings shall be instituted in accordance with this Article.

(c) Actual physical seizure of real property subject to forfeiture requires the issuance of a seizure warrant. Nothing in this Article prohibits the constructive seizure of real property through the filing of a complaint for forfeiture in circuit court and the recording of a lis pendens against the real property that is subject to forfeiture without any hearing, warrant application, or judicial approval.

720 ILCS 5/29B-7 — Safekeeping of seized property pending disposition

Sec. 29B-7. Safekeeping of seized property pending disposition.

(a) If property is seized under this Article, the seizing agency shall promptly conduct an inventory of the seized property and estimate the property's value and shall forward a copy of the inventory of seized property and the estimate of the property's value to the Director. Upon receiving notice of seizure, the Director may:

- (1) place the property under seal;
- (2) remove the property to a place designated by the Director;
- (3) keep the property in the possession of the seizing agency;
- (4) remove the property to a storage area for safekeeping or, if the property is a negotiable instrument or money and is not needed for evidentiary purposes, deposit it in an interest bearing account;
- (5) place the property under constructive seizure by posting notice of pending forfeiture on it, by giving notice of pending forfeiture to its owners and interest holders, or by filing notice of pending forfeiture in any appropriate public record relating to the property; or
- (6) provide for another agency or custodian, including an owner, secured party, or lienholder, to take custody of the property upon the terms and conditions set by the Director.

(b) When property is forfeited under this Article, the Director or the Director's designee shall sell all the property unless the property is required by law to be destroyed or is harmful to the public and shall distribute the proceeds of the sale, together with any moneys forfeited or seized, under Section 29B-26 of this Article.

720 ILCS 5/29B-8 — Notice to State's Attorney

Sec. 29B-8. Notice to State's Attorney. The law enforcement agency seizing property for forfeiture under this Article shall, within 60 days after seizure, notify the State's Attorney for the county, either where an act or omission giving rise to the forfeiture occurred or where the property was seized, of the seizure of the property and the facts and circumstances giving rise to the seizure and shall provide the State's Attorney with the inventory of the property and its estimated value. If the property seized for forfeiture is a vehicle, the law enforcement agency seizing the property shall immediately notify

the Secretary of State that forfeiture proceedings are pending regarding the vehicle. This notice shall be by Form 4-64.

720 ILCS 5/29B-9 — Preliminary review

Sec. 29B-9. Preliminary review.

(a) Within 28 days of the seizure, the State shall seek a preliminary determination from the circuit court as to whether there is probable cause that the property may be subject to forfeiture.

(b) The rules of evidence shall not apply to any proceeding conducted under this Section.

(c) The court may conduct the review under subsection

(a) of this Section simultaneously with a proceeding under Section 109-1 of the Code of Criminal Procedure of 1963 for a related criminal offense if a prosecution is commenced by information or complaint.

(d) The court may accept a finding of probable cause at a preliminary hearing following the filing of an information or complaint charging a related criminal offense or following the return of indictment by a grand jury charging the related offense as sufficient evidence of probable cause as required under subsection

(a) of this Section.

(e) Upon a finding of probable cause as required under this Section, the circuit court shall order the property subject to the applicable forfeiture Act held until the conclusion of any forfeiture proceeding.

720 ILCS 5/29B-10 — Notice to owner or interest holder

Sec. 29B-10. Notice to owner or interest holder.

(a) The first attempted service of notice shall be commenced within 28 days of the latter of filing of the verified claim or the receipt of the notice from the seizing agency by Form 4-64. A complaint for forfeiture or a notice of pending forfeiture shall be served on a claimant if the owner's or interest holder's name and current address are known, then by either:

(1) personal service; or

(2) mailing a copy of the notice by certified mail, return receipt requested, and first class mail to that address.

(b) If no signed return receipt is received by the State's Attorney within 28 days of mailing or no communication from the owner or interest holder is received by the State's Attorney documenting actual notice by the parties, the State's Attorney shall, within a reasonable period of time, mail a second copy of the notice by certified mail, return receipt requested, and first class mail to that address. If no signed return receipt is received by the State's Attorney within 28 days of the second mailing, or no communication from the owner or interest holder is received by the State's Attorney documenting actual notice by the parties, the State's Attorney shall have 60 days to attempt to serve the notice by personal service, including substitute service by leaving a copy at the usual place of abode with some person of the family or a person residing there, of the age of 13 years or upwards. If, after 3 attempts at service in this manner, no service of the notice is accomplished, the notice shall be posted in a conspicuous manner at the address and service shall be made by the posting. The attempts at service and the posting, if required, shall be documented by the person attempting service which shall be made part of a return of service returned to the State's Attorney. The State's Attorney may utilize any Sheriff or Deputy Sheriff, a peace officer, a private process server or investigator, or an employee, agent, or investigator of the State's Attorney's Office to attempt service without seeking leave of court.

(c) After the procedures listed are followed, service shall be effective on the owner or interest holder on the date of receipt by the State's Attorney of a return receipt, or on the date of receipt of a communication from an owner or interest holder documenting actual notice, whichever is first in time, or on the date of the last act performed by the State's Attorney in attempting personal service. For purposes of notice under this Section, if a person has been arrested for the conduct giving rise to the forfeiture, the address provided to the arresting agency at the time of arrest shall be deemed to be that person's known address. Provided, however, if an owner or interest holder's address changes prior to the effective date of the notice of pending forfeiture, the owner or interest holder shall promptly notify the seizing agency of the change in address or, if the owner or interest holder's address changes subsequent to the effective date of the notice of pending forfeiture, the owner or interest holder shall promptly notify the State's Attorney of the change in address. If the property seized is a conveyance, notice shall also be directed to the address reflected in the office of the agency or official in which title to or interest in the conveyance is required by law to be recorded.

(d) If the owner's or interest holder's address is not known, and is not on record as provided in this Section, service by publication for 3 successive weeks in a newspaper of general circulation in the county in which the seizure occurred shall

suffice for service requirements.

(e) Notice to any business entity, corporation, limited liability company, limited liability partnership, or partnership shall be completed by a single mailing of a copy of the notice by certified mail, return receipt requested, and first class mail to that address. This notice is complete regardless of the return of a signed return receipt.

(f) Notice to a person whose address is not within the State shall be completed by a single mailing of a copy of the notice by certified mail, return receipt requested, and first class mail to that address. This notice is complete regardless of the return of a signed return receipt.

(g) Notice to a person whose address is not within the United States shall be completed by a single mailing of a copy of the notice by certified mail, return receipt requested, and first class mail to that address. This notice is complete regardless of the return of a signed return receipt. If certified mail is not available in the foreign country where the person has an address, notice shall proceed by publication requirements under subsection

(d) of this Section.

(h) Notice to a person whom the State's Attorney reasonably should know is incarcerated within this State shall also include mailing a copy of the notice by certified mail, return receipt requested, and first class mail to the address of the detention facility with the inmate's name clearly marked on the envelope.

(i) After a claimant files a verified claim with the State's Attorney and provides an address at which the claimant will accept service, the complaint shall be served and notice shall be complete upon the mailing of the complaint to the claimant at the address the claimant provided via certified mail, return receipt requested, and first class mail. No return receipt need be received, or any other attempts at service need be made to comply with service and notice requirements under this Section. This certified mailing, return receipt requested, shall be proof of service of the complaint on the claimant. If notice is to be shown by actual notice from communication with a claimant, then the State's Attorney shall file an affidavit as proof of service, providing details of the communication, which shall be accepted as proof of service by the court.

(j) If the property seized is a conveyance, notice shall also be directed to the address reflected in the office of the agency or official in which title to or interest in the conveyance is required by law to be recorded by mailing a copy of the notice by certified mail, return receipt requested, to that address.

(k) Notice served under this Article is effective upon personal service, the last date of publication, or the mailing of written notice, whichever is earlier.

720 ILCS 5/29B-11 — Replevin prohibited

Sec. 29B-11. Replevin prohibited. Property taken or detained under this Article shall not be subject to replevin, but is deemed to be in the custody of the Director subject only to the order and judgments of the circuit court having jurisdiction over the forfeiture proceedings and the decisions of the State's Attorney under this Article.

720 ILCS 5/29B-12 — Non-judicial forfeiture

Sec. 29B-12. Non-judicial forfeiture. If non-real property that exceeds \$20,000 in value excluding the value of any conveyance, or if real property is seized under the provisions of this Article, the State's Attorney shall institute judicial in rem forfeiture proceedings as described in Section 29B-13 of this Article within 28 days from receipt of notice of seizure from the seizing agency under Section 29B-8 of this Article. However, if non-real property that does not exceed \$20,000 in value excluding the value of any conveyance is seized, the following procedure shall be used:

(1) If, after review of the facts surrounding the seizure, the State's Attorney is of the opinion that the seized property is subject to forfeiture, then, within 28 days after the receipt of notice of seizure from the seizing agency, the State's Attorney shall cause notice of pending forfeiture to be given to the owner of the property and all known interest holders of the property in accordance with Section 29B-10 of this Article.

(2) The notice of pending forfeiture shall include a description of the property, the estimated value of the property, the date and place of seizure, the conduct giving rise to forfeiture or the violation of law alleged, and a summary of procedures and procedural rights applicable to the forfeiture action. (3)(A) Any person claiming an interest in property that is the subject of notice under paragraph

(1) of this Section, must, in order to preserve any rights or claims to the property, within 45 days after the effective date of notice as described in Section 29B-10 of this Article, file a verified claim with the State's Attorney expressing his or her interest in the property. The claim shall set forth:

(i) the caption of the proceedings as set forth on the notice of pending forfeiture and the name of the claimant; (ii) the address at which the claimant will accept mail; (iii) the nature and extent of the claimant's interest in the property; (iv) the date, identity of the transferor, and circumstances of the claimant's acquisition of the interest in the property;

(v) the names and addresses of all other persons known to have an interest in the property; (vi) the specific provision of law relied on in asserting the property is not subject to forfeiture; (vii) all essential facts supporting each assertion; and (viii) the relief sought. (B) If a claimant files the claim, then the State's Attorney shall institute judicial in rem forfeiture proceedings with the clerk of the court as described in Section 29B-13 of this Article within 28 days after receipt of the claim.

(4) If no claim is filed within the 28-day period as described in paragraph

(3) of this Section, the State's Attorney shall declare the property forfeited and shall promptly notify the owner and all known interest holders of the property and the Director of the Illinois State Police of the declaration of forfeiture and the Director or the Director's designee shall dispose of the property in accordance with law.

720 ILCS 5/29B-13 — Judicial in rem procedures

Sec. 29B-13. Judicial in rem procedures. If property seized under this Article is non-real property that exceeds \$20,000 in value excluding the value of any conveyance, or is real property, or a claimant has filed a claim under paragraph

(3) of Section 29B-12 of this Article, the following judicial in rem procedures shall apply:

(1) If, after a review of the facts surrounding the seizure, the State's Attorney is of the opinion that the seized property is subject to forfeiture, then, within 28 days of the receipt of notice of seizure by the seizing agency or the filing of the claim, whichever is later, the State's Attorney shall institute judicial forfeiture proceedings by filing a verified complaint for forfeiture. If authorized by law, a forfeiture shall be ordered by a court on an action in rem brought by a State's Attorney under a verified complaint for forfeiture.

(2) A complaint of forfeiture shall include: (A) a description of the property seized; (B) the date and place of seizure of the property; (C) the name and address of the law enforcement agency making the seizure; and (D) the specific statutory and factual grounds for the seizure.

(3) The complaint shall be served upon the person from whom the property was seized and all persons known or reasonably believed by the State to claim an interest in the property, as provided in Section 29B-10 of this Article. The complaint shall be accompanied by the following written notice: "This is a civil court proceeding subject to the Code of Civil Procedure. You received this Complaint of Forfeiture because the State's Attorney's office has brought a legal action seeking forfeiture of your seized property. This complaint starts the court process where the State seeks to prove that your property should be forfeited and not returned to you. This process is also your opportunity to try to prove to a judge that you should get your property back. The complaint lists the date, time, and location of your first court date. You must appear in court on that day, or you may lose the case automatically. You must also file an appearance and answer. If you are unable to pay the appearance fee, you may qualify to have the fee waived. If there is a criminal case related to the seizure of your property, your case may be set for trial after the criminal case has been resolved. Before trial, the judge may allow discovery, where the State can ask you to respond in writing to questions and give them certain documents, and you can make similar requests of the State. The trial is your opportunity to explain what happened when your property was seized and why you should get the property back."

(4) Forfeiture proceedings under this Article shall be subject to the Code of Civil Procedure and the rules of evidence relating to civil actions shall apply to proceedings under this Article with the following exception. The parties shall be allowed to use, and the court shall receive and consider, all relevant hearsay evidence that relates to evidentiary foundation, chain of custody, business records, recordings, laboratory analysis, laboratory reports, and relevant hearsay related to the use of technology in the investigation that resulted in the seizure of property that is subject to the forfeiture action.

(5) Only an owner of or interest holder in the property may file an answer asserting a claim against the property in the action in rem. For purposes of this Section, the owner or interest holder shall be referred to as claimant. Upon motion of the State, the court shall first hold a hearing, in which a claimant shall establish by a preponderance of the evidence, that he or she has a lawful, legitimate ownership interest in the property and that it was obtained through a lawful source.

(6) The answer must be signed by the owner or interest holder under penalty of perjury and shall set forth: (A) the caption of the proceedings as set forth on the notice of pending forfeiture and the name of the claimant; (B) the address at which

the claimant will accept mail; (C) the nature and extent of the claimant's interest in the property; (D) the date, identity of transferor, and circumstances of the claimant's acquisition of the interest in the property; (E) the names and addresses of all other persons known to have an interest in the property; (F) all essential facts supporting each assertion; (G) the precise relief sought; and (H) in a forfeiture action involving currency or its equivalent, a claimant shall provide the State with notice of his or her intent to allege that the currency or its equivalent is not related to the alleged factual basis for the forfeiture, and why. The answer shall follow the rules under the Code of Civil Procedure.

(7) The answer shall be filed with the court within 45 days after service of the civil in rem complaint.

(8) The hearing shall be held within 60 days after filing of the answer unless continued for good cause.

(9) At the judicial in rem proceeding, in the State's case in chief, the State shall show by a preponderance of the evidence that the property is subject to forfeiture. If the State makes such a showing, the claimant shall have the burden of production to set forth evidence that the property is not related to the alleged factual basis of the forfeiture. After this production of evidence, the State shall maintain the burden of proof to overcome this assertion. A claimant shall provide the State notice of its intent to allege that the currency or its equivalent is not related to the alleged factual basis of the forfeiture and why. As to conveyances, at the judicial in rem proceeding, in its case in chief, the State shall show by a preponderance of the evidence: (A) that the property is subject to forfeiture; and (B) at least one of the following:

(i) that the claimant was legally accountable for the conduct giving rise to the forfeiture; (ii) that the claimant knew or reasonably should have known of the conduct giving rise to the forfeiture; (iii) that the claimant knew or reasonably should have known that the conduct giving rise to the forfeiture was likely to occur; (iv) that the claimant held the property for the benefit of, or as nominee for, any person whose conduct gave rise to its forfeiture;

(v) that if the claimant acquired the interest through any person engaging in any of the conduct described above or conduct giving rise to the forfeiture:

(a) the claimant did not acquire it as a bona fide purchaser for value; or

(b) the claimant acquired the interest under the circumstances that the claimant reasonably should have known the property was derived from, or used in, the conduct giving rise to the forfeiture; or (vi) that the claimant is not the true owner of the property that is subject to forfeiture.

(10) If the State does not meet its burden to show that the property is subject to forfeiture, the court shall order the interest in the property returned or conveyed to the claimant and shall order all other property forfeited to the State. If the State does meet its burden to show that the property is subject to forfeiture, the court shall order all property forfeited to the State.

(11) A defendant convicted in any criminal proceeding is precluded from later denying the essential allegations of the criminal offense of which the defendant was convicted in any proceeding under this Article regardless of the pendency of an appeal from that conviction. However, evidence of the pendency of an appeal is admissible.

(12) On a motion by the parties, the court may stay civil forfeiture proceedings during the criminal trial for a related criminal indictment or information alleging a money laundering violation. Such a stay shall not be available pending an appeal. Property subject to forfeiture under this Article shall not be subject to return or release by a court exercising jurisdiction over a criminal case involving the seizure of the property unless the return or release is consented to by the State's Attorney.

720 ILCS 5/29B-14 — Innocent owner hearing

Sec. 29B-14. Innocent owner hearing.

(a) After a complaint for forfeiture has been filed and all claimants have appeared and answered, a claimant may file a motion with the court for an innocent owner hearing prior to trial. This motion shall be made and supported by sworn affidavit and shall assert the following along with specific facts that support each assertion:

(1) that the claimant filing the motion is the true owner of the conveyance as interpreted by case law;

(2) that the claimant was not legally accountable for the conduct giving rise to the forfeiture or acquiesced in the conduct;

(3) that the claimant did not solicit, conspire, or attempt to commit the conduct giving rise to the forfeiture;

(4) that the claimant did not know or did not have reason to know that the conduct giving rise to the forfeiture was likely to occur; and

(5) that the claimant did not hold the property for the benefit of, or as nominee for, any person whose conduct gave rise to its forfeiture, or if the claimant acquired the interest through any person, the claimant acquired it as a bona fide purchaser for value or acquired the interest without knowledge of the seizure of the property for forfeiture.

(b) The claimant's motion shall include specific facts supporting these assertions.

(c) Upon this filing, a hearing may only be conducted after the parties have been given the opportunity to conduct limited discovery as to the ownership and control of the property, the claimant's knowledge, or any matter relevant to the issues raised or facts alleged in the claimant's motion. Discovery shall be limited to the People's requests in these areas but may proceed by any means allowed in the Code of Civil Procedure.

(1) After discovery is complete and the court has allowed for sufficient time to review and investigate the discovery responses, the court shall conduct a hearing. At the hearing, the fact that the conveyance is subject to forfeiture shall not be at issue. The court shall only hear evidence relating to the issue of innocent ownership.

(2) At the hearing on the motion, it shall be the burden of the claimant to prove each of the assertions listed in subsection (a) of this Section by a preponderance of the evidence.

(3) If a claimant meets his or her burden of proof, the court shall grant the motion and order the property returned to the claimant. If the claimant fails to meet his or her burden of proof, then the court shall deny the motion and the forfeiture case shall proceed according to the Code of Civil Procedure.

720 ILCS 5/29B-15 — Burden and commencement of forfeiture action

Sec. 29B-15. Burden and commencement of forfeiture action.

(a) Notwithstanding any other provision of this Article, the State's burden of proof at the trial of the forfeiture action shall be by clear and convincing evidence if:

(1) a finding of not guilty is entered as to all counts and all defendants in a criminal proceeding relating to the conduct giving rise to the forfeiture action; or

(2) the State receives an adverse finding at a preliminary hearing and fails to secure an indictment in a criminal proceeding relating to the factual allegations of the forfeiture action.

(b) All property declared forfeited under this Article vests in the State on the commission of the conduct giving rise to forfeiture together with the proceeds of the property after that time. Except as otherwise provided in this Article, title to any property or proceeds subject to forfeiture subsequently transferred to any person remain subject to forfeiture and thereafter shall be ordered forfeited unless the person to whom the property was transferred makes an appropriate claim and has his or her claim adjudicated at the judicial in rem hearing.

(c) A civil action under this Article shall be commenced within 5 years after the last conduct giving rise to forfeiture became known or should have become known or 5 years after the forfeitable property is discovered, whichever is later, excluding any time during which either the property or claimant is out of the State or in confinement or during which criminal proceedings relating to the same conduct are in progress.

720 ILCS 5/29B-16 — Joint tenancy or tenancy in common

Sec. 29B-16. Joint tenancy or tenancy in common. If property is ordered forfeited under this Section from a claimant who held title to the property in joint tenancy or tenancy in common with another claimant, the court shall determine the amount of each owner's interest in the property according to principles of property law.

720 ILCS 5/29B-17 — Exception for bona fide purchasers

Sec. 29B-17. Exception for bona fide purchasers. No property shall be forfeited under this Article from a person who, without actual or constructive notice that the property was the subject of forfeiture proceedings, obtained possession of the property as a bona fide purchaser for value. A person who purports to effect transfer of property after receiving actual or constructive notice that the property is subject to seizure or forfeiture is guilty of contempt of court and shall be liable to the State for a penalty in the amount of the fair market value of the property.

720 ILCS 5/29B-18 — Proportionality

Sec. 29B-18. Proportionality. Property that is forfeited shall be subject to an 8th Amendment to the United States Constitution disproportionate penalties analysis and the property forfeiture may be denied in whole or in part if the court

finds that the forfeiture would constitute an excessive fine in violation of the 8th Amendment as interpreted by case law.

720 ILCS 5/29B-19 — Stay of time periods

Sec. 29B-19. Stay of time periods. If property is seized for evidence and for forfeiture, the time periods for instituting judicial and non-judicial forfeiture proceedings shall not begin until the property is no longer necessary for evidence.

720 ILCS 5/29B-20 — Settlement of claims

Sec. 29B-20. Settlement of claims. Notwithstanding other provisions of this Article, the State's Attorney and a claimant of seized property may enter into an agreed-upon settlement concerning the seized property in such an amount and upon such terms as are set out in writing in a settlement agreement. All proceeds from a settlement agreement shall be tendered to the Illinois State Police and distributed under Section 29B-26 of this Article.

720 ILCS 5/29B-21 — Attorney's fees

Sec. 29B-21. Attorney's fees. Nothing in this Article applies to property that constitutes reasonable bona fide attorney's fees paid to an attorney for services rendered or to be rendered in the forfeiture proceeding or criminal proceeding relating directly thereto if the property was paid before its seizure and before the issuance of any seizure warrant or court order prohibiting transfer of the property and if the attorney, at the time he or she received the property, did not know that it was property subject to forfeiture under this Article.

720 ILCS 5/29B-22 — Construction

Sec. 29B-22. Construction.

(a) It is the intent of the General Assembly that the forfeiture provisions of this Article be liberally construed so as to effect their remedial purpose. The forfeiture of property and other remedies under this Article shall be considered to be in addition to, and not exclusive of, any sentence or other remedy provided by law.

(b) The changes made to this Article by Public Act 100-512 and Public Act 100-699 are subject to Section 2 of the Statute on Statutes.

720 ILCS 5/29B-23 — Judicial review

Sec. 29B-23. Judicial review. If property has been declared forfeited under Section 29B-12 of this Article, any person who has an interest in the property declared forfeited may, within 30 days after the effective date of the notice of the declaration of forfeiture, file a claim as described in paragraph

(3) of Section 29B-12 of this Article. If a claim is filed under this Section, then the procedures described in Section of 29B-13 of this Article apply.

720 ILCS 5/29B-24 — Review of administrative decisions

Sec. 29B-24. Review of administrative decisions. All administrative findings, rulings, final determinations, findings, and conclusions of the State's Attorney's Office under this Article are final and conclusive decisions of the matters involved. Any person aggrieved by the decision may obtain review of the decision under the provisions of the Administrative Review Law and the rules adopted under that Law. Pending final decision on such review, the administrative acts, orders, and rulings of the State's Attorney's Office remain in full force and effect unless modified or suspended by order of court pending final judicial decision. Pending final decision on such review, the acts, orders, and rulings of the State's Attorney's Office remain in full force and effect, unless stayed by order of court. However, no stay of any decision of the administrative agency shall issue unless the person aggrieved by the decision establishes by a preponderance of the evidence that good cause exists for the stay. In determining good cause, the court shall find that the aggrieved party has established a substantial likelihood of prevailing on the merits and that granting the stay will not have an injurious effect on the general public.

720 ILCS 5/29B-25 — Return of property, damages, and costs

Sec. 29B-25. Return of property, damages, and costs.

(a) The law enforcement agency that holds custody of property seized for forfeiture shall deliver property ordered by the court to be returned or conveyed to the claimant within a reasonable time not to exceed 7 days, unless the order is stayed by the trial court or a reviewing court pending an appeal, motion to reconsider, or other reason.

(b) The law enforcement agency that holds custody of property is responsible for any damages, storage fees, and related costs applicable to property returned. The claimant shall not be subject to any charges by the State for storage of the property or expenses incurred in the preservation of the property. Charges for the towing of a conveyance shall be borne by the claimant unless the conveyance was towed for the sole reason of seizure for forfeiture. This Section does not prohibit the imposition of any fees or costs by a home rule unit of local government related to the impoundment of a conveyance under an ordinance enacted by the unit of government.

(c) A law enforcement agency shall not retain forfeited property for its own use or transfer the property to any person or entity, except as provided under this Section. A law enforcement agency may apply in writing to the Director of the Illinois State Police to request that forfeited property be awarded to the agency for a specifically articulated official law enforcement use in an investigation. The Director shall provide a written justification in each instance detailing the reasons why the forfeited property was placed into official use and the justification shall be retained for a period of not less than 3 years.

(d) A claimant or a party interested in personal property contained within a seized conveyance may file a request with the State's Attorney in a non-judicial forfeiture action, or a motion with the court in a judicial forfeiture action for the return of any personal property contained within a conveyance that is seized under this Article. The return of personal property shall not be unreasonably withheld if the personal property is not mechanically or electrically coupled to the conveyance, needed for evidentiary purposes, or otherwise contraband. Any law enforcement agency that returns property under a court order under this Section shall not be liable to any person who claims ownership to the property if it is returned to an improper party.

720 ILCS 5/29B-26 — Distribution of proceeds

Sec. 29B-26. Distribution of proceeds. All moneys and the sale proceeds of all other property forfeited and seized under this Article shall be distributed as follows:

(1) 65% shall be distributed to the metropolitan enforcement group, local, municipal, county, or State law enforcement agency or agencies that conducted or participated in the investigation resulting in the forfeiture. The distribution shall bear a reasonable relationship to the degree of direct participation of the law enforcement agency in the effort resulting in the forfeiture, taking into account the total value of the property forfeited and the total law enforcement effort with respect to the violation of the law upon which the forfeiture is based. Amounts distributed to the agency or agencies shall be used for the enforcement of laws. (2)(i) 12.5% shall be distributed to the Office of the State's Attorney of the county in which the prosecution resulting in the forfeiture was instituted, deposited in a special fund in the county treasury and appropriated to the State's Attorney for use in the enforcement of laws. In counties over 3,000,000 population, 25% shall be distributed to the Office of the State's Attorney for use in the enforcement of laws. If the prosecution is undertaken solely by the Attorney General, the portion provided under this subparagraph

(i) shall be distributed to the Attorney General for use in the enforcement of laws. (ii) 12.5% shall be distributed to the Office of the State's Attorneys Appellate Prosecutor and deposited in the Narcotics Profit Forfeiture Fund of that office to be used for additional expenses incurred in the investigation, prosecution, and appeal of cases arising under laws. The Office of the State's Attorneys Appellate Prosecutor shall not receive distribution from cases brought in counties with over 3,000,000 population.

(3) 10% shall be retained by the Illinois State Police for expenses related to the administration and sale of seized and forfeited property. Moneys and the sale proceeds distributed to the Illinois State Police under this Article shall be deposited in the Money Laundering Asset Recovery Fund created in the State treasury and shall be used by the Illinois State Police for State law enforcement purposes. All moneys and sale proceeds of property forfeited and seized under this Article and distributed according to this Section may also be used to purchase opioid antagonists as defined in Section 5-23 of the Substance Use Disorder Act. (Text of Section after amendment by P.A. 104-131) Sec. 29B-26. Distribution of proceeds. All moneys and the sale proceeds of all other property forfeited and seized under this Article shall be distributed as follows:

(1) 65% shall be distributed to the metropolitan enforcement group, local, municipal, county, or State law enforcement agency or agencies that conducted or participated in the investigation resulting in the forfeiture. The distribution shall bear a reasonable relationship to the degree of direct participation of the law enforcement agency in the effort resulting in the forfeiture, taking into account the total value of the property forfeited and the total law enforcement effort with respect to the violation of the law upon which the forfeiture is based. Amounts distributed to the agency or agencies shall be used for

the enforcement of laws. (2)(i) 12.5% shall be distributed to the Office of the State's Attorney of the county in which the prosecution resulting in the forfeiture was instituted, deposited in a special fund in the county treasury and appropriated to the State's Attorney for use in the enforcement of laws. In counties over 3,000,000 population, 25% shall be distributed to the Office of the State's Attorney for use in the enforcement of laws. If the prosecution is undertaken solely by the Attorney General, the portion provided under this subparagraph

(i) shall be distributed to the Attorney General for use in the enforcement of laws. (ii) 12.5% shall be distributed to the Office of the State's Attorneys Appellate Prosecutor and deposited in the Narcotics Profit Forfeiture Fund of that office to be used for additional expenses incurred in the investigation, prosecution, and appeal of cases arising under laws. The Office of the State's Attorneys Appellate Prosecutor shall not receive distribution from cases brought in counties with over 3,000,000 population.

(3) 10% shall be retained by the Illinois State Police for expenses related to the administration and sale of seized and forfeited property. Moneys and the sale proceeds distributed to the Illinois State Police under this Article shall be deposited into the State Police Law Enforcement Administration Fund created in the State treasury and shall be used by the Illinois State Police for State law enforcement purposes. All moneys and sale proceeds of property forfeited and seized under this Article and distributed according to this Section may also be used to purchase opioid antagonists as defined in Section 5-23 of the Substance Use Disorder Act.

720 ILCS 5/29B-27 — Applicability; savings clause

Sec. 29B-27. Applicability; savings clause.

(a) The changes made to this Article by Public Act 100-512 and Public Act 100-699 only apply to property seized on and after July 1, 2018.

(b) The changes made to this Article by Public Act 100-699 are subject to Section 4 of the Statute on Statutes.

720 ILCS 5/29C-5

Sec. 29C-5. (Repealed).

720 ILCS 5/29C-10

Sec. 29C-10. (Repealed).

720 ILCS 5/29C-15

Sec. 29C-15. (Repealed).

720 ILCS 5/29D-5 — Legislative findings

Sec. 29D-5. Legislative findings. The devastating consequences of the barbaric attacks on the World Trade Center and the Pentagon on September 11, 2001 underscore the compelling need for legislation that is specifically designed to combat the evils of terrorism. Terrorism is inconsistent with civilized society and cannot be tolerated. A comprehensive State law is urgently needed to complement federal laws in the fight against terrorism and to better protect all citizens against terrorist acts. Accordingly, the legislature finds that our laws must be strengthened to ensure that terrorists, as well as those who solicit or provide financial and other support to terrorists, are prosecuted and punished in State courts with appropriate severity. The legislature further finds that due to the grave nature and global reach of terrorism that a comprehensive law encompassing State criminal statutes and strong civil remedies is needed. An investigation may not be initiated or continued for activities protected by the First Amendment to the United States Constitution, including expressions of support or the provision of financial support for the nonviolent political, religious, philosophical, or ideological goals or beliefs of any person or group.

720 ILCS 5/29D-10 — Definitions

Sec. 29D-10. Definitions. As used in this Article, where not otherwise distinctly expressed or manifestly incompatible with the intent of this Article:

(a) "Computer network" means a set of related, remotely connected devices and any communications facilities including more than one computer with the capability to transmit data among them through communication facilities.

(b) "Computer" means a device that accepts, processes, stores, retrieves, or outputs data, and includes, but is not limited to, auxiliary storage and telecommunications devices.

(c) "Computer program" means a series of coded instruction or statements in a form acceptable to a computer which causes the computer to process data and supply the results of data processing.

(d) "Data" means representations of information, knowledge, facts, concepts or instructions, including program documentation, that are prepared in a formalized manner and are stored or processed in or transmitted by a computer. Data may be in any form, including but not limited to magnetic or optical storage media, punch cards, or data stored internally in the memory of a computer.

(e) "Biological products used in or in connection with agricultural production" includes, but is not limited to, seeds, plants, and DNA of plants or animals altered for use in crop or livestock breeding or production or which are sold, intended, designed, or produced for use in crop production or livestock breeding or production.

(f) "Agricultural products" means crops and livestock.

(g) "Agricultural production" means the breeding and growing of livestock and crops. (g-5) "Animal feed" means an article that is intended for use for food for animals other than humans and that is intended for use as a substantial source of nutrients in the diet of the animal, and is not limited to a mixture intended to be the sole ration of the animal. (g-10) "Contagious or infectious disease" means a specific disease designated by the Illinois Department of Agriculture as contagious or infectious under rules pertaining to the Illinois Diseased Animals Act. (g-15) "Processed food" means any food other than a raw agricultural commodity and includes any raw agricultural commodity that has been subject to processing, such as canning, cooking, freezing, dehydration, or milling. (g-20) "Raw agricultural commodity" means any food in its raw or natural state, including all fruits that are washed, colored, or otherwise treated in their unpeeled natural form prior to marketing and honey that is in the comb or that is removed from the comb and in an unadulterated condition. (g-25) "Endangering the food supply" means to knowingly:

(1) bring into this State any domestic animal that is affected with any contagious or infectious disease or any animal that has been exposed to any contagious or infectious disease;

(2) expose any animal in this State to any contagious or infectious disease;

(3) deliver any poultry that is infected with any contagious or infectious disease to any poultry producer pursuant to a production contract;

(4) except as permitted under the Insect Pest and Plant Disease Act, bring or release into this State any insect pest or expose any plant to an insect pest; or

(5) expose any raw agricultural commodity, animal feed, or processed food to any contaminant or contagious or infectious disease. "Endangering the food supply" does not include bona fide experiments and actions related to those experiments carried on by commonly recognized research facilities or actions by agricultural producers and animal health professionals who may inadvertently contribute to the spread of detrimental biological agents while employing generally acceptable management practices. (g-30) "Endangering the water supply" means to knowingly contaminate a public or private water well or water reservoir or any water supply of a public utility or tamper with the production of bottled or packaged water or tamper with bottled or packaged water at a retail or wholesale mercantile establishment. "Endangering the water supply" does not include contamination of a public or private well or water reservoir or any water supply of a public utility that may occur inadvertently as part of the operation of a public utility or electrical generating station.

(h) "Livestock" means animals bred or raised for human consumption.

(i) "Crops" means plants raised for:

(1) human consumption,

(2) fruits that are intended for human consumption,

(3) consumption by livestock, and

(4) fruits that are intended for consumption by livestock.

(j) "Communications systems" means any works, property, or material of any radio, telegraph, telephone, microwave, or cable line, station, or system.

(k) "Substantial damage" means monetary damage greater than \$100,000.

(l) "Terrorist act" or "act of terrorism" means:

(1) any act that is intended to cause or create a risk and does cause or create a risk of death or great bodily harm to one or more persons;

- (2) any act that disables or destroys the usefulness or operation of any communications system;
- (3) any act or any series of 2 or more acts committed in furtherance of a single intention, scheme, or design that disables or destroys the usefulness or operation of a computer network, computers, computer programs, or data used by any industry, by any class of business, or by 5 or more businesses or by the federal government, State government, any unit of local government, a public utility, a manufacturer of pharmaceuticals, a national defense contractor, or a manufacturer of chemical or biological products used in or in connection with agricultural production;
- (4) any act that disables or causes substantial damage to or destruction of any structure or facility used in or used in connection with ground, air, or water transportation; the production or distribution of electricity, gas, oil, or other fuel (except for acts that occur inadvertently and as the result of operation of the facility that produces or distributes electricity, gas, oil, or other fuel); the treatment of sewage or the treatment or distribution of water; or controlling the flow of any body of water;
- (5) any act that causes substantial damage to or destruction of livestock or to crops or a series of 2 or more acts committed in furtherance of a single intention, scheme, or design which, in the aggregate, causes substantial damage to or destruction of livestock or crops;
- (6) any act that causes substantial damage to or destruction of any hospital or any building or facility used by the federal government, State government, any unit of local government or by a national defense contractor or by a public utility, a manufacturer of pharmaceuticals, a manufacturer of chemical or biological products used in or in connection with agricultural production or the storage or processing of agricultural products or the preparation of agricultural products for food or food products intended for resale or for feed for livestock;
- (7) any act that causes substantial damage to any building containing 5 or more businesses of any type or to any building in which 10 or more people reside;
- (8) endangering the food supply; or
- (9) endangering the water supply.
- (m) "Terrorist" and "terrorist organization" means any person who engages or is about to engage in a terrorist act with the intent to intimidate or coerce a significant portion of a civilian population.
- (n) "Material support or resources" means currency or other financial securities, financial services, lodging, training, safe houses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, any other kind of physical assets or intangible property, and expert services or expert assistance.
- (o) "Person" has the meaning given in Section 2-15 of this Code and, in addition to that meaning, includes, without limitation, any charitable organization, whether incorporated or unincorporated, any professional fund raiser, professional solicitor, limited liability company, association, joint stock company, association, trust, trustee, or any group of people formally or informally affiliated or associated for a common purpose, and any officer, director, partner, member, or agent of any person.
- (p) "Render criminal assistance" means to do any of the following with the intent to prevent, hinder, or delay the discovery or apprehension of, or the lodging of a criminal charge against, a person who he or she knows or believes has committed an offense under this Article or is being sought by law enforcement officials for the commission of an offense under this Article, or with the intent to assist a person in profiting or benefiting from the commission of an offense under this Article:
- (1) harbor or conceal the person;
- (2) warn the person of impending discovery or apprehension;
- (3) provide the person with money, transportation, a weapon, a disguise, false identification documents, or any other means of avoiding discovery or apprehension;
- (4) prevent or obstruct, by means of force, intimidation, or deception, anyone from performing an act that might aid in the discovery or apprehension of the person or in the lodging of a criminal charge against the person;
- (5) suppress, by any act of concealment, alteration, or destruction, any physical evidence that might aid in the discovery or apprehension of the person or in the lodging of a criminal charge against the person;
- (6) aid the person to protect or expeditiously profit from an advantage derived from the crime; or

(7) provide expert services or expert assistance to the person. Providing expert services or expert assistance shall not be construed to apply to:

(1) a licensed attorney who discusses with a client the legal consequences of a proposed course of conduct or advises a client of legal or constitutional rights and

(2) a licensed medical doctor who provides emergency medical treatment to a person whom he or she believes has committed an offense under this Article if, as soon as reasonably practicable either before or after providing such treatment, he or she notifies a law enforcement agency.

720 ILCS 5/29D-14.9 — Terrorism

Sec. 29D-14.9. Terrorism.

(a) A person commits the offense of terrorism when, with the intent to intimidate or coerce a significant portion of a civilian population:

(1) he or she knowingly commits a terrorist act as defined in Section 29D-10(1) of this Code within this State; or

(2) he or she, while outside this State, knowingly commits a terrorist act as defined in Section 29D-10(1) of this Code that takes effect within this State or produces substantial detrimental effects within this State.

(b) Sentence. Terrorism is a Class X felony. If no deaths are caused by the terrorist act, the sentence shall be a term of 20 years to natural life imprisonment; if the terrorist act caused the death of one or more persons, however, a mandatory term of natural life imprisonment shall be the sentence if the death penalty is not imposed and the person has attained the age of 18 years at the time of the commission of the offense. An offender under the age of 18 years at the time of the commission of the offense shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections.

720 ILCS 5/29D-15

Sec. 29D-15. (Renumbered).

720 ILCS 5/29D-15.1 — Causing a catastrophe

Sec. 29D-15.1. Causing a catastrophe.

(a) A person commits the offense of causing a catastrophe if he or she knowingly causes a catastrophe by explosion, fire, flood, collapse of a building, or release of poison, radioactive material, bacteria, virus, or other dangerous and difficult to confine force or substance.

(b) As used in this Section, "catastrophe" means serious physical injury to 5 or more persons, substantial damage to 5 or more buildings or inhabitable structures, or substantial damage to a vital public facility that seriously impairs its usefulness or operation; and "vital public facility" means a facility that is necessary to ensure or protect the public health, safety, or welfare, including, but not limited to, a hospital, a law enforcement agency, a fire department, a private or public utility company, a national defense contractor, a facility of the armed forces, or an emergency services agency.

(c) Sentence. Causing a catastrophe is a Class X felony.

720 ILCS 5/29D-15.2 — Possession of a deadly substance

Sec. 29D-15.2. Possession of a deadly substance.

(a) A person commits the offense of possession of a deadly substance when he or she possesses, manufactures, or transports any poisonous gas, deadly biological or chemical contaminant or agent, or radioactive substance either with the intent to use that gas, biological or chemical contaminant or agent, or radioactive substance to commit a felony or with the knowledge that another person intends to use that gas, biological or chemical contaminant or agent, or radioactive substance to commit a felony.

(b) Sentence. Possession of a deadly substance is a Class 1 felony for which a person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 4 years and not more than 30 years.

720 ILCS 5/29D-20 — Making a terrorist threat

Sec. 29D-20. Making a terrorist threat.

(a) A person is guilty of making a terrorist threat when, with the intent to intimidate or coerce a significant portion of a civilian population, he or she in any manner knowingly threatens to commit or threatens to cause the commission of a

terrorist act as defined in Section 29D-10(1) and thereby causes a reasonable expectation or fear of the imminent commission of a terrorist act as defined in Section 29D-10(1) or of another terrorist act as defined in Section 29D-10(1).

(b) It is not a defense to a prosecution under this Section that at the time the defendant made the terrorist threat, unknown to the defendant, it was impossible to carry out the threat, nor is it a defense that the threat was not made to a person who was a subject or intended victim of the threatened act.

(c) Sentence. Making a terrorist threat is a Class X felony.

(d) In addition to any other sentence that may be imposed, the court shall order any person convicted of making a terrorist threat involving a threat that a bomb or explosive device has been placed in a school to reimburse the unit of government that employs the emergency response officer or officers that were dispatched to the school for the cost of the search for a bomb or explosive device. For the purposes of this Section, "emergency response" means any incident requiring a response by a police officer, a firefighter, a State Fire Marshal employee, or an ambulance.

720 ILCS 5/29D-25 — Falsely making a terrorist threat

Sec. 29D-25. Falsely making a terrorist threat.

(a) A person commits the offense of falsely making a terrorist threat when in any manner he or she knowingly makes a threat to commit or cause to be committed a terrorist act as defined in Section 29D-10(1) or otherwise knowingly creates the impression or belief that a terrorist act is about to be or has been committed, or in any manner knowingly makes a threat to commit or cause to be committed a catastrophe as defined in Section 29D-15.1 (720 ILCS 5/29D-15.1) of this Code that he or she knows is false.

(b) Sentence. Falsely making a terrorist threat is a Class 1 felony.

(c) In addition to any other sentence that may be imposed, the court shall order any person convicted of falsely making a terrorist threat, involving a threat that a bomb or explosive device has been placed in a school in which the offender knows that such bomb or explosive device was not placed in the school, to reimburse the unit of government that employs the emergency response officer or officers that were dispatched to the school for the cost of the search for a bomb or explosive device. For the purposes of this Section, "emergency response" means any incident requiring a response by a police officer, a firefighter, a State Fire Marshal employee, or an ambulance.

720 ILCS 5/29D-29.9 — Material support for terrorism

Sec. 29D-29.9. Material support for terrorism.

(a) A person commits the offense of soliciting or providing material support for terrorism if he or she knowingly raises, solicits, collects, or provides material support or resources knowing that the material support or resources will be used, in whole or in part, to plan, prepare, carry out, facilitate, or avoid apprehension for committing terrorism as defined in Section 29D-14.9 (720 ILCS 5/29D-14.9) or causing a catastrophe as defined in Section 29D-15.1 (720 ILCS 5/29D-15.1) of this Code, or who knows and intends that the material support or resources so raised, solicited, collected, or provided will be used in the commission of a terrorist act as defined in Section 29D-10(1) of this Code by an organization designated under 8 U.S.C. 1189, as amended. It is not an element of the offense that the defendant actually knows that an organization has been designated under 8 U.S.C. 1189, as amended.

(b) Sentence. Soliciting or providing material support for terrorism is a Class X felony for which the sentence shall be a term of imprisonment of no less than 9 years and no more than 40 years.

720 ILCS 5/29D-30

Sec. 29D-30. (Renumbered).

720 ILCS 5/29D-35 — Hindering prosecution of terrorism

Sec. 29D-35. Hindering prosecution of terrorism.

(a) A person commits the offense of hindering prosecution of terrorism when he or she renders criminal assistance to a person who has committed terrorism as defined in Section 29D-14.9 or caused a catastrophe as defined in Section 29D-15.1 of this Code when he or she knows that the person to whom he or she rendered criminal assistance engaged in an act of terrorism or caused a catastrophe.

(b) Hindering prosecution of terrorism is a Class X felony, the sentence for which shall be a term of 20 years to natural life imprisonment if no death was caused by the act of terrorism committed by the person to whom the defendant rendered

criminal assistance and a mandatory term of natural life imprisonment if death was caused by the act of terrorism committed by the person to whom the defendant rendered criminal assistance. An offender under the age of 18 years at the time of the commission of the offense shall be sentenced under Section 5-4.5-105 of the Unified Code of Corrections.

720 ILCS 5/29D-35.1 — Boarding or attempting to board an aircraft with weapon

Sec. 29D-35.1. Boarding or attempting to board an aircraft with weapon.

(a) It is unlawful for any person to board or attempt to board any commercial or charter aircraft, knowingly having in his or her possession any firearm, explosive of any type, or other lethal or dangerous weapon.

(b) This Section does not apply to any person authorized by either the federal government or any state government to carry firearms, but the person so exempted from the provisions of this Section shall notify the commander of any aircraft he or she is about to board that he or she does possess a firearm and show identification satisfactory to the aircraft commander that he or she is authorized to carry that firearm.

(c) Any person purchasing a ticket to board any commercial or charter aircraft shall by that purchase consent to a search of his or her person or personal belongings by the company selling the ticket to him or her. The person may refuse to submit to a search of his or her person or personal belongings by the aircraft company, but the person refusing may be denied the right to board the commercial or charter aircraft at the discretion of the carrier. Such a refusal creates no inference of unlawful conduct.

(d) Any evidence of criminal activity found during a search made pursuant to this Section shall be admissible in legal proceedings for the sole purpose of supporting a charge of violation of this Section and is inadmissible as evidence in any legal proceeding for any other purpose, except in the prosecution of offenses related to weapons as set out in Article 24 of this Code.

(e) No action may be brought against any commercial or charter airline company operating in this State for the refusal of that company to permit a person to board any aircraft if that person refused to be searched as set out in subsection

(c) of this Section.

(f) Violation of this Section is a Class 4 felony.

720 ILCS 5/29D-40 — Restitution

Sec. 29D-40. Restitution. In addition to any other penalty that may be imposed, a court shall sentence any person convicted of any violation of this Article to pay all expenses incurred by the federal government, State government, or any unit of local government in responding to any violation and cleaning up following any violation.

720 ILCS 5/29D-45 — Limitations

Sec. 29D-45. Limitations. A prosecution for any offense in this Article may be commenced at any time.

720 ILCS 5/29D-60 — Injunctive relief

Sec. 29D-60. Injunctive relief. Whenever it appears to the Attorney General or any State's Attorney that any person is engaged in, or is about to engage in, any act that constitutes or would constitute a violation of this Article, the Attorney General or any State's Attorney may initiate a civil action in the circuit court to enjoin the violation.

720 ILCS 5/29D-65 — Forfeiture of property acquired in connection with a violation of this Article; property freeze or seizure

Sec. 29D-65. Forfeiture of property acquired in connection with a violation of this Article; property freeze or seizure.

(a) If there is probable cause to believe that a person used, is using, is about to use, or is intending to use property in a way that would violate this Article, then that person's assets may be frozen or seized pursuant to Part 800 of Article 124B of the Code of Criminal Procedure of 1963.

(b) Any person who commits any offense under this Article is subject to the property forfeiture provisions set forth in Article 124B of the Code of Criminal Procedure of 1963. Forfeiture under this subsection may be pursued in addition to or in lieu of proceeding under Section 124B-805 (property freeze or seizure; ex parte proceeding) of the Code of Criminal Procedure of 1963.

720 ILCS 5/29D-70 — Severability

Sec. 29D-70. Severability. If any clause, sentence, Section, provision, or part of this Article or the application thereof to any person or circumstance shall be adjudged to be unconstitutional, the remainder of this Article or its application to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

720 ILCS 5/30-1 — Treason

Sec. 30-1. Treason.

(a) A person owing allegiance to this State commits treason when he or she knowingly:

- (1) levies war against this State; or
- (2) adheres to the enemies of this State, giving them aid or comfort.

(b) No person may be convicted of treason except on the testimony of 2 witnesses to the same overt act, or on his confession in open court.

(c) Sentence. Treason is a Class X felony.

720 ILCS 5/30-2 — Misprision of treason

Sec. 30-2. Misprision of treason.

(a) A person owing allegiance to this State commits misprision of treason when he or she knowingly conceals or withholds his or her knowledge that another has committed treason against this State.

(b) Sentence. Misprision of treason is a Class 4 felony.

720 ILCS 5/30-3 — Advocating overthrow of Government

Sec. 30-3. Advocating overthrow of Government. A person who advocates, or with knowledge of its contents knowingly publishes, sells or distributes any document which advocates or with knowledge of its purpose, knowingly becomes a member of any organization which advocates the overthrow or reformation of the existing form of government of this State by violence or unlawful means commits a Class 3 felony.

720 ILCS 5/31-1 — Resisting or obstructing a peace officer, firefighter, or correctional institution employee

Sec. 31-1. Resisting or obstructing a peace officer, firefighter, or correctional institution employee.

(a) A person who knowingly:

- (1) resists arrest, or
- (2) obstructs the performance by one known to the person to be a peace officer, firefighter, or correctional institution employee of any authorized act within his or her official capacity commits a Class A misdemeanor. (a-5) In addition to any other sentence that may be imposed, a court shall order any person convicted of resisting or obstructing a peace officer, firefighter, or correctional institution employee to be sentenced to a minimum of 48 consecutive hours of imprisonment or ordered to perform community service for not less than 100 hours as may be determined by the court. The person shall not be eligible for probation in order to reduce the sentence of imprisonment or community service. (a-7) A person convicted for a violation of this Section whose violation was the proximate cause of an injury to a peace officer, firefighter, or correctional institution employee is guilty of a Class 4 felony.

(b) For purposes of this Section, "correctional institution employee" means any person employed to supervise and control inmates incarcerated in a penitentiary, State farm, reformatory, prison, jail, house of correction, police detention area, half-way house, or other institution or place for the incarceration or custody of persons under sentence for offenses or awaiting trial or sentence for offenses, under arrest for an offense, a violation of probation, a violation of parole, a violation of aftercare release, a violation of mandatory supervised release, or awaiting a hearing or preliminary hearing on setting the conditions of pretrial release, or who are sexually dangerous persons or who are sexually violent persons; and "firefighter" means any individual, either as an employee or volunteer, of a regularly constituted fire department of a municipality or fire protection district who performs fire fighting duties, including, but not limited to, the fire chief, assistant fire chief, captain, engineer, driver, ladder person, hose person, pipe person, and any other member of a regularly constituted fire department. "Firefighter" also means a person employed by the Office of the State Fire Marshal to conduct arson investigations.

(c) It is an affirmative defense to a violation of this Section if a person resists or obstructs the performance of one known by the person to be a firefighter by returning to or remaining in a dwelling, residence, building, or other structure to rescue

or to attempt to rescue any person.

(d) A person shall not be subject to arrest for resisting arrest under this Section unless there is an underlying offense for which the person was initially subject to arrest.

720 ILCS 5/31-1a — Disarming a peace officer or correctional institution employee

Sec. 31-1a. Disarming a peace officer or correctional institution employee.

(a) A person who, without the consent of a peace officer or correctional institution employee as defined in subsection

(b) of Section 31-1, takes a weapon from a person known to him or her to be a peace officer or correctional institution employee, while the peace officer or correctional institution employee is engaged in the performance of his or her official duties or from an area within the peace officer's or correctional institution employee's immediate presence is guilty of a Class 1 felony.

(b) A person who, without the consent of a peace officer or correctional institution employee as defined in subsection

(b) of Section 31-1, attempts to take a weapon from a person known to him or her to be a peace officer or correctional institution employee, while the peace officer or correctional institution employee is engaged in the performance of his or her official duties or from an area within the peace officer's or correctional institution employee's immediate presence is guilty of a Class 2 felony.

720 ILCS 5/31-3 — Obstructing service of process

Sec. 31-3. Obstructing service of process. Whoever knowingly resists or obstructs the authorized service or execution of any civil or criminal process or order of any court commits a Class B misdemeanor.

720 ILCS 5/31-4 — Obstructing justice

Sec. 31-4. Obstructing justice.

(a) A person obstructs justice when, with intent to prevent the apprehension or obstruct the prosecution or defense of any person, he or she knowingly commits any of the following acts:

- (1) Destroys, alters, conceals or disguises physical evidence, plants false evidence, furnishes false information; or
- (2) Induces a witness having knowledge material to the subject at issue to leave the State or conceal himself or herself; or
- (3) Possessing knowledge material to the subject at issue, he or she leaves the State or conceals himself; or
- (4) If a parent, legal guardian, or caretaker of a child under 13 years of age reports materially false information to a law enforcement agency, medical examiner, coroner, State's Attorney, or other governmental agency during an investigation of the disappearance or death of a child under circumstances described in subsection

(a) or

(b) of Section 10-10 of this Code.

(b) Sentence.

(1) Obstructing justice is a Class 4 felony, except as provided in paragraph

(2) of this subsection (b).

(2) Obstructing justice in furtherance of streetgang related or gang-related activity, as defined in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act, is a Class 3 felony.

720 ILCS 5/31-4.5 — Obstructing identification

Sec. 31-4.5. Obstructing identification.

(a) A person commits the offense of obstructing identification when he or she intentionally or knowingly furnishes a false or fictitious name, residence address, or date of birth to a peace officer who has:

- (1) lawfully arrested the person;
- (2) lawfully detained the person; or
- (3) requested the information from a person that the peace officer has good cause to believe is a witness to a criminal offense.

(b) Sentence. Obstructing identification is a Class A misdemeanor.

720 ILCS 5/31-5 — Concealing or aiding a fugitive

Sec. 31-5. Concealing or aiding a fugitive.

(a) Every person not standing in the relation of husband, wife, parent, child, brother or sister to the offender, who, with intent to prevent the apprehension of the offender, conceals his knowledge that an offense has been committed or harbors, aids or conceals the offender, commits a Class 4 felony.

(b) Every person, 18 years of age or older, who, with intent to prevent the apprehension of the offender, aids or assists the offender, by some volitional act, in fleeing the municipality, county, State, country, or other defined jurisdiction in which the offender is to be arrested, charged, or prosecuted, commits a Class 4 felony.

720 ILCS 5/31-6 — Escape; failure to report to a penal institution or to report for periodic imprisonment

Sec. 31-6. Escape; failure to report to a penal institution or to report for periodic imprisonment.

(a) A person convicted of a felony or charged with the commission of a felony, or charged with or adjudicated delinquent for an act which, if committed by an adult, would constitute a felony, who intentionally escapes from any penal institution or from the custody of an employee of that institution commits a Class 2 felony; however, a person convicted of a felony, or adjudicated delinquent for an act which, if committed by an adult, would constitute a felony, who knowingly fails to report to a penal institution or to report for periodic imprisonment at any time or knowingly fails to return from furlough or from work and day release or who knowingly fails to abide by the terms of home confinement is guilty of a Class 3 felony.

(b) A person convicted of a misdemeanor or charged with the commission of a misdemeanor, or charged with or adjudicated delinquent for an act which, if committed by an adult, would constitute a misdemeanor, who intentionally escapes from any penal institution or from the custody of an employee of that institution commits a Class A misdemeanor; however, a person convicted of a misdemeanor, or adjudicated delinquent for an act which, if committed by an adult, would constitute a misdemeanor, who knowingly fails to report to a penal institution or to report for periodic imprisonment at any time or knowingly fails to return from furlough or from work and day release or who knowingly fails to abide by the terms of home confinement is guilty of a Class B misdemeanor. (b-1) A person in the custody of the Department of Human Services under the provisions of the Sexually Violent Persons Commitment Act under a detention order, commitment order, conditional release order, or other court order who intentionally escapes from any secure residential facility or from a Department employee or any of its agents commits a Class 2 felony.

(c) A person in the lawful custody of a peace officer for the alleged commission of a felony offense or an act which, if committed by an adult, would constitute a felony, and who intentionally escapes from custody commits a Class 2 felony; however, a person in the lawful custody of a peace officer for the alleged commission of a misdemeanor offense or an act which, if committed by an adult, would constitute a misdemeanor, who intentionally escapes from custody commits a Class A misdemeanor. (c-5) A person in the lawful custody of a peace officer for an alleged violation of a term or condition of probation, conditional discharge, parole, aftercare release, or mandatory supervised release for a felony or an act which, if committed by an adult, would constitute a felony, who intentionally escapes from custody is guilty of a Class 2 felony. (c-6) A person in the lawful custody of a peace officer for an alleged violation of a term or condition of supervision, probation, or conditional discharge for a misdemeanor or an act which, if committed by an adult, would constitute a misdemeanor, who intentionally escapes from custody is guilty of a Class A misdemeanor.

(d) A person who violates this Section while armed with a dangerous weapon commits a Class 1 felony.

720 ILCS 5/31-7 — Aiding escape

Sec. 31-7. Aiding escape.

(a) Whoever, with intent to aid any prisoner in escaping from any penal institution, conveys into the institution or transfers to the prisoner anything for use in escaping commits a Class A misdemeanor.

(b) Whoever knowingly aids a person convicted of a felony or charged with the commission of a felony, or charged with or adjudicated delinquent for an act which, if committed by an adult, would constitute a felony, in escaping from any penal institution or from the custody of any employee of that institution commits a Class 2 felony; however, whoever knowingly aids a person convicted of a felony or charged with the commission of a felony, or charged with or adjudicated delinquent for an act which, if committed by an adult, would constitute a felony, in failing to return from furlough or from work and day release is guilty of a Class 3 felony.

(c) Whoever knowingly aids a person convicted of a misdemeanor or charged with the commission of a misdemeanor, or charged with or adjudicated delinquent for an act which, if committed by an adult, would constitute a misdemeanor, in escaping from any penal institution or from the custody of an employee of that institution commits a Class A misdemeanor; however, whoever knowingly aids a person convicted of a misdemeanor or charged with the commission of a misdemeanor, or charged with or adjudicated delinquent for an act which, if committed by an adult, would constitute a misdemeanor, in failing to return from furlough or from work and day release is guilty of a Class B misdemeanor.

(d) Whoever knowingly aids a person in escaping from any public institution, other than a penal institution, in which he is lawfully detained, or from the custody of an employee of that institution, commits a Class A misdemeanor.

(e) Whoever knowingly aids a person in the lawful custody of a peace officer for the alleged commission of a felony offense or an act which, if committed by an adult, would constitute a felony, in escaping from custody commits a Class 2 felony; however, whoever knowingly aids a person in the lawful custody of a peace officer for the alleged commission of a misdemeanor offense or an act which, if committed by an adult, would constitute a misdemeanor, in escaping from custody commits a Class A misdemeanor.

(f) An officer or employee of any penal institution who recklessly permits any prisoner in his custody to escape commits a Class A misdemeanor. (f-5) With respect to a person in the lawful custody of a peace officer for an alleged violation of a term or condition of probation, conditional discharge, parole, aftercare release, or mandatory supervised release for a felony, whoever intentionally aids that person to escape from that custody is guilty of a Class 2 felony. (f-6) With respect to a person who is in the lawful custody of a peace officer for an alleged violation of a term or condition of supervision, probation, or conditional discharge for a misdemeanor, whoever intentionally aids that person to escape from that custody is guilty of a Class A misdemeanor.

(g) A person who violates this Section while armed with a dangerous weapon commits a Class 2 felony.

720 ILCS 5/31-8 — Refusing to aid an officer

Sec. 31-8. Refusing to aid an officer. Whoever upon command refuses or knowingly fails reasonably to aid a person known by him to be a peace officer in:

- (a) Apprehending a person whom the officer is authorized to apprehend; or
- (b) Preventing the commission by another of any offense, commits a petty offense.

720 ILCS 5/31-9 — Obstructing an emergency management worker

Sec. 31-9. Obstructing an emergency management worker. A person who knowingly obstructs the performance by one known to the person to be an emergency management worker of any authorized act within his or her official capacity commits a Class A misdemeanor.

720 ILCS 5/31A-0.1 — Definitions

Sec. 31A-0.1. Definitions. For the purposes of this Article: "Deliver" or "delivery" means the actual, constructive or attempted transfer of possession of an item of contraband, with or without consideration, whether or not there is an agency relationship. "Employee" means any elected or appointed officer, trustee or employee of a penal institution or of the governing authority of the penal institution, or any person who performs services for the penal institution pursuant to contract with the penal institution or its governing authority. "Item of contraband" means any of the following:

(i) "Alcoholic liquor" as that term is defined in Section 1-3.05 of the Liquor Control Act of 1934. (ii) "Cannabis" as that term is defined in subsection

(a) of Section 3 of the Cannabis Control Act. (iii) "Controlled substance" as that term is defined in the Illinois Controlled Substances Act. (iii-a) "Methamphetamine" as that term is defined in the Illinois Controlled Substances Act or the Methamphetamine Control and Community Protection Act. (iv) "Hypodermic syringe" or hypodermic needle, or any instrument adapted for use of controlled substances or cannabis by subcutaneous injection.

(v) "Weapon" means any knife, dagger, dirk, billy, razor, stiletto, broken bottle, or other piece of glass which could be used as a dangerous weapon. This term includes any of the devices or implements designated in subsections (a)(1), (a)(3) and (a)(6) of Section 24-1 of this Code, or any other dangerous weapon or instrument of like character. (vi) "Firearm" means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas, including but not limited to: (A) any pneumatic gun, spring gun, or B-B gun which expels a single globular projectile not exceeding .18 inch in diameter; or (B) any device used exclusively for signaling or

safety and required as recommended by the United States Coast Guard or the Interstate Commerce Commission; or (C) any device used exclusively for the firing of stud cartridges, explosive rivets or industrial ammunition; or (D) any device which is powered by electrical charging units, such as batteries, and which fires one or several barbs attached to a length of wire and which, upon hitting a human, can send out current capable of disrupting the person's nervous system in such a manner as to render him or her incapable of normal functioning, commonly referred to as a stun gun or taser. (vii) "Firearm ammunition" means any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm, including but not limited to: (A) any ammunition exclusively designed for use with a device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; or (B) any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition. (viii) "Explosive" means, but is not limited to, bomb, bombshell, grenade, bottle or other container containing an explosive substance of over one-quarter ounce for like purposes such as black powder bombs and Molotov cocktails or artillery projectiles. (ix) "Tool to defeat security mechanisms" means, but is not limited to, handcuff or security restraint key, tool designed to pick locks, popper, or any device or instrument used to or capable of unlocking or preventing from locking any handcuff or security restraints, doors to cells, rooms, gates or other areas of the penal institution.

(x) "Cutting tool" means, but is not limited to, hacksaw blade, wirecutter, or device, instrument or file capable of cutting through metal. (xi) "Electronic contraband" for the purposes of Section 31A-1.1 of this Article means, but is not limited to, any electronic, video recording device, computer, or cellular communications equipment, including, but not limited to, cellular telephones, cellular telephone batteries, videotape recorders, pagers, computers, and computer peripheral equipment brought into or possessed in a penal institution without the written authorization of the Chief Administrative Officer. "Electronic contraband" for the purposes of Section 31A-1.2 of this Article, means, but is not limited to, any electronic, video recording device, computer, or cellular communications equipment, including, but not limited to, cellular telephones, cellular telephone batteries, videotape recorders, pagers, computers, and computer peripheral equipment. "Penal institution" means any penitentiary, State farm, reformatory, prison, jail, house of correction, police detention area, half-way house or other institution or place for the incarceration or custody of persons under sentence for offenses awaiting trial or sentence for offenses, under arrest for an offense, a violation of probation, a violation of parole, a violation of aftercare release, or a violation of mandatory supervised release, or awaiting a hearing on the setting of conditions of pretrial release or preliminary hearing; provided that where the place for incarceration or custody is housed within another public building this Article shall not apply to that part of the building unrelated to the incarceration or custody of persons.

720 ILCS 5/31A-1.1 — Bringing Contraband into a Penal Institution; Possessing Contraband in a Penal Institution

Sec. 31A-1.1. Bringing Contraband into a Penal Institution; Possessing Contraband in a Penal Institution.

(a) A person commits bringing contraband into a penal institution when he or she knowingly and without authority of any person designated or authorized to grant this authority

- (1) brings an item of contraband into a penal institution or
- (2) causes another to bring an item of contraband into a penal institution or
- (3) places an item of contraband in such proximity to a penal institution as to give an inmate access to the contraband.

(b) A person commits possessing contraband in a penal institution when he or she knowingly possesses contraband in a penal institution, regardless of the intent with which he or she possesses it.

(c) (Blank).

(d) Sentence.

- (1) Bringing into or possessing alcoholic liquor in a penal institution is a Class 4 felony.
- (2) Bringing into or possessing cannabis in a penal institution is a Class 3 felony.
- (3) Bringing into or possessing any amount of a controlled substance classified in Schedules III, IV or V of Article II of the Illinois Controlled Substances Act in a penal institution is a Class 2 felony.
- (4) Bringing into or possessing any amount of a controlled substance classified in Schedules I or II of Article II of the Illinois Controlled Substances Act in a penal institution is a Class 1 felony.
- (5) Bringing into or possessing a hypodermic syringe in a penal institution is a Class 1 felony.

(6) Bringing into or possessing a weapon, tool to defeat security mechanisms, cutting tool, or electronic contraband in a penal institution is a Class 1 felony.

(7) Bringing into or possessing a firearm, firearm ammunition, or explosive in a penal institution is a Class X felony.

(e) It shall be an affirmative defense to subsection (b), that the possession was specifically authorized by rule, regulation, or directive of the governing authority of the penal institution or order issued under it.

(f) It shall be an affirmative defense to subsection (a)(1) and subsection

(b) that the person bringing into or possessing contraband in a penal institution had been arrested, and that person possessed the contraband at the time of his or her arrest, and that the contraband was brought into or possessed in the penal institution by that person as a direct and immediate result of his or her arrest.

(g) Items confiscated may be retained for use by the Department of Corrections or disposed of as deemed appropriate by the Chief Administrative Officer in accordance with Department rules or disposed of as required by law.

720 ILCS 5/31A-1.2

Sec. 31A-1.2. Unauthorized bringing of contraband into a penal institution by an employee; unauthorized possessing of contraband in a penal institution by an employee; unauthorized delivery of contraband in a penal institution by an employee.

(a) A person commits unauthorized bringing of contraband into a penal institution by an employee when a person who is an employee knowingly and without authority of any person designated or authorized to grant this authority:

(1) brings or attempts to bring an item of contraband into a penal institution, or

(2) causes or permits another to bring an item of contraband into a penal institution.

(b) A person commits unauthorized possession of contraband in a penal institution by an employee when a person who is an employee knowingly and without authority of any person designated or authorized to grant this authority possesses an item of contraband in a penal institution, regardless of the intent with which he or she possesses it.

(c) A person commits unauthorized delivery of contraband in a penal institution by an employee when a person who is an employee knowingly and without authority of any person designated or authorized to grant this authority:

(1) delivers or possesses with intent to deliver an item of contraband to any inmate of a penal institution, or

(2) conspires to deliver or solicits the delivery of an item of contraband to any inmate of a penal institution, or

(3) causes or permits the delivery of an item of contraband to any inmate of a penal institution, or

(4) permits another person to attempt to deliver an item of contraband to any inmate of a penal institution.

(d) For a violation of subsection

(a) or

(b) involving a cellular telephone or cellular telephone battery, the defendant must intend to provide the cellular telephone or cellular telephone battery to any inmate in a penal institution, or to use the cellular telephone or cellular telephone battery at the direction of an inmate or for the benefit of any inmate of a penal institution.

(e) Sentence.

(1) A violation of paragraphs

(a) or

(b) of this Section involving alcohol is a Class 4 felony. A violation of paragraph

(a) or

(b) of this Section involving cannabis is a Class 2 felony. A violation of paragraph

(a) or

(b) involving any amount of a controlled substance classified in Schedules III, IV or V of Article II of the Illinois Controlled Substances Act is a Class 1 felony. A violation of paragraph

(a) or

(b) of this Section involving any amount of a controlled substance classified in Schedules I or II of Article II of the Illinois Controlled Substances Act is a Class X felony. A violation of paragraph

- (a) or
- (b) involving a hypodermic syringe is a Class X felony. A violation of paragraph
- (a) or
- (b) involving a weapon, tool to defeat security mechanisms, cutting tool, or electronic contraband is a Class 1 felony. A violation of paragraph
- (a) or
- (b) involving a firearm, firearm ammunition, or explosive is a Class X felony.
- (2) A violation of paragraph
- (c) of this Section involving alcoholic liquor is a Class 3 felony. A violation of paragraph
- (c) involving cannabis is a Class 1 felony. A violation of paragraph
- (c) involving any amount of a controlled substance classified in Schedules III, IV or V of Article II of the Illinois Controlled Substances Act is a Class X felony. A violation of paragraph
- (c) involving any amount of a controlled substance classified in Schedules I or II of Article II of the Illinois Controlled Substances Act is a Class X felony for which the minimum term of imprisonment shall be 8 years. A violation of paragraph
- (c) involving a hypodermic syringe is a Class X felony for which the minimum term of imprisonment shall be 8 years. A violation of paragraph
- (c) involving a weapon, tool to defeat security mechanisms, cutting tool, or electronic contraband is a Class X felony for which the minimum term of imprisonment shall be 10 years. A violation of paragraph
- (c) involving a firearm, firearm ammunition, or explosive is a Class X felony for which the minimum term of imprisonment shall be 12 years.
- (f) Items confiscated may be retained for use by the Department of Corrections or disposed of as deemed appropriate by the Chief Administrative Officer in accordance with Department rules or disposed of as required by law.
- (g) For a violation of subsection
- (a) or
- (b) involving alcoholic liquor, a weapon, firearm, firearm ammunition, tool to defeat security mechanisms, cutting tool, or electronic contraband, the items shall not be considered to be in a penal institution when they are secured in an employee's locked, private motor vehicle parked on the grounds of a penal institution.

720 ILCS 5/32-1 — Compounding a crime

Sec. 32-1. Compounding a crime.

- (a) A person commits compounding a crime when he or she knowingly receives or offers to another any consideration for a promise not to prosecute or aid in the prosecution of an offender.
- (b) Sentence. Compounding a crime is a petty offense.

720 ILCS 5/32-2 — Perjury

Sec. 32-2. Perjury.

- (a) A person commits perjury when, under oath or affirmation, in a proceeding or in any other matter where by law the oath or affirmation is required, he or she makes a false statement, material to the issue or point in question, knowing the statement is false.
- (b) Proof of Falsity. An indictment or information for perjury alleging that the offender, under oath, has knowingly made contradictory statements, material to the issue or point in question, in the same or in different proceedings, where the oath or affirmation is required, need not specify which statement is false. At the trial, the prosecution need not establish which statement is false.
- (c) Admission of Falsity. Where the contradictory statements are made in the same continuous trial, an admission by the offender in that same continuous trial of the falsity of a contradictory statement shall bar prosecution therefor under any provisions of this Code.
- (d) A person shall be exempt from prosecution under subsection

(a) of this Section if he or she is a peace officer who uses a false or fictitious name in the enforcement of the criminal laws, and this use is approved in writing as provided in Section 10-1 of "The Liquor Control Act of 1934", as amended, Section 5 of "An Act in relation to the use of an assumed name in the conduct or transaction of business in this State", approved July 17, 1941, as amended, or Section 2605-200 of the Illinois State Police Law. However, this exemption shall not apply to testimony in judicial proceedings where the identity of the peace officer is material to the issue, and he or she is ordered by the court to disclose his or her identity.

(e) Sentence. Perjury is a Class 3 felony.

720 ILCS 5/32-3 — Subornation of perjury

Sec. 32-3. Subornation of perjury.

(a) A person commits subornation of perjury when he or she knowingly procures or induces another to make a statement in violation of Section 32-2 which the person knows to be false.

(b) Sentence. Subornation of perjury is a Class 4 felony.

720 ILCS 5/32-4 — Communicating with jurors and witnesses

Sec. 32-4. Communicating with jurors and witnesses.

(a) A person who, with intent to influence any person whom he believes has been summoned as a juror, regarding any matter which is or may be brought before such juror, communicates, directly or indirectly, with such juror otherwise than as authorized by law commits a Class 4 felony.

(b) A person who, with intent to deter any party or witness from testifying freely, fully and truthfully to any matter pending in any court, or before a Grand Jury, Administrative agency or any other State or local governmental unit, forcibly detains such party or witness, or communicates, directly or indirectly, to such party or witness any knowingly false information or a threat of injury or damage to the property or person of any individual or offers or delivers or threatens to withhold money or another thing of value to any individual commits a Class 3 felony.

(c) A person who violates the Juror Protection Act commits a Class 4 felony.

720 ILCS 5/32-4a — Harassment of representatives for the child, jurors, witnesses and others

Sec. 32-4a. Harassment of representatives for the child, jurors, witnesses and others.

(a) A person who, with intent to harass or annoy one who has served or is serving or who is a family member of a person who has served or is serving

(1) as a juror because of the verdict returned by the jury in a pending legal proceeding or the participation of the juror in the verdict or

(2) as a witness, or who may be expected to serve as a witness in a pending legal proceeding, or who was expected to serve as a witness but who did not serve as a witness because the charges against the defendant were dismissed or because the defendant pleaded guilty to the charges against him or her, because of the testimony or potential testimony of the witness or person who may be expected or may have been expected to serve as a witness, communicates directly or indirectly with the juror, witness or person who may be expected or may have been expected to serve as a witness, or family member of a juror or witness or person who may be expected or may have been expected to serve as a witness in such manner as to produce mental anguish or emotional distress or who conveys a threat of injury or damage to the property or person of any juror, witness or person who may be expected or may have been expected to serve as a witness, or family member of the juror or witness or person who may be expected or may have been expected to serve as a witness commits a Class 2 felony.

(b) A person who, with intent to harass or annoy one who has served or is serving or who is a family member of a person who has served or is serving as a representative for the child, appointed under Section 506 of the Illinois Marriage and Dissolution of Marriage Act or Section 2-502 of the Code of Civil Procedure, because of the representative service of that capacity, communicates directly or indirectly with the representative or a family member of the representative in such manner as to produce mental anguish or emotional distress or who conveys a threat of injury or damage to the property or person of any representative or a family member of the representative commits a Class A misdemeanor.

(c) For purposes of this Section, "family member" means a spouse, parent, child, stepchild or other person related by blood or by present marriage, a person who has, or allegedly has a child in common, and a person who shares or

allegedly shares a blood relationship through a child.

720 ILCS 5/32-4b — Bribery for excuse from jury duty

Sec. 32-4b. Bribery for excuse from jury duty.

(a) A jury commissioner or any other person acting on behalf of a jury commissioner commits bribery for excuse from jury duty, when he or she knowingly requests, solicits, suggests, or accepts financial compensation or any other form of consideration in exchange for a promise to excuse or for excusing any person from jury duty.

(b) Sentence. Bribery for excuse from jury duty is a Class 3 felony. In addition to any other penalty provided by law, a jury commissioner convicted under this Section shall forfeit the performance bond required by Section 1 of "An Act in relation to jury commissioners and authorizing judges to appoint such commissioners and to make rules concerning their powers and duties", approved June 15, 1887, as amended, and shall be excluded from further service as a jury commissioner.

720 ILCS 5/32-4c — Witnesses; prohibition on accepting payments before judgment or verdict

Sec. 32-4c. Witnesses; prohibition on accepting payments before judgment or verdict.

(a) A person who, after the commencement of a criminal prosecution, has been identified in the criminal discovery process as a person who may be called as a witness in a criminal proceeding shall not knowingly accept or receive, directly or indirectly, any payment or benefit in consideration for providing information obtained as a result of witnessing an event or occurrence or having personal knowledge of certain facts in relation to the criminal proceeding.

(b) Sentence. A violation of this Section is a Class B misdemeanor for which the court may impose a fine not to exceed 3 times the amount of compensation requested, accepted, or received.

(c) This Section remains applicable until the judgment of the court in the action if the defendant is tried by the court without a jury or the rendering of the verdict by the jury if the defendant is tried by jury in the action.

(d) This Section does not apply to any of the following circumstances:

(1) Lawful compensation paid to expert witnesses, investigators, employees, or agents by a prosecutor, law enforcement agency, or an attorney employed to represent a person in a criminal matter.

(2) Lawful compensation or benefits provided to an informant by a prosecutor or law enforcement agency. (2.5) Lawful compensation or benefits, or both, provided to an informant under a local anti-crime program, such as Crime Stoppers, We-Tip, and similar programs designed to solve crimes or that foster the detection of crime and encourage persons through the programs and otherwise to come forward with information about criminal activity. (2.6) Lawful compensation or benefits, or both, provided by a private individual to another private individual as a reward for information leading to the arrest and conviction of specified offenders.

(3) Lawful compensation paid to a publisher, editor, reporter, writer, or other person connected with or employed by a newspaper, magazine, television or radio station or any other publishing or media outlet for disclosing information obtained from another person relating to an offense.

(e) For purposes of this Section, "publishing or media outlet" means a news gathering organization that sells or distributes news to newspapers, television, or radio stations, or a cable or broadcast television or radio network that disseminates news and information.

(f) The person identified as a witness may receive written notice from counsel for either the prosecution or defense of the fact that he or she has been identified as a witness who may be called in a criminal proceeding and his or her responsibilities and possible penalties under this Section. This Section shall be applicable only if the witness received the written notice referred to in this subsection.

720 ILCS 5/32-4d — Payment of jurors by parties prohibited

Sec. 32-4d. Payment of jurors by parties prohibited.

(a) After a verdict has been rendered in a civil or criminal case, a person who was a plaintiff or defendant in the case may not knowingly offer or pay an award or other fee to a juror who was a member of the jury that rendered the verdict in the case.

(b) After a verdict has been rendered in a civil or criminal case, a member of the jury that rendered the verdict may not knowingly accept an award or fee from the plaintiff or defendant in that case.

(c) Sentence. A violation of this Section is a Class A misdemeanor.

(d) This Section does not apply to the payment of a fee or award to a person who was a juror for purposes unrelated to the jury's verdict or to the outcome of the case.

720 ILCS 5/32-4e — Interfering with the duties of a judicial officer

Sec. 32-4e. Interfering with the duties of a judicial officer.

(a) A person may not give or offer to give benefits, promises, pecuniary compensation, or any other form of compensation, either directly or indirectly, to a judicial officer or a member of the judicial officer's immediate family with the intent to:

- (1) induce such judicial officer to do, or fail to do, any act in violation of the lawful execution of his or her official duties; or
- (2) induce such judicial officer to commit or aid in the commission of any fraud, or to collude in, allow, or make available the opportunity for the commission of any fraud on the State of Illinois.

(b) A person may not give or offer to give benefits, promises, pecuniary compensation, or any other form of compensation, either directly or indirectly, to court employees and staff with the intent to interfere with the administration of the judicial process.

(c) Sentence. A person who violates this Section commits a Class 2 felony.

(d) Definitions. For purposes of this Section: "Judicial officer" means a justice, judge, associate judge, or magistrate of a court of the United States of America or the State of Illinois. "Immediate family" means a judicial officer's spouse or children.

720 ILCS 5/32-4f — Retaliating against a Judge by false claim, slander of title, or malicious recording of fictitious liens

Sec. 32-4f. Retaliating against a Judge by false claim, slander of title, or malicious recording of fictitious liens. A person who files or causes to be filed, in any public record or in any private record that is generally available to the public, any false lien or encumbrance against the real or personal property of a Supreme, Appellate, Circuit, or Associate Judge of the State of Illinois with knowledge that such lien or encumbrance is false or contains any materially false, fictitious, or fraudulent statement or representation, and with the intent of retaliating against that Judge for the performance or non-performance of an official judicial duty, is guilty of a violation of this Section. A person is guilty of a Class A misdemeanor for a first offense and a Class 4 felony for a second or subsequent offense.

720 ILCS 5/32-5

Sec. 32-5. (Repealed).

720 ILCS 5/32-5.1

Sec. 32-5.1. (Repealed).

720 ILCS 5/32-5.1-1

Sec. 32-5.1-1. (Repealed).

720 ILCS 5/32-5.2

Sec. 32-5.2. (Repealed).

720 ILCS 5/32-5.2-5

Sec. 32-5.2-5. (Repealed).

720 ILCS 5/32-5.3

Sec. 32-5.3. (Repealed).

720 ILCS 5/32-5.4

Sec. 32-5.4. (Repealed).

720 ILCS 5/32-5.4-1

Sec. 32-5.4-1. (Repealed).

720 ILCS 5/32-5.5

Sec. 32-5.5. (Repealed).

720 ILCS 5/32-5.6

Sec. 32-5.6. (Repealed).

720 ILCS 5/32-5.7

Sec. 32-5.7. (Repealed).

720 ILCS 5/32-6 — Performance of unauthorized acts

Sec. 32-6. Performance of unauthorized acts. A person who performs any of the following acts, knowing that his performance is not authorized by law, commits a Class 4 felony:

- (a) Conducts a marriage ceremony; or
- (b) Acknowledges the execution of any document which by law may be recorded; or
- (c) Becomes a surety for any party in any civil or criminal proceeding, before any court or public officer authorized to accept such surety.

720 ILCS 5/32-7 — Simulating legal process

Sec. 32-7. Simulating legal process.

- (a) A person commits simulating legal process when he or she issues or delivers any document which he or she knows falsely purports to be or simulates any civil or criminal process.
- (b) Sentence. Simulating legal process is a Class B misdemeanor.

720 ILCS 5/32-8 — Tampering with public records

Sec. 32-8. Tampering with public records.

- (a) A person commits tampering with public records when he or she knowingly, without lawful authority, and with the intent to defraud any party, public officer or entity, alters, destroys, defaces, removes or conceals any public record.
- (b) (Blank).
- (c) A judge, circuit clerk or clerk of court, public official or employee, court reporter, or other person commits tampering with public records when he or she knowingly, without lawful authority, and with the intent to defraud any party, public officer or entity, alters, destroys, defaces, removes, or conceals any public record received or held by any judge or by a clerk of any court. (c-5) "Public record" expressly includes, but is not limited to, court records, or documents, evidence, or exhibits filed with the clerk of the court and which have become a part of the official court record, pertaining to any civil or criminal proceeding in any court.
- (d) Sentence. A violation of subsection
 - (a) is a Class 4 felony. A violation of subsection
 - (c) is a Class 3 felony. Any person convicted under subsection
 - (c) who at the time of the violation was responsible for making, keeping, storing, or reporting the record for which the tampering occurred:
 - (1) shall forfeit his or her public office or public employment, if any, and shall thereafter be ineligible for both State and local public office and public employment in this State for a period of 5 years after completion of any term of probation, conditional discharge, or incarceration in a penitentiary including the period of mandatory supervised release;
 - (2) shall forfeit all retirement, pension, and other benefits arising out of public office or public employment as may be determined by the court in accordance with the applicable provisions of the Illinois Pension Code;
 - (3) shall be subject to termination of any professional licensure or registration in this State as may be determined by the court in accordance with the provisions of the applicable professional licensing or registration laws;
 - (4) may be ordered by the court, after a hearing in accordance with applicable law and in addition to any other penalty or fine imposed by the court, to forfeit to the State an amount equal to any financial gain or the value of any advantage realized by the person as a result of the offense; and

(5) may be ordered by the court, after a hearing in accordance with applicable law and in addition to any other penalty or fine imposed by the court, to pay restitution to the victim in an amount equal to any financial loss or the value of any advantage lost by the victim as a result of the offense. For the purposes of this subsection (d), an offense under subsection

(c) committed by a person holding public office or public employment shall be rebuttably presumed to relate to or arise out of or in connection with that public office or public employment.

(e) Any party litigant who believes a violation of this Section has occurred may seek the restoration of the court record as provided in the Court Records Restoration Act. Any order of the court denying the restoration of the court record may be appealed as any other civil judgment.

(f) When the sheriff or local law enforcement agency having jurisdiction declines to investigate, or inadequately investigates, the court or any interested party, shall notify the Illinois State Police of a suspected violation of subsection

(a) or (c), who shall have the authority to investigate, and may investigate, the same, without regard to whether the local law enforcement agency has requested the Illinois State Police to do so.

(g) If the State's Attorney having jurisdiction declines to prosecute a violation of subsection

(a) or (c), the court or interested party shall notify the Attorney General of the refusal. The Attorney General shall, thereafter, have the authority to prosecute, and may prosecute, the violation, without a referral from the State's Attorney.

(h) Prosecution of a violation of subsection

(c) shall be commenced within 3 years after the act constituting the violation is discovered or reasonably should have been discovered.

720 ILCS 5/32-8.1 — Tampering with a certification by a public official

Sec. 32-8.1. Tampering with a certification by a public official.

(a) A person commits tampering with a certification by a public official when he or she knowingly, without lawful authority, and with the intent to defraud any individual, entity, public officer, or governmental unit, uses a certification or part of a certification by a public official, including but not limited to an apostille, the "great seal of the State of Illinois", or other similar certification, in connection with any document he or she knows or reasonably should know is not the original document for which the public official originally issued the certification.

(b) Sentence. Tampering with a certification by a public official is a Class A misdemeanor for a first offense and a Class 4 felony for a second or subsequent offense.

720 ILCS 5/32-9 — Tampering with public notice

Sec. 32-9. Tampering with public notice.

(a) A person commits tampering with public notice when he or she knowingly and without lawful authority alters, destroys, defaces, removes or conceals any public notice, posted according to law, during the time for which the notice was to remain posted.

(b) Sentence. Tampering with public notice is a petty offense.

720 ILCS 5/32-10 — Violation of conditions of pretrial release

Sec. 32-10. Violation of conditions of pretrial release.

(a) (Blank). (a-5) Any person who knowingly violates a condition of pretrial release by possessing a firearm in violation of his or her conditions of pretrial release commits a Class 4 felony for a first violation and a Class 3 felony for a second or subsequent violation.

(b) Whoever, having been released pretrial under conditions for appearance before any court of this State, while charged with a criminal offense in which the victim is a family or household member as defined in Article 112A of the Code of Criminal Procedure of 1963, knowingly violates a condition of that release as set forth in Section 110-10, subsection

(d) of the Code of Criminal Procedure of 1963, commits a Class A misdemeanor.

(c) Whoever, having been released pretrial for appearance before any court of this State for a felony, Class A misdemeanor or a criminal offense in which the victim is a family or household member as defined in Article 112A of the Code of Criminal Procedure of 1963, is charged with any other felony, Class A misdemeanor, or a criminal offense in

which the victim is a family or household member as defined in Article 112A of the Code of Criminal Procedure of 1963 while on this release, must appear before the court and may not be released by law enforcement under 109-1 of the Code of Criminal Procedure of 1963 prior to the court appearance.

(d) Nothing in this Section shall interfere with or prevent the exercise by any court of its power to punish for contempt. Any sentence imposed for violation of this Section may be served consecutive to the sentence imposed for the charge for which pretrial release had been granted and with respect to which the defendant has been convicted.

720 ILCS 5/32-11 — Barratry

Sec. 32-11. Barratry. If a person wickedly and willfully excites and stirs up actions or quarrels between the people of this State with a view to promote strife and contention, he or she is guilty of the petty offense of common barratry; and if he or she is an attorney at law, he or she shall be suspended from the practice of his or her profession, for any time not exceeding 6 months.

720 ILCS 5/32-12 — Maintenance

Sec. 32-12. Maintenance. If a person officiously intermeddles in an action that in no way belongs to or concerns that person, by maintaining or assisting either party, with money or otherwise, to prosecute or defend the action, with a view to promote litigation, he or she is guilty of maintenance and upon conviction shall be fined and punished as in cases of common barratry. It is not maintenance for a person to maintain the action of his or her relative or servant, or a poor person out of charity.

720 ILCS 5/32-13 — Unlawful clouding of title

Sec. 32-13. Unlawful clouding of title.

(a) Any person who intentionally records or files or causes to be recorded or filed any document in the office of the recorder or registrar of titles of any county of this State that is a cloud on the title of land in this State, knowing that the theory upon which the purported cloud on title is based is not recognized as a legitimate legal theory by the courts of this State or of the United States, commits the offense of unlawful clouding of title.

(b) Unlawful clouding of title is a Class A misdemeanor for a first offense if the cloud on the title has a value that does not exceed \$10,000. Unlawful clouding of title is a Class 4 felony if the cloud on the title has a value that exceeds \$10,000, or for a second or subsequent offense.

(c) In addition to any other sentence that may be imposed, the court shall order any person convicted of a violation of this Section, or placed on supervision for a violation of this Section, to execute a release of the purported cloud on title as may be requested by or on behalf of any person whose property is encumbered or potentially encumbered by the document filed. Irrespective of whether or not a person charged under this Section is convicted of the offense of unlawful clouding of title, when the evidence demonstrates that, as a matter of law, the cloud on title is not a type of cloud recognized or authorized by the courts of this State or the United States, the court shall forthwith direct the recorder or registrar of titles to expunge the cloud. (c-5) This Section does not apply to an attorney licensed to practice law in this State who in good faith files a lien on behalf of his or her client and who in good faith believes that the validity of the lien is supported by statutory law, by a decision of a court of law, or by a good faith argument for an extension, modification, or reversal of existing court decisions relating to the validity of the lien.

(d) For purposes of this Section, "cloud on title" or "cloud on the title" means an outstanding claim or encumbrance that, if valid, would affect or impair the title of the owner of an estate in land and on its face has that effect, but can be shown by extrinsic proof to be invalid or inapplicable to that estate.

720 ILCS 5/32-14 — Unlawful manipulation of a judicial sale

Sec. 32-14. Unlawful manipulation of a judicial sale.

(a) A person commits the offense of unlawful manipulation of a judicial sale when he or she knowingly and by any means makes any contract with or engages in any combination or conspiracy with any other person who is, or but for a prior agreement is, a competitor of such person for the purpose of or with the effect of fixing, controlling, limiting, or otherwise manipulating

- (1) the participation of any person in, or
- (2) the making of bids, at any judicial sale.

(b) Penalties. Unlawful manipulation of a judicial sale is a Class 3 felony. A mandatory fine shall be imposed for a violation, not to exceed \$1,000,000 if the violator is a corporation, or, if the violator is any other person, \$100,000. A second or subsequent violation is a Class 2 felony.

(c) Injunctive and other relief. The State's Attorney shall bring suit in the circuit court to prevent and restrain violations of subsection (a). In such a proceeding, the court shall determine whether a violation has been committed, and shall enter such judgment as it considers necessary to remove the effects of any violation which it finds, and to prevent such violation from continuing or from being renewed in the future. The court, in its discretion, may exercise all powers necessary for this purpose, including, but not limited to, injunction and divestiture of property.

(d) Private right of action. Any person who has been injured by a violation of subsection

(a) may maintain an action in the Circuit Court for damages, or for an injunction, or both, against any person who has committed such violation. If, in an action for an injunction, the court issues an injunction, the plaintiff shall be awarded costs and reasonable attorney's fees. In an action for damages, the person injured shall be awarded 3 times the amount of actual damages. This State, counties, municipalities, townships, and any political subdivision organized under the authority of this State, and the United States, are considered a person having standing to bring an action under this subsection. Any action for damages under this subsection is forever barred unless commenced within 4 years after the cause of action accrued. In any action for damages under this subsection, the court may, in its discretion, award reasonable fees to the prevailing defendant upon a finding that the plaintiff acted in bad faith, vexatiously, wantonly, or for oppressive reasons.

(e) Exclusion from subsequent judicial sales. Any person convicted of a violation of subsection

(a) or any similar offense of any state or the United States shall be barred for 5 years from the date of conviction from participating as a bidding entity in any judicial sale. No corporation shall be barred from participating in a judicial sale as a result of a conviction under subsection

(a) of any employee or agent of such corporation if the employee so convicted is no longer employed by the corporation and:

(1) it has been finally adjudicated not guilty or

(2) it demonstrates to the circuit court conducting such judicial sale and the court so finds that the commission of the offense was neither authorized, requested, commanded, nor performed by a director, officer or a high managerial agent in behalf of the corporation as provided in paragraph

(2) of subsection

(a) of Section 5-4 of this Code.

(f) Definitions. As used in this Section, unless the context otherwise requires: "Judicial sale" means any sale of real or personal property in accordance with a court order, including, but not limited to, judicial sales conducted pursuant to Section 15-1507 of the Code of Civil Procedure, sales ordered to satisfy judgments under Article XII of the Code of Civil Procedure, and enforcements of delinquent property taxes under Article 21 of the Property Tax Code. "Person" means any natural person, or any corporation, partnership, or association of persons.

720 ILCS 5/32-15

Sec. 32-15. (Repealed).

720 ILCS 5/33-1 — Bribery

Sec. 33-1. Bribery. A person commits bribery when:

(a) With intent to influence the performance of any act related to the employment or function of any public officer, public employee, juror or witness, he or she promises or tenders to that person any property or personal advantage which he or she is not authorized by law to accept; or

(b) With intent to influence the performance of any act related to the employment or function of any public officer, public employee, juror or witness, he or she promises or tenders to one whom he or she believes to be a public officer, public employee, juror or witness, any property or personal advantage which a public officer, public employee, juror or witness would not be authorized by law to accept; or

(c) With intent to cause any person to influence the performance of any act related to the employment or function of any public officer, public employee, juror or witness, he or she promises or tenders to that person any property or personal advantage which he or she is not authorized by law to accept; or

(d) He or she receives, retains or agrees to accept any property or personal advantage which he or she is not authorized by law to accept knowing that the property or personal advantage was promised or tendered with intent to cause him or her to influence the performance of any act related to the employment or function of any public officer, public employee, juror or witness; or

(e) He or she solicits, receives, retains, or agrees to accept any property or personal advantage pursuant to an understanding that he or she shall improperly influence or attempt to influence the performance of any act related to the employment or function of any public officer, public employee, juror or witness. As used in this Section, "tenders" means any delivery or proffer made with the requisite intent. Sentence. Bribery is a Class 2 felony.

720 ILCS 5/33-2 — Failure to report a bribe

Sec. 33-2. Failure to report a bribe. Any public officer, public employee or juror who fails to report forthwith to the local State's Attorney, or in the case of a State employee to the Illinois State Police, any offer made to him in violation of Section 33-1 commits a Class A misdemeanor. In the case of a State employee, the making of such report to the Illinois State Police shall discharge such employee from any further duty under this Section. Upon receiving any such report, the Illinois State Police shall forthwith transmit a copy thereof to the appropriate State's Attorney.

720 ILCS 5/33-3 — Official misconduct

Sec. 33-3. Official misconduct.

(a) A public officer or employee or special government agent commits misconduct when, in his official capacity or capacity as a special government agent, he or she commits any of the following acts:

(1) Intentionally or recklessly fails to perform any mandatory duty as required by law; or

(2) Knowingly performs an act which he knows he is forbidden by law to perform; or

(3) With intent to obtain a personal advantage for himself or another, he performs an act in excess of his lawful authority; or

(4) Solicits or knowingly accepts for the performance of any act a fee or reward which he knows is not authorized by law.

(b) An employee of a law enforcement agency commits misconduct when he or she knowingly uses or communicates, directly or indirectly, information acquired in the course of employment, with the intent to obstruct, impede, or prevent the investigation, apprehension, or prosecution of any criminal offense or person. Nothing in this subsection

(b) shall be construed to impose liability for communicating to a confidential resource, who is participating or aiding law enforcement, in an ongoing investigation.

(c) A public officer or employee or special government agent convicted of violating any provision of this Section forfeits his or her office or employment or position as a special government agent. In addition, he or she commits a Class 3 felony.

(d) For purposes of this Section: "Special government agent" has the meaning ascribed to it in subsection

(l) of Section 4A-101 of the Illinois Governmental Ethics Act.

720 ILCS 5/33-3.1

Sec. 33-3.1. Solicitation misconduct (State government).

(a) An employee of an executive branch constitutional officer commits solicitation misconduct (State government) when, at any time, he or she knowingly solicits or receives contributions, as that term is defined in Section 9-1.4 of the Election Code, from a person engaged in a business or activity over which the person has regulatory authority.

(b) For the purpose of this Section, "employee of an executive branch constitutional officer" means a full-time or part-time salaried employee, full-time or part-time salaried appointee, or any contractual employee of any office, board, commission, agency, department, authority, administrative unit, or corporate outgrowth under the jurisdiction of an executive branch constitutional officer; and "regulatory authority" means having the responsibility to investigate, inspect, license, or enforce regulatory measures necessary to the requirements of any State or federal statute or regulation relating to the business or activity.

(c) An employee of an executive branch constitutional officer, including one who does not have regulatory authority, commits a violation of this Section if that employee knowingly acts in concert with an employee of an executive branch constitutional officer who does have regulatory authority to solicit or receive contributions in violation of this Section.

(d) Solicitation misconduct (State government) is a Class A misdemeanor. An employee of an executive branch constitutional officer convicted of committing solicitation misconduct (State government) forfeits his or her employment.

(e) An employee of an executive branch constitutional officer who is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment because of lawful acts done by the employee or on behalf of the employee or others in furtherance of the enforcement of this Section shall be entitled to all relief necessary to make the employee whole.

(f) Any person who knowingly makes a false report of solicitation misconduct (State government) to the Illinois State Police, the Attorney General, a State's Attorney, or any law enforcement official is guilty of a Class C misdemeanor.

720 ILCS 5/33-3.2

Sec. 33-3.2. Solicitation misconduct (local government).

(a) An employee of a chief executive officer of a local government commits solicitation misconduct (local government) when, at any time, he or she knowingly solicits or receives contributions, as that term is defined in Section 9-1.4 of the Election Code, from a person engaged in a business or activity over which the person has regulatory authority.

(b) For the purpose of this Section, "chief executive officer of a local government" means an executive officer of a county, township or municipal government or any administrative subdivision under jurisdiction of the county, township, or municipal government including but not limited to: chairman or president of a county board or commission, mayor or village president, township supervisor, county executive, municipal manager, assessor, auditor, clerk, coroner, recorder, sheriff or State's Attorney; "employee of a chief executive officer of a local government" means a full-time or part-time salaried employee, full-time or part-time salaried appointee, or any contractual employee of any office, board, commission, agency, department, authority, administrative unit, or corporate outgrowth under the jurisdiction of a chief executive officer of a local government; and "regulatory authority" means having the responsibility to investigate, inspect, license, or enforce regulatory measures necessary to the requirements of any State, local, or federal statute or regulation relating to the business or activity.

(c) An employee of a chief executive officer of a local government, including one who does not have regulatory authority, commits a violation of this Section if that employee knowingly acts in concert with an employee of a chief executive officer of a local government who does have regulatory authority to solicit or receive contributions in violation of this Section.

(d) Solicitation misconduct (local government) is a Class A misdemeanor. An employee of a chief executive officer of a local government convicted of committing solicitation misconduct (local government) forfeits his or her employment.

(e) An employee of a chief executive officer of a local government who is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment because of lawful acts done by the employee or on behalf of the employee or others in furtherance of the enforcement of this Section shall be entitled to all relief necessary to make the employee whole.

(f) Any person who knowingly makes a false report of solicitation misconduct (local government) to the Illinois State Police, the Attorney General, a State's Attorney, or any law enforcement official is guilty of a Class C misdemeanor.

720 ILCS 5/33-4 — Peace officer or correctional officer; gang-related activity prohibited

Sec. 33-4. Peace officer or correctional officer; gang-related activity prohibited.

(a) It is unlawful for a peace officer or correctional officer to knowingly commit any act in furtherance of gang-related activities, except when acting in furtherance of an undercover law enforcement investigation.

(b) In this Section, "gang-related" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(c) Sentence. A violation of this Section is a Class 3 felony.

720 ILCS 5/33-5 — Preservation of evidence

Sec. 33-5. Preservation of evidence.

(a) It is unlawful for a law enforcement agency or an agent acting on behalf of the law enforcement agency to intentionally fail to comply with the provisions of subsection

(a) of Section 116-4 of the Code of Criminal Procedure of 1963.

(b) Sentence. A person who violates this Section is guilty of a Class 4 felony.

(c) For purposes of this Section, "law enforcement agency" has the meaning ascribed to it in subsection

(e) of Section 116-4 of the Code of Criminal Procedure of 1963.

720 ILCS 5/33-6 — Bribery to obtain driving privileges

Sec. 33-6. Bribery to obtain driving privileges.

(a) A person commits the offense of bribery to obtain driving privileges when:

(1) with intent to influence any act related to the issuance of any driver's license or permit by an employee of the Illinois Secretary of State's Office, or the owner or employee of any commercial driver training school licensed by the Illinois Secretary of State, or any other individual authorized by the laws of this State to give driving instructions or administer all or part of a driver's license examination, he or she promises or tenders to that person any property or personal advantage which that person is not authorized by law to accept; or

(2) with intent to cause any person to influence any act related to the issuance of any driver's license or permit by an employee of the Illinois Secretary of State's Office, or the owner or employee of any commercial driver training school licensed by the Illinois Secretary of State, or any other individual authorized by the laws of this State to give driving instructions or administer all or part of a driver's license examination, he or she promises or tenders to that person any property or personal advantage which that person is not authorized by law to accept; or

(3) as an employee of the Illinois Secretary of State's Office, or the owner or employee of any commercial driver training school licensed by the Illinois Secretary of State, or any other individual authorized by the laws of this State to give driving instructions or administer all or part of a driver's license examination, solicits, receives, retains, or agrees to accept any property or personal advantage that he or she is not authorized by law to accept knowing that such property or personal advantage was promised or tendered with intent to influence the performance of any act related to the issuance of any driver's license or permit; or

(4) as an employee of the Illinois Secretary of State's Office, or the owner or employee of any commercial driver training school licensed by the Illinois Secretary of State, or any other individual authorized by the laws of this State to give driving instructions or administer all or part of a driver's license examination, solicits, receives, retains, or agrees to accept any property or personal advantage pursuant to an understanding that he or she shall improperly influence or attempt to influence the performance of any act related to the issuance of any driver's license or permit.

(b) Sentence. Bribery to obtain driving privileges is a Class 2 felony.

720 ILCS 5/33-7 — Public contractor misconduct

Sec. 33-7. Public contractor misconduct.

(a) A public contractor; a person seeking a public contract on behalf of himself, herself, or another; an employee of a public contractor; or a person seeking a public contract on behalf of himself, herself, or another commits public contractor misconduct when, in the performance of, or in connection with, a contract with the State, a unit of local government, or a school district or in obtaining or seeking to obtain such a contract he or she commits any of the following acts:

(1) intentionally or knowingly makes, uses, or causes to be made or used a false record or statement to conceal, avoid, or decrease an obligation to pay or transmit money or property;

(2) knowingly performs an act that he or she knows he or she is forbidden by law to perform;

(3) with intent to obtain a personal advantage for himself, herself, or another, he or she performs an act in excess of his or her contractual responsibility;

(4) solicits or knowingly accepts for the performance of any act a fee or reward that he or she knows is not authorized by law; or

(5) knowingly or intentionally seeks or receives compensation or reimbursement for goods and services he or she purported to deliver or render, but failed to do so pursuant to the terms of the contract, to the unit of State or local government or school district.

(b) Sentence. Any person who violates this Section commits a Class 3 felony. Any person convicted of this offense or a similar offense in any state of the United States which contains the same elements of this offense shall be barred for 10 years from the date of conviction from contracting with, employment by, or holding public office with the State or any unit of local government or school district. No corporation shall be barred as a result of a conviction under this Section of any employee or agent of such corporation if the employee so convicted is no longer employed by the corporation and

(1) it has been finally adjudicated not guilty or

(2) it demonstrates to the government entity with which it seeks to contract, and that entity finds, that the commission of the offense was neither authorized, requested, commanded, nor performed by a director, officer or high managerial agent on behalf of the corporation as provided in paragraph

(2) of subsection

(a) of Section 5-4 of this Code.

(c) The Attorney General or the State's Attorney in the county where the principal office of the unit of local government or school district is located may bring a civil action on behalf of any unit of State or local government to recover a civil penalty from any person who knowingly engages in conduct which violates subsection

(a) of this Section in treble the amount of the monetary cost to the unit of State or local government or school district involved in the violation. The Attorney General or State's Attorney shall be entitled to recover reasonable attorney's fees as part of the costs assessed to the defendant. This subsection

(c) shall in no way limit the ability of any unit of State or local government or school district to recover moneys or damages regarding public contracts under any other law or ordinance. A civil action shall be barred unless the action is commenced within 6 years after the later of

(1) the date on which the conduct establishing the cause of action occurred or

(2) the date on which the unit of State or local government or school district knew or should have known that the conduct establishing the cause of action occurred.

(d) This amendatory Act of the 96th General Assembly shall not be construed to create a private right of action.

720 ILCS 5/33-8 — Legislative misconduct

Sec. 33-8. Legislative misconduct.

(a) A member of the General Assembly commits legislative misconduct when he or she knowingly accepts or receives, directly or indirectly, any money or other valuable thing, from any corporation, company or person, for any vote or influence he or she may give or withhold on any bill, resolution or appropriation, or for any other official act.

(b) Sentence. Legislative misconduct is a Class 3 felony.

720 ILCS 5/33-9 — Law enforcement misconduct

Sec. 33-9. Law enforcement misconduct.

(a) A law enforcement officer or a person acting under color of law commits law enforcement misconduct when, in the performance of his or her official duties with intent to prevent the apprehension or obstruct the prosecution or defense of any person, he or she:

(1) knowingly and intentionally misrepresents or fails to provide material facts describing an incident in any report or during any investigations regarding the law enforcement employee's conduct;

(2) knowingly and intentionally withholds any knowledge of the material misrepresentations of another law enforcement officer from the law enforcement employee's supervisor, investigator, or other person or entity tasked with holding the law enforcement officer accountable; or

(3) knowingly and intentionally fails to comply with paragraphs (3), (5), (6), and

(7) of subsection

(a) of Section 10-20 of the Law Enforcement Officer-Worn Body Camera Act.

(b) Sentence. Law enforcement misconduct is a Class 3 felony.

720 ILCS 5/33A-1 — Legislative intent and definitions

Sec. 33A-1. Legislative intent and definitions.

(a) Legislative findings. The legislature finds and declares the following:

(1) The use of a dangerous weapon in the commission of a felony offense poses a much greater threat to the public health, safety, and general welfare, than when a weapon is not used in the commission of the offense.

(2) Further, the use of a firearm greatly facilitates the commission of a criminal offense because of the more lethal nature of a firearm and the greater perceived threat produced in those confronted by a person wielding a firearm. Unlike other dangerous weapons such as knives and clubs, the use of a firearm in the commission of a criminal felony offense significantly escalates the threat and the potential for bodily harm, and the greater range of the firearm increases the potential for harm to more persons. Not only are the victims and bystanders at greater risk when a firearm is used, but also the law enforcement officers whose duty is to confront and apprehend the armed suspect.

(3) Current law does contain offenses involving the use or discharge of a gun toward or against a person, such as aggravated battery with a firearm, aggravated discharge of a firearm, and reckless discharge of a firearm; however, the General Assembly has legislated greater penalties for the commission of a felony while in possession of a firearm because it deems such acts as more serious.

(b) Legislative intent.

(1) In order to deter the use of firearms in the commission of a felony offense, the General Assembly deems it appropriate for a greater penalty to be imposed when a firearm is used or discharged in the commission of an offense than the penalty imposed for using other types of weapons and for the penalty to increase on more serious offenses.

(2) With the additional elements of the discharge of a firearm and great bodily harm inflicted by a firearm being added to armed violence and other serious felony offenses, it is the intent of the General Assembly to punish those elements more severely during commission of a felony offense than when those elements stand alone as the act of the offender.

(3) It is the intent of the 91st General Assembly that should Public Act 88-680 be declared unconstitutional for a violation of Article 4, Section 8 of the 1970 Constitution of the State of Illinois, the amendatory changes made by Public Act 88-680 to Article 33A of the Criminal Code of 1961 and which are set forth as law in this amendatory Act of the 91st General Assembly are hereby reenacted by this amendatory Act of the 91st General Assembly.

(c) Definitions.

(1) "Armed with a dangerous weapon". A person is considered armed with a dangerous weapon for purposes of this Article, when he or she carries on or about his or her person or is otherwise armed with a Category I, Category II, or Category III weapon.

(2) A Category I weapon is a handgun, sawed-off shotgun, sawed-off rifle, any other firearm small enough to be concealed upon the person, semiautomatic firearm, or machine gun. A Category II weapon is any other rifle, shotgun, spring gun, other firearm, stun gun or taser as defined in paragraph

(a) of Section 24-1 of this Code, knife with a blade of at least 3 inches in length, dagger, dirk, switchblade knife, stiletto, axe, hatchet, or other deadly or dangerous weapon or instrument of like character. As used in this subsection

(b) "semiautomatic firearm" means a repeating firearm that utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round and that requires a separate pull of the trigger to fire each cartridge.

(3) A Category III weapon is a bludgeon, black-jack, slungshot, sand-bag, sand-club, metal knuckles, billy, or other dangerous weapon of like character.

720 ILCS 5/33A-2 — Armed violence-Elements of the offense

Sec. 33A-2. Armed violence-Elements of the offense.

(a) A person commits armed violence when, while armed with a dangerous weapon, he commits any felony defined by Illinois Law, except first degree murder, attempted first degree murder, intentional homicide of an unborn child, second degree murder, involuntary manslaughter, reckless homicide, predatory criminal sexual assault of a child, aggravated battery of a child as described in Section 12-4.3 or subdivision (b)(1) of Section 12-3.05, home invasion, or any offense that makes the possession or use of a dangerous weapon either an element of the base offense, an aggravated or enhanced version of the offense, or a mandatory sentencing factor that increases the sentencing range.

(b) A person commits armed violence when he or she personally discharges a firearm that is a Category I or Category II weapon while committing any felony defined by Illinois law, except first degree murder, attempted first degree murder,

intentional homicide of an unborn child, second degree murder, involuntary manslaughter, reckless homicide, predatory criminal sexual assault of a child, aggravated battery of a child as described in Section 12-4.3 or subdivision (b)(1) of Section 12-3.05, home invasion, or any offense that makes the possession or use of a dangerous weapon either an element of the base offense, an aggravated or enhanced version of the offense, or a mandatory sentencing factor that increases the sentencing range.

(c) A person commits armed violence when he or she personally discharges a firearm that is a Category I or Category II weapon that proximately causes great bodily harm, permanent disability, or permanent disfigurement or death to another person while committing any felony defined by Illinois law, except first degree murder, attempted first degree murder, intentional homicide of an unborn child, second degree murder, involuntary manslaughter, reckless homicide, predatory criminal sexual assault of a child, aggravated battery of a child as described in Section 12-4.3 or subdivision (b)(1) of Section 12-3.05, home invasion, or any offense that makes the possession or use of a dangerous weapon either an element of the base offense, an aggravated or enhanced version of the offense, or a mandatory sentencing factor that increases the sentencing range.

(d) This Section does not apply to violations of the Fish and Aquatic Life Code or the Wildlife Code.

720 ILCS 5/33A-3 — Sentence

Sec. 33A-3. Sentence.

(a) Violation of Section 33A-2(a) with a Category I weapon is a Class X felony for which the defendant shall be sentenced to a minimum term of imprisonment of 15 years. (a-5) Violation of Section 33A-2(a) with a Category II weapon is a Class X felony for which the defendant shall be sentenced to a minimum term of imprisonment of 10 years.

(b) Violation of Section 33A-2(a) with a Category III weapon is a Class 2 felony or the felony classification provided for the same act while unarmed, whichever permits the greater penalty. A second or subsequent violation of Section 33A-2(a) with a Category III weapon is a Class 1 felony or the felony classification provided for the same act while unarmed, whichever permits the greater penalty. (b-5) Violation of Section 33A-2(b) with a firearm that is a Category I or Category II weapon is a Class X felony for which the defendant shall be sentenced to a minimum term of imprisonment of 20 years. (b-10) Violation of Section 33A-2(c) with a firearm that is a Category I or Category II weapon is a Class X felony for which the defendant shall be sentenced to a term of imprisonment of not less than 25 years nor more than 40 years.

(c) Unless sentencing under subsection

(a) of Section 5-4.5-95 of the Unified Code of Corrections (730 ILCS 5/5-4.5-95) is applicable, any person who violates subsection

(a) or

(b) of Section 33A-2 with a firearm, when that person has been convicted in any state or federal court of 3 or more of the following offenses: treason, first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, robbery, burglary, arson, kidnaping, aggravated battery resulting in great bodily harm or permanent disability or disfigurement, a violation of the Methamphetamine Control and Community Protection Act, or a violation of Section 401(a) of the Illinois Controlled Substances Act, when the third offense was committed after conviction on the second, the second offense was committed after conviction on the first, and the violation of Section 33A-2 was committed after conviction on the third, shall be sentenced to a term of imprisonment of not less than 25 years nor more than 50 years. (c-5) Except as otherwise provided in paragraph (b-10) or

(c) of this Section, a person who violates Section 33A-2(a) with a firearm that is a Category I weapon or Section 33A-2(b) in any school, in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity, or on the real property comprising any school or public park, and where the offense was related to the activities of an organized gang, shall be sentenced to a term of imprisonment of not less than the term set forth in subsection

(a) or (b-5) of this Section, whichever is applicable, and not more than 30 years. For the purposes of this subsection (c-5), "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(d) For armed violence based upon a predicate offense listed in this subsection

(d) the court shall enter the sentence for armed violence to run consecutively to the sentence imposed for the predicate offense. The offenses covered by this provision are:

(i) solicitation of murder, (ii) solicitation of murder for hire, (iii) heinous battery as described in Section 12-4.1 or subdivision (a)(2) of Section 12-3.05, (iv) aggravated battery of a senior citizen as described in Section 12-4.6 or subdivision (a)(4) of Section 12-3.05,

(v) (blank), (vi) a violation of subsection

(g) of Section 5 of the Cannabis Control Act, (vii) cannabis trafficking, (viii) a violation of subsection

(a) of Section 401 of the Illinois Controlled Substances Act, (ix) controlled substance trafficking involving a Class X felony amount of controlled substance under Section 401 of the Illinois Controlled Substances Act,

(x) calculated criminal drug conspiracy, (xi) streetgang criminal drug conspiracy, or (xii) a violation of the Methamphetamine Control and Community Protection Act.

720 ILCS 5/33D-1

Sec. 33D-1. (Renumbered).

720 ILCS 5/33E-1 — Interference with public contracting

Sec. 33E-1. Interference with public contracting. It is the finding of the General Assembly that the cost to the public is increased and the quality of goods, services and construction paid for by public monies is decreased when contracts for such goods, services or construction are obtained by any means other than through independent noncollusive submission of bids or offers by individual contractors or suppliers, and the evaluation of those bids or offers by the governmental unit pursuant only to criteria publicly announced in advance.

720 ILCS 5/33E-2 — Definitions

Sec. 33E-2. Definitions. In this Act:

- (a) "Public contract" means any contract for goods, services or construction let to any person with or without bid by any unit of State or local government.
- (b) "Unit of State or local government" means the State, any unit of state government or agency thereof, any county or municipal government or committee or agency thereof, or any other entity which is funded by or expends tax dollars or the proceeds of publicly guaranteed bonds.
- (c) "Change order" means a change in a contract term other than as specifically provided for in the contract which authorizes or necessitates any increase or decrease in the cost of the contract or the time to completion.
- (d) "Person" means any individual, firm, partnership, corporation, joint venture or other entity, but does not include a unit of State or local government.
- (e) "Person employed by any unit of State or local government" means any employee of a unit of State or local government and any person defined in subsection
- (d) who is authorized by such unit of State or local government to act on its behalf in relation to any public contract.
- (f) "Sheltered market" has the meaning ascribed to it in Section 8b of the Business Enterprise for Minorities, Women, and Persons with Disabilities Act; except that, with respect to State contracts set aside for award to service-disabled veteran-owned small businesses and veteran-owned small businesses pursuant to Section 45-57 of the Illinois Procurement Code, "sheltered market" means procurements pursuant to that Section.
- (g) "Kickback" means any money, fee, commission, credit, gift, gratuity, thing of value, or compensation of any kind which is provided, directly or indirectly, to any prime contractor, prime contractor employee, subcontractor, or subcontractor employee for the purpose of improperly obtaining or rewarding favorable treatment in connection with a prime contract or in connection with a subcontract relating to a prime contract.
- (h) "Prime contractor" means any person who has entered into a public contract.
- (i) "Prime contractor employee" means any officer, partner, employee, or agent of a prime contractor. (i-5) "Stringing" means knowingly structuring a contract or job order to avoid the contract or job order being subject to competitive bidding requirements.
- (j) "Subcontract" means a contract or contractual action entered into by a prime contractor or subcontractor for the purpose of obtaining goods or services of any kind under a prime contract.
- (k) "Subcontractor"

(1) means any person, other than the prime contractor, who offers to furnish or furnishes any goods or services of any kind under a prime contract or a subcontract entered into in connection with such prime contract; and

(2) includes any person who offers to furnish or furnishes goods or services to the prime contractor or a higher tier subcontractor.

(l) "Subcontractor employee" means any officer, partner, employee, or agent of a subcontractor.

720 ILCS 5/33E-3 — Bid-rigging

Sec. 33E-3. Bid-rigging. A person commits the offense of bid-rigging when he knowingly agrees with any person who is, or but for such agreement would be, a competitor of such person concerning any bid submitted or not submitted by such person or another to a unit of State or local government when with the intent that the bid submitted or not submitted will result in the award of a contract to such person or another and he either

(1) provides such person or receives from another information concerning the price or other material term or terms of the bid which would otherwise not be disclosed to a competitor in an independent noncollusive submission of bids or

(2) submits a bid that is of such a price or other material term or terms that he does not intend the bid to be accepted.

Bid-rigging is a Class 3 felony. Any person convicted of this offense or any similar offense of any state or the United States which contains the same elements as this offense shall be barred for 5 years from the date of conviction from contracting with any unit of State or local government. No corporation shall be barred from contracting with any unit of State or local government as a result of a conviction under this Section of any employee or agent of such corporation if the employee so convicted is no longer employed by the corporation and:

(1) it has been finally adjudicated not guilty or

(2) if it demonstrates to the governmental entity with which it seeks to contract and that entity finds that the commission of the offense was neither authorized, requested, commanded, nor performed by a director, officer or a high managerial agent in behalf of the corporation as provided in paragraph

(2) of subsection

(a) of Section 5-4 of this Code.

720 ILCS 5/33E-4 — Bid rotating

Sec. 33E-4. Bid rotating. A person commits the offense of bid rotating when, pursuant to any collusive scheme or agreement with another, he engages in a pattern over time (which, for the purposes of this Section, shall include at least 3 contract bids within a period of 10 years, the most recent of which occurs after the effective date of this amendatory Act of 1988) of submitting sealed bids to units of State or local government with the intent that the award of such bids rotates, or is distributed among, persons or business entities which submit bids on a substantial number of the same contracts. Bid rotating is a Class 2 felony. Any person convicted of this offense or any similar offense of any state or the United States which contains the same elements as this offense shall be permanently barred from contracting with any unit of State or local government. No corporation shall be barred from contracting with any unit of State or local government as a result of a conviction under this Section of any employee or agent of such corporation if the employee so convicted is no longer employed by the corporation and:

(1) it has been finally adjudicated not guilty or

(2) if it demonstrates to the governmental entity with which it seeks to contract and that entity finds that the commission of the offense was neither authorized, requested, commanded, nor performed by a director, officer or a high managerial agent in behalf of the corporation as provided in paragraph

(2) of subsection

(a) of Section 5-4 of this Code.

720 ILCS 5/33E-5 — Acquisition or disclosure of bidding information by public official

Sec. 33E-5. Acquisition or disclosure of bidding information by public official.

(a) Any person who is an official of or employed by any unit of State or local government who knowingly opens a sealed bid at a time or place other than as specified in the invitation to bid or as otherwise designated by the State or unit of local government, or outside the presence of witnesses required by the applicable statute or ordinance, commits a Class 4 felony.

(b) Any person who is an official of or employed by any unit of State or local government who knowingly discloses to any interested person any information related to the terms of a sealed bid whether that information is acquired through a violation of subsection

(a) or by any other means except as provided by law or necessary to the performance of such official's or employee's responsibilities relating to the bid, commits a Class 3 felony.

(c) It shall not constitute a violation of subsection

(b) of this Section for any person who is an official of or employed by any unit of State or local government to make any disclosure to any interested person where such disclosure is also made generally available to the public.

(d) This Section only applies to contracts let by sealed bid.

720 ILCS 5/33E-6 — Interference with contract submission and award by public official

Sec. 33E-6. Interference with contract submission and award by public official.

(a) Any person who is an official of or employed by any unit of State or local government who knowingly conveys, either directly or indirectly, outside of the publicly available official invitation to bid, pre-bid conference, solicitation for contracts procedure or such procedure used in any sheltered market procurement adopted pursuant to law or ordinance by that unit of government, to any person any information concerning the specifications for such contract or the identity of any particular potential subcontractors, when inclusion of such information concerning the specifications or contractors in the bid or offer would influence the likelihood of acceptance of such bid or offer, commits a Class 4 felony. It shall not constitute a violation of this subsection to convey information intended to clarify plans or specifications regarding a public contract where such disclosure of information is also made generally available to the public.

(b) Any person who is an official of or employed by any unit of State or local government who, either directly or indirectly, knowingly informs a bidder or offeror that the bid or offer will be accepted or executed only if specified individuals are included as subcontractors commits a Class 3 felony.

(c) It shall not constitute a violation of subsection

(a) of this Section where any person who is an official of or employed by any unit of State or local government follows procedures established

(i) by federal, State or local minority or female owned business enterprise programs or (ii) pursuant to Section 45-57 of the Illinois Procurement Code.

(d) Any bidder or offeror who is the recipient of communications from the unit of government which he reasonably believes to be proscribed by subsections

(a) or (b), and fails to inform either the Attorney General or the State's Attorney for the county in which the unit of government is located, commits a Class A misdemeanor.

(e) Any public official who knowingly awards a contract based on criteria which were not publicly disseminated via the invitation to bid, when such invitation to bid is required by law or ordinance, the pre-bid conference, or any solicitation for contracts procedure or such procedure used in any sheltered market procurement procedure adopted pursuant to statute or ordinance, commits a Class 3 felony.

(f) It shall not constitute a violation of subsection

(a) for any person who is an official of or employed by any unit of State or local government to provide to any person a copy of the transcript or other summary of any pre-bid conference where such transcript or summary is also made generally available to the public.

720 ILCS 5/33E-7 — Kickbacks

Sec. 33E-7. Kickbacks.

(a) A person violates this Section when he knowingly either:

(1) provides, attempts to provide or offers to provide any kickback;

(2) solicits, accepts or attempts to accept any kickback; or

(3) includes, directly or indirectly, the amount of any kickback prohibited by paragraphs

(1) or

(2) of this subsection

(a) in the contract price charged by a subcontractor to a prime contractor or a higher tier subcontractor or in the contract price charged by a prime contractor to any unit of State or local government for a public contract.

(b) Any person violates this Section when he has received an offer of a kickback, or has been solicited to make a kickback, and fails to report it to law enforcement officials, including but not limited to the Attorney General or the State's Attorney for the county in which the contract is to be performed.

(c) A violation of subsection

(a) is a Class 3 felony. A violation of subsection

(b) is a Class 4 felony.

(d) Any unit of State or local government may, in a civil action, recover a civil penalty from any person who knowingly engages in conduct which violates paragraph

(3) of subsection

(a) of this Section in twice the amount of each kickback involved in the violation. This subsection

(d) shall in no way limit the ability of any unit of State or local government to recover monies or damages regarding public contracts under any other law or ordinance. A civil action shall be barred unless the action is commenced within 6 years after the later of

(1) the date on which the conduct establishing the cause of action occurred or

(2) the date on which the unit of State or local government knew or should have known that the conduct establishing the cause of action occurred.

720 ILCS 5/33E-8 — Bribery of inspector employed by contractor

Sec. 33E-8. Bribery of inspector employed by contractor.

(a) A person commits bribery of an inspector when he offers to any person employed by a contractor or subcontractor on any public project contracted for by any unit of State or local government any property or other thing of value with the intent that such offer is for the purpose of obtaining wrongful certification or approval of the quality or completion of any goods or services supplied or performed in the course of work on such project. Violation of this subsection is a Class 4 felony.

(b) Any person employed by a contractor or subcontractor on any public project contracted for by any unit of State or local government who accepts any property or other thing of value knowing that such was intentionally offered for the purpose of influencing the certification or approval of the quality or completion of any goods or services supplied or performed under subcontract to that contractor, and either before or afterwards issues such wrongful certification, commits a Class 3 felony. Failure to report such offer to law enforcement officials, including but not limited to the Attorney General or the State's Attorney for the county in which the contract is performed, constitutes a Class 4 felony.

720 ILCS 5/33E-9 — Change orders

Sec. 33E-9. Change orders. Any change order authorized under this Section shall be made in writing. Any person employed by and authorized by any unit of State or local government to approve a change order to any public contract who knowingly grants that approval without first obtaining from the unit of State or local government on whose behalf the contract was signed, or from a designee authorized by that unit of State or local government, a determination in writing that

(1) the circumstances said to necessitate the change in performance were not reasonably foreseeable at the time the contract was signed, or

(2) the change is germane to the original contract as signed, or

(3) the change order is in the best interest of the unit of State or local government and authorized by law, commits a Class 4 felony. The written determination and the written change order resulting from that determination shall be preserved in the contract's file which shall be open to the public for inspection. This Section shall only apply to a change order or series of change orders which authorize or necessitate an increase or decrease in either the cost of a public contract by a total of \$25,000 or more or the time of completion by a total of 180 days or more.

720 ILCS 5/33E-10 — Rules of evidence

Sec. 33E-10. Rules of evidence.

(a) The certified bid is prima facie evidence of the bid.

(b) It shall be presumed that in the absence of practices proscribed by this Article 33E, all persons who submit bids in response to an invitation to bid by any unit of State or local government submit their bids independent of all other bidders, without information obtained from the governmental entity outside the invitation to bid, and in a good faith effort to obtain the contract.

720 ILCS 5/33E-11

Sec. 33E-11.

(a) Every bid submitted to and public contract executed pursuant to such bid by the State or a unit of local government shall contain a certification by the prime contractor that the prime contractor is not barred from contracting with any unit of State or local government as a result of a violation of either Section 33E-3 or 33E-4 of this Article. The State and units of local government shall provide the appropriate forms for such certification.

(b) A contractor who knowingly makes a false statement, material to the certification, commits a Class 3 felony.

720 ILCS 5/33E-12

Sec. 33E-12. It shall not constitute a violation of any provisions of this Article for any person who is an official of or employed by a unit of State or local government to

(1) disclose the name of any person who has submitted a bid in response to or requested plans or specifications regarding an invitation to bid or who has been awarded a public contract to any person or,

(2) to convey information concerning acceptable alternatives or substitute to plans or specifications if such information is also made generally available to the public and mailed to any person who has submitted a bid in response to or requested plans or specifications regarding an invitation to bid on a public contract or,

(3) to negotiate with the lowest responsible bidder a reduction in only the price term of the bid.

720 ILCS 5/33E-13

Sec. 33E-13. Contract negotiations under the Local Government Professional Services Selection Act shall not be subject to the provisions of this Article.

720 ILCS 5/33E-14 — False statements on vendor applications

Sec. 33E-14. False statements on vendor applications.

(a) A person commits false statements on vendor applications when he or she knowingly makes any false statement or report with the intent to influence in any way the action of any unit of local government or school district in considering a vendor application.

(b) Sentence. False statements on vendor applications is a Class 3 felony.

720 ILCS 5/33E-15 — False entries

Sec. 33E-15. False entries.

(a) An officer, agent, or employee of, or anyone who is affiliated in any capacity with any unit of local government or school district commits false entries when he or she makes a false entry in any book, report, or statement of any unit of local government or school district with the intent to defraud the unit of local government or school district.

(b) Sentence. False entries is a Class 3 felony.

720 ILCS 5/33E-16 — Misapplication of funds

Sec. 33E-16. Misapplication of funds.

(a) An officer, director, agent, or employee of, or affiliated in any capacity with any unit of local government or school district commits misapplication of funds when he or she knowingly misapplies any of the moneys, funds, or credits of the unit of local government or school district.

(b) Sentence. Misapplication of funds is a Class 3 felony.

720 ILCS 5/33E-17 — Unlawful participation

Sec. 33E-17. Unlawful participation. Whoever, being an officer, director, agent, or employee of, or affiliated in any capacity with any unit of local government or school district participates, shares in, or receiving directly or indirectly any money, profit, property, or benefit through any contract with the unit of local government or school district, with the intent to defraud the unit of local government or school district is guilty of a Class 3 felony.

720 ILCS 5/33E-18 — Unlawful stringing of bids

Sec. 33E-18. Unlawful stringing of bids.

(a) A person commits unlawful stringing of bids when he or she, with the intent to evade the bidding requirements of any unit of local government or school district, knowingly strings or assists in stringing or attempts to string any contract or job order with the unit of local government or school district.

(b) Sentence. Unlawful stringing of bids is a Class 4 felony.

720 ILCS 5/33F-1 — Definitions

Sec. 33F-1. Definitions. For purposes of this Article:

(a) "Body Armor" means any one of the following:

(1) A military style flak or tactical assault vest which is made of Kevlar or any other similar material or metal, fiberglass, plastic, and nylon plates and designed to be worn over one's clothing for the intended purpose of stopping not only missile fragmentation from mines, grenades, mortar shells and artillery fire but also fire from rifles, machine guns, and small arms.

(2) Soft body armor which is made of Kevlar or any other similar material or metal or any other type of insert and which is lightweight and pliable and which can be easily concealed under a shirt.

(3) A military style recon/surveillance vest which is made of Kevlar or any other similar material and which is lightweight and designed to be worn over one's clothing.

(4) Protective casual clothing which is made of Kevlar or any other similar material and which was originally intended to be used by undercover law enforcement officers or dignitaries and is designed to look like jackets, coats, raincoats, quilted or three piece suit vests.

(b) "Dangerous weapon" means a Category I, Category II, or Category III weapon as defined in Section 33A-1 of this Code.

720 ILCS 5/33F-2 — Unlawful use of body armor

Sec. 33F-2. Unlawful use of body armor. A person commits the offense of unlawful use of body armor when he knowingly wears body armor and is in possession of a dangerous weapon, other than a firearm, in the commission or attempted commission of any offense.

720 ILCS 5/33F-3 — Sentence

Sec. 33F-3. Sentence. A person convicted of unlawful use of body armor for a first offense shall be guilty of a Class A misdemeanor and for a second or subsequent offense shall be guilty of a Class 4 felony.

720 ILCS 5/33G-1 — Short title

Sec. 33G-1. Short title. This Article may be cited as the Illinois Street Gang and Racketeer Influenced and Corrupt Organizations Law (or "RICO").

720 ILCS 5/33G-2 — Legislative declaration

Sec. 33G-2. Legislative declaration. The substantial harm inflicted on the people and economy of this State by pervasive violent street gangs and other forms of enterprise criminality, is legitimately a matter of grave concern to the people of this State who have a basic right to be protected from that criminal activity and to be given adequate remedies to redress its harms. Whereas the current laws of this State provide inadequate remedies, procedures and punishments, the Illinois General Assembly hereby gives the supplemental remedies of the Illinois Street Gang and Racketeer Influenced and Corrupt Organizations Law full force and effect under law for the common good of this State and its people.

720 ILCS 5/33G-3 — Definitions

Sec. 33G-3. Definitions. As used in this Article:

(a) "Another state" means any State of the United States (other than the State of Illinois), or the District of Columbia, or the Commonwealth of Puerto Rico, or any territory or possession of the United States, or any political subdivision, or any department, agency, or instrumentality thereof.

(b) "Enterprise" includes:

(1) any partnership, corporation, association, business or charitable trust, or other legal entity; and

(2) any group of individuals or other legal entities, or any combination thereof, associated in fact although not itself a legal entity. An association in fact must be held together by a common purpose of engaging in a course of conduct, and it may be associated together for purposes that are both legal and illegal. An association in fact must: (A) have an ongoing organization or structure, either formal or informal; (B) the various members of the group must function as a continuing unit, even if the group changes membership by gaining or losing members over time; and (C) have an ascertainable structure distinct from that inherent in the conduct of a pattern of predicate activity. As used in this Article, "enterprise" includes licit and illicit enterprises.

(c) "Labor organization" includes any organization, labor union, craft union, or any voluntary unincorporated association designed to further the cause of the rights of union labor that is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or apprenticeships or applications for apprenticeships, or of other mutual aid or protection in connection with employment, including apprenticeships or applications for apprenticeships.

(d) "Operation or management" means directing or carrying out the enterprise's affairs and is limited to any person who knowingly serves as a leader, organizer, operator, manager, director, supervisor, financier, advisor, recruiter, supplier, or enforcer of an enterprise in violation of this Article.

(e) "Predicate activity" means any act that is a Class 2 felony or higher and constitutes a violation or violations of any of the following provisions of the laws of the State of Illinois (as amended or revised as of the date the activity occurred or, in the instance of a continuing offense, the date that charges under this Article are filed in a particular matter in the State of Illinois) or any act under the law of another jurisdiction for an offense that could be charged as a Class 2 felony or higher in this State:

(1) under the Criminal Code of 1961 or the Criminal Code of 2012: 8-1.2 (solicitation of murder for hire), 9-1 (first degree murder), 9-3.3 (drug-induced homicide), 10-1 (kidnapping), 10-2 (aggravated kidnapping), 10-3.1 (aggravated unlawful restraint), 10-4 (forcible detention), 10-5(b)(10) (child abduction), 10-9 (trafficking in persons, involuntary servitude, and related offenses), 11-1.20 (criminal sexual assault), 11-1.30 (aggravated criminal sexual assault), 11-1.40 (predatory criminal sexual assault of a child), 11-1.60 (aggravated criminal sexual abuse), 11-6 (indecent solicitation of a child), 11-6.5 (indecent solicitation of an adult), 11-14.3(a)(2)(A) and (a)(2)(B) (promoting prostitution), 11-14.4 (promoting commercial sexual exploitation of a child), 11-18.1 (patronizing a sexually exploited child; patronizing a sexually exploited child), 12-3.05 (aggravated battery), 12-6.4 (criminal street gang recruitment), 12-6.5 (compelling organization membership of persons), 12-7.3 (stalking), 12-7.4 (aggravated stalking), 12-7.5 (cyberstalking), 12-11 or 19-6 (home invasion), 12-11.1 or 18-6 (vehicular invasion), 18-1 (robbery; aggravated robbery), 18-2 (armed robbery), 18-3 (vehicular hijacking), 18-4 (aggravated vehicular hijacking), 18-5 (aggravated robbery), 19-1 (burglary), 19-3 (residential burglary), 20-1 (arson; residential arson; place of worship arson), 20-1.1 (aggravated arson), 20-1.2 (residential arson), 20-1.3 (place of worship arson), 24-1.2 (aggravated discharge of a firearm), 24-1.2-5 (aggravated discharge of a machine gun or silencer equipped firearm), 24-1.8 (unlawful possession of a firearm by a street gang member), 24-3.2 (unlawful discharge of firearm projectiles), 24-3.9 (aggravated possession of a stolen firearm), 24-3A (gunrunning), 26-5 or 48-1 (dog-fighting), 29D-14.9 (terrorism), 29D-15 (soliciting support for terrorism), 29D-15.1 (causing a catastrophe), 29D-15.2 (possession of a deadly substance), 29D-20 (making a terrorist threat), 29D-25 (falsely making a terrorist threat), 29D-29.9 (material support for terrorism), 29D-35 (hindering prosecution of terrorism), 31A-1.2 (unauthorized contraband in a penal institution), or 33A-3 (armed violence);

(2) under the Cannabis Control Act: Sections 5 (manufacture or delivery of cannabis), 5.1 (cannabis trafficking), or 8 (production or possession of cannabis plants), provided the offense either involves more than 500 grams of any substance containing cannabis or involves more than 50 cannabis sativa plants;

(3) under the Illinois Controlled Substances Act: Sections 401 (manufacture or delivery of a controlled substance), 401.1 (controlled substance trafficking), 405 (calculated criminal drug conspiracy), or 405.2 (street gang criminal drug

conspiracy); or

(4) under the Methamphetamine Control and Community Protection Act: Sections 15 (methamphetamine manufacturing), or 55 (methamphetamine delivery).

(f) "Pattern of predicate activity" means:

(1) at least 3 occurrences of predicate activity that are in some way related to each other and that have continuity between them, and that are separate acts. Acts are related to each other if they are not isolated events, including if they have similar purposes, or results, or participants, or victims, or are committed a similar way, or have other similar distinguishing characteristics, or are part of the affairs of the same enterprise. There is continuity between acts if they are ongoing over a substantial period, or if they are part of the regular way some entity does business or conducts its affairs; and

(2) which occurs after the effective date of this Article, and the last of which falls within 3 years (excluding any period of imprisonment) after the first occurrence of predicate activity.

(g) "Unlawful death" includes the following offenses: under the Code of 1961 or the Criminal Code of 2012: Sections 9-1 (first degree murder) or 9-2 (second degree murder).

720 ILCS 5/33G-4 — Prohibited activities

Sec. 33G-4. Prohibited activities.

(a) It is unlawful for any person, who intentionally participates in the operation or management of an enterprise, directly or indirectly, to:

(1) knowingly do so, directly or indirectly, through a pattern of predicate activity;

(2) knowingly cause another to violate this Article; or

(3) knowingly conspire to violate this Article. Notwithstanding any other provision of law, in any prosecution for a conspiracy to violate this Article, no person may be convicted of that conspiracy unless an overt act in furtherance of the agreement is alleged and proved to have been committed by him, her, or by a coconspirator, but the commission of the overt act need not itself constitute predicate activity underlying the specific violation of this Article.

(b) It is unlawful for any person knowingly to acquire or maintain, directly or indirectly, through a pattern of predicate activity any interest in, or control of, to any degree, any enterprise, real property, or personal property of any character, including money.

(c) Nothing in this Article shall be construed as to make unlawful any activity which is arguably protected or prohibited by the National Labor Relations Act, the Illinois Educational Labor Relations Act, the Illinois Public Labor Relations Act, or the Railway Labor Act.

(d) The following organizations, and any officer or agent of those organizations acting in his or her official capacity as an officer or agent, may not be sued in civil actions under this Article:

(1) a labor organization; or

(2) any business defined in Division D, E, F, G, H, or I of the Standard Industrial Classification as established by the Occupational Safety and Health Administration, U.S. Department of Labor.

(e) Any person prosecuted under this Article may be convicted and sentenced either:

(1) for the offense of conspiring to violate this Article, and for any other particular offense or offenses that may be one of the objects of a conspiracy to violate this Article; or

(2) for the offense of violating this Article, and for any other particular offense or offenses that may constitute predicate activity underlying a violation of this Article.

(f) The State's Attorney, or a person designated by law to act for him or her and to perform his or her duties during his or her absence or disability, may authorize a criminal prosecution under this Article. Prior to any State's Attorney authorizing a criminal prosecution under this Article, the State's Attorney shall adopt rules and procedures governing the investigation and prosecution of any offense enumerated in this Article. These rules and procedures shall set forth guidelines which require that any potential prosecution under this Article be subject to an internal approval process in which it is determined, in a written prosecution memorandum prepared by the State's Attorney's Office, that

(1) a prosecution under this Article is necessary to ensure that the indictment adequately reflects the nature and extent of the criminal conduct involved in a way that prosecution only on the underlying predicate activity would not, and

(2) a prosecution under this Article would provide the basis for an appropriate sentence under all the circumstances of the case in a way that a prosecution only on the underlying predicate activity would not. No State's Attorney, or person designated by law to act for him or her and to perform his or her duties during his or her absence or disability, may authorize a criminal prosecution under this Article prior to reviewing the prepared written prosecution memorandum. However, any internal memorandum shall remain protected from disclosure under the attorney-client privilege, and this provision does not create any enforceable right on behalf of any defendant or party, nor does it subject the exercise of prosecutorial discretion to judicial review.

(g) A labor organization and any officer or agent of that organization acting in his or her capacity as an officer or agent of the labor organization are exempt from prosecution under this Article.

720 ILCS 5/33G-5 — Penalties

Sec. 33G-5. Penalties. Under this Article, notwithstanding any other provision of law:

(a) Any violation of subsection

(a) of Section 33G-4 of this Article shall be sentenced as a Class X felony with a term of imprisonment of not less than 7 years and not more than 30 years, or the sentence applicable to the underlying predicate activity, whichever is higher, and the sentence imposed shall also include restitution, and/or a criminal fine, jointly and severally, up to \$250,000 or twice the gross amount of any intended proceeds of the violation, if any, whichever is higher.

(b) Any violation of subsection

(b) of Section 33G-4 of this Article shall be sentenced as a Class X felony, and the sentence imposed shall also include restitution, and/or a criminal fine, jointly and severally, up to \$250,000 or twice the gross amount of any intended proceeds of the violation, if any, whichever is higher.

(c) Wherever the unlawful death of any person or persons results as a necessary or natural consequence of any violation of this Article, the sentence imposed on the defendant shall include an enhanced term of imprisonment of at least 25 years up to natural life, in addition to any other penalty imposed by the court, provided:

(1) the death or deaths were reasonably foreseeable to the defendant to be sentenced; and

(2) the death or deaths occurred when the defendant was otherwise engaged in the violation of this Article as a whole.

(d) A sentence of probation, periodic imprisonment, conditional discharge, impact incarceration or county impact incarceration, court supervision, withheld adjudication, or any pretrial diversionary sentence or suspended sentence, is not authorized for a violation of this Article.

720 ILCS 5/33G-6 — Remedial proceedings, procedures, and forfeiture

Sec. 33G-6. Remedial proceedings, procedures, and forfeiture.

(a) Under this Article, the circuit court shall have jurisdiction to prevent and restrain violations of this Article by issuing appropriate orders, including:

(1) ordering any person to disgorge illicit proceeds obtained by a violation of this Article or divest himself or herself of any interest, direct or indirect, in any enterprise or real or personal property of any character, including money, obtained, directly or indirectly, by a violation of this Article;

(2) imposing reasonable restrictions on the future activities or investments of any person or enterprise, including prohibiting any person or enterprise from engaging in the same type of endeavor as the person or enterprise engaged in, that violated this Article; or

(3) ordering dissolution or reorganization of any enterprise, making due provision for the rights of innocent persons.

(b) Any violation of this Article is subject to the remedies, procedures, and forfeiture as set forth in Article 29B of this Code.

(c) Property seized or forfeited under this Article is subject to reporting under the Seizure and Forfeiture Reporting Act.

720 ILCS 5/33G-7 — Construction

Sec. 33G-7. Construction. In interpreting the provisions of this Article, the court shall construe them in light of the applicable model jury instructions set forth in the Federal Criminal Jury Instructions for the Seventh Circuit (1999) for Title IX of Public Law 91-452, 84 Stat. 922 (as amended in Title 18, United States Code, Sections 1961 through 1968), except to the extent that they are inconsistent with the plain language of this Article.

720 ILCS 5/33G-8 — Limitations

Sec. 33G-8. Limitations. Under this Article, notwithstanding any other provision of law, but otherwise subject to the periods of exclusion from limitation as provided in Section 3-7 of this Code, the following limitations apply:

(a) Any action, proceeding, or prosecution brought under this Article must commence within 5 years of one of the following dates, whichever is latest:

(1) the date of the commission of the last occurrence of predicate activity in a pattern of that activity, in the form of an act underlying the alleged violation of this Article; or

(2) in the case of an action, proceeding, or prosecution, based upon a conspiracy to violate this Article, the date that the last objective of the alleged conspiracy was accomplished, defeated or abandoned (whichever is later); or

(3) the date any minor victim of the violation attains the age of 18 years or the date any victim of the violation subject to a legal disability thereafter gains legal capacity.

(b) Any action, proceeding, or prosecution brought under this Article may be commenced at any time against all defendants if the conduct of any defendant, or any part of the overall violation, resulted in the unlawful death of any person or persons.

720 ILCS 5/33G-9 — Repeal

Sec. 33G-9. Repeal. This Article is repealed on July 1, 2027.

720 ILCS 5/33G-10 — Continuation and validation of Illinois Street Gang and Racketeer Influenced and Corrupt Organizations Law

Sec. 33G-10. Continuation and validation of Illinois Street Gang and Racketeer Influenced and Corrupt Organizations Law.

(a) The General Assembly finds and declares the following:

(1) When Article 33G was added to this Code by Public Act 97-686, it contained a Section 33G-9, which specified that Article 33G was repealed 5 years after June 11, 2012, the effective date of Public Act 97-686.

(2) As a result of several subsequent enactments, including Public Act 103-4, the repeal date of Article 33G was extended to June 1, 2025.

(3) Senate Bill 2456 of the 104th General Assembly included a provision that further extended the repeal date of Article 33G from June 1, 2025 to June 1, 2027, but Senate Bill 2456 did not become law until June 16, 2025.

(4) The Statute on Statutes sets forth general rules on the repeal of statutes, but Section 1 of that Act also states that these rules will not be observed when the result would be "inconsistent with the manifest intent of the General Assembly or repugnant to the context of the statute".

(5) The actions of the General Assembly in passing Senate Bill 2456 clearly manifested the intention of the General Assembly to extend the date for the repeal of Article 33G of this Code.

(6) Any construction of Section 33G-9 that results in the repeal of Article 33G of this Code on June 1, 2025 would be inconsistent with the manifest intent of the General Assembly.

(b) It is hereby declared to be the intent of the General Assembly that Article 33G of this Code should not be subject to repeal on June 1, 2025 and that the repeal date of Article 33G of this Code should be further extended to July 1, 2027.

(c) Article 33G, therefore, shall not be subject to repeal on June 1, 2025 and, instead, shall be deemed to have been in continuous effect since its original effective date and shall remain in effect until it is otherwise lawfully repealed.

(d) All actions taken in reliance on or pursuant to Article 33G by any officer or agency of State government or any other person or entity are validated.

(e) To ensure the continuing effectiveness of Article 33G of this Code, Article 33G is set forth in full and re-enacted by this amendatory Act of the 104th General Assembly. This re-enactment is intended as a continuation of Article 33G. It is not

intended to supersede any amendment to Article 33G that is enacted by the General Assembly.

(f) In this amendatory Act of the 104th General Assembly, the base text of the reenacted Section is set forth as amended by Public Act 104-10. Striking and underscoring is used only to show additional changes being made to the base text.

(g) This amendatory Act of the 104th General Assembly applies to all claims, civil actions, and proceedings pending on or filed on, before, or after the effective date of this amendatory Act.

720 ILCS 5/34-1 — Effect of headings

Sec. 34-1. Effect of headings. Section, Article, and Title headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning, or intent of the provisions of any Section, Article, or Title hereof.

720 ILCS 5/34-2 — Partial invalidity

Sec. 34-2. Partial invalidity. The invalidity of any provision of this Code shall not affect the validity of the remainder of this Code.

720 ILCS 5/34-3 — Savings provisions; continuation of prior Statutes

Sec. 34-3. Savings provisions; continuation of prior Statutes. The provisions of Sections 2, 3 and 4 of "An Act to revise the law in relation to the construction of the Statutes", approved March 5, 1874, as amended, shall apply in all constructions of this Code.

720 ILCS 5/34-4 — Effective date

Sec. 34-4. Effective date. This Code shall take effect January 1, 1962.

720 ILCS 5/36-1 — Property subject to forfeiture

Sec. 36-1. Property subject to forfeiture.

(a) Any vessel or watercraft, vehicle, or aircraft is subject to forfeiture under this Article if the vessel or watercraft, vehicle, or aircraft is used with the knowledge and consent of the owner in the commission of or in the attempt to commit as defined in Section 8-4 of this Code:

(1) an offense prohibited by Section 9-1 (first degree murder), Section 9-3 (involuntary manslaughter and reckless homicide), Section 10-2 (aggravated kidnaping), Section 11-1.20 (criminal sexual assault), Section 11-1.30 (aggravated criminal sexual assault), Section 11-1.40 (predatory criminal sexual assault of a child), subsection

(a) of Section 11-1.50 (criminal sexual abuse), subsection (a), (c), or

(d) of Section 11-1.60 (aggravated criminal sexual abuse), Section 11-6 (indecent solicitation of a child), Section 11-14.4 (promoting commercial sexual exploitation of a child except for keeping a place of commercial sexual exploitation of a child), Section 11-20.1 (child pornography), paragraph (a)(1), (a)(2), (a)(4), (b)(1), (b)(2), (e)(1), (e)(2), (e)(3), (e)(4), (e)(5), (e)(6), or (e)(7) of Section 12-3.05 (aggravated battery), Section 12-7.3 (stalking), Section 12-7.4 (aggravated stalking), Section 16-1 (theft if the theft is of precious metal or of scrap metal), subdivision (f)(2) or (f)(3) of Section 16-25 (retail theft), Section 18-2 (armed robbery), Section 19-1 (burglary), Section 19-2 (possession of burglary tools), Section 19-3 (residential burglary), Section 20-1 (arson; residential arson; place of worship arson), Section 20-2 (possession of explosives or explosive or incendiary devices), subdivision (a)(6) or (a)(7) of Section 24-1 (unlawful use of weapons), Section 24-1.2 (aggravated discharge of a firearm), Section 24-1.2-5 (aggravated discharge of a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm), Section 24-1.5 (reckless discharge of a firearm), Section 28-1 (gambling), or Section 29D-15.2 (possession of a deadly substance) of this Code;

(2) an offense prohibited by Section 21, 22, 23, 24 or 26 of the Cigarette Tax Act if the vessel or watercraft, vehicle, or aircraft contains more than 10 cartons of such cigarettes;

(3) an offense prohibited by Section 28, 29, or 30 of the Cigarette Use Tax Act if the vessel or watercraft, vehicle, or aircraft contains more than 10 cartons of such cigarettes;

(4) an offense prohibited by Section 44 of the Environmental Protection Act;

(5) an offense prohibited by Section 11-204.1 of the Illinois Vehicle Code (aggravated fleeing or attempting to elude a peace officer);

(6) an offense prohibited by Section 11-501 of the Illinois Vehicle Code (driving while under the influence of alcohol or other drug or drugs, intoxicating compound or compounds or any combination thereof) or a similar provision of a local

ordinance, and: (A) during a period in which his or her driving privileges are revoked or suspended if the revocation or suspension was for:

(i) Section 11-501 (driving under the influence of alcohol or other drug or drugs, intoxicating compound or compounds or any combination thereof), (ii) Section 11-501.1 (statutory summary suspension or revocation), (iii) paragraph

(b) of Section 11-401 (motor vehicle crashes involving death or personal injuries), or (iv) reckless homicide as defined in Section 9-3 of this Code; (B) has been previously convicted of reckless homicide or a similar provision of a law of another state relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been convicted of committing a violation of driving under the influence of alcohol or other drug or drugs, intoxicating compound or compounds or any combination thereof and was involved in a motor vehicle crash that resulted in death, great bodily harm, or permanent disability or disfigurement to another, when the violation was a proximate cause of the death or injuries; (C) the person committed a violation of driving under the influence of alcohol or other drug or drugs, intoxicating compound or compounds or any combination thereof under Section 11-501 of the Illinois Vehicle Code or a similar provision for the third or subsequent time; (D) he or she did not possess a valid driver's license or permit or a valid restricted driving permit or a valid judicial driving permit or a valid monitoring device driving permit; or (E) he or she knew or should have known that the vehicle he or she was driving was not covered by a liability insurance policy;

(7) an offense described in subsection

(g) of Section 6-303 of the Illinois Vehicle Code;

(8) an offense described in subsection

(e) of Section 6-101 of the Illinois Vehicle Code; or (9)(A) operating a watercraft under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or combination thereof under Section 5-16 of the Boat Registration and Safety Act during a period in which his or her privileges to operate a watercraft are revoked or suspended and the revocation or suspension was for operating a watercraft under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or combination thereof; (B) operating a watercraft under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or combination thereof and has been previously convicted of reckless homicide or a similar provision of a law in another state relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or combination thereof as an element of the offense or the person has previously been convicted of committing a violation of operating a watercraft under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or combination thereof and was involved in an accident that resulted in death, great bodily harm, or permanent disability or disfigurement to another, when the violation was a proximate cause of the death or injuries; or (C) the person committed a violation of operating a watercraft under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or combination thereof under Section 5-16 of the Boat Registration and Safety Act or a similar provision for the third or subsequent time.

(b) In addition, any mobile or portable equipment used in the commission of an act which is in violation of Section 7g of the Metropolitan Water Reclamation District Act shall be subject to seizure and forfeiture under the same procedures provided in this Article for the seizure and forfeiture of vessels or watercraft, vehicles, and aircraft, and any such equipment shall be deemed a vessel or watercraft, vehicle, or aircraft for purposes of this Article.

(c) In addition, when a person discharges a firearm at another individual from a vehicle with the knowledge and consent of the owner of the vehicle and with the intent to cause death or great bodily harm to that individual and as a result causes death or great bodily harm to that individual, the vehicle shall be subject to seizure and forfeiture under the same procedures provided in this Article for the seizure and forfeiture of vehicles used in violations of clauses (1), (2), (3), or

(4) of subsection

(a) of this Section.

(d) If the spouse of the owner of a vehicle seized for an offense described in subsection

(g) of Section 6-303 of the Illinois Vehicle Code, a violation of subdivision (d)(1)(A), (d)(1)(D), (d)(1)(G), (d)(1)(H), or (d)(1)(I) of Section 11-501 of the Illinois Vehicle Code, or Section 9-3 of this Code makes a showing that the seized vehicle is the only source of transportation and it is determined that the financial hardship to the family as a result of the seizure outweighs the benefit to the State from the seizure, the vehicle may be forfeited to the spouse or family member and the title to the vehicle shall be transferred to the spouse or family member who is properly licensed and who requires

the use of the vehicle for employment or family transportation purposes. A written declaration of forfeiture of a vehicle under this Section shall be sufficient cause for the title to be transferred to the spouse or family member. The provisions of this paragraph shall apply only to one forfeiture per vehicle. If the vehicle is the subject of a subsequent forfeiture proceeding by virtue of a subsequent conviction of either spouse or the family member, the spouse or family member to whom the vehicle was forfeited under the first forfeiture proceeding may not utilize the provisions of this paragraph in another forfeiture proceeding. If the owner of the vehicle seized owns more than one vehicle, the procedure set out in this paragraph may be used for only one vehicle.

(e) In addition, property subject to forfeiture under Section 40 of the Illinois Streetgang Terrorism Omnibus Prevention Act may be seized and forfeited under this Article. (Text of Section from P.A. 104-245) Sec. 36-1. Property subject to forfeiture.

(a) Any vessel or watercraft, vehicle, or aircraft is subject to forfeiture under this Article if the vessel or watercraft, vehicle, or aircraft is used with the knowledge and consent of the owner in the commission of or in the attempt to commit as defined in Section 8-4 of this Code:

(1) an offense prohibited by Section 9-1 (first degree murder), Section 9-3 (involuntary manslaughter and reckless homicide), Section 10-2 (aggravated kidnaping), Section 11-1.20 (criminal sexual assault), Section 11-1.30 (aggravated criminal sexual assault), Section 11-1.40 (predatory criminal sexual assault of a child), subsection

(a) of Section 11-1.50 (criminal sexual abuse), subsection (a), (c), or

(d) of Section 11-1.60 (aggravated criminal sexual abuse), Section 11-6 (indecent solicitation of a child), Section 11-14.4 (promoting juvenile prostitution except for keeping a place of juvenile prostitution), Section 11-20.1 (child sexual abuse material), paragraph (a)(1), (a)(2), (a)(4), (b)(1), (b)(2), (e)(1), (e)(2), (e)(3), (e)(4), (e)(5), (e)(6), or (e)(7) of Section 12-3.05 (aggravated battery), Section 12-7.3 (stalking), Section 12-7.4 (aggravated stalking), Section 16-1 (theft if the theft is of precious metal or of scrap metal), subdivision (f)(2) or (f)(3) of Section 16-25 (retail theft), Section 18-2 (armed robbery), Section 19-1 (burglary), Section 19-2 (possession of burglary tools), Section 19-3 (residential burglary), Section 20-1 (arson; residential arson; place of worship arson), Section 20-2 (possession of explosives or explosive or incendiary devices), subdivision (a)(6) or (a)(7) of Section 24-1 (unlawful possession of weapons), Section 24-1.2 (aggravated discharge of a firearm), Section 24-1.2-5 (aggravated discharge of a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm), Section 24-1.5 (reckless discharge of a firearm), Section 28-1 (gambling), or Section 29D-15.2 (possession of a deadly substance) of this Code;

(2) an offense prohibited by Section 21, 22, 23, 24 or 26 of the Cigarette Tax Act if the vessel or watercraft, vehicle, or aircraft contains more than 10 cartons of such cigarettes;

(3) an offense prohibited by Section 28, 29, or 30 of the Cigarette Use Tax Act if the vessel or watercraft, vehicle, or aircraft contains more than 10 cartons of such cigarettes;

(4) an offense prohibited by Section 44 of the Environmental Protection Act;

(5) an offense prohibited by Section 11-204.1 of the Illinois Vehicle Code (aggravated fleeing or attempting to elude a peace officer);

(6) an offense prohibited by Section 11-501 of the Illinois Vehicle Code (driving while under the influence of alcohol or other drug or drugs, intoxicating compound or compounds or any combination thereof) or a similar provision of a local ordinance, and: (A) during a period in which his or her driving privileges are revoked or suspended if the revocation or suspension was for:

(i) Section 11-501 (driving under the influence of alcohol or other drug or drugs, intoxicating compound or compounds or any combination thereof), (ii) Section 11-501.1 (statutory summary suspension or revocation), (iii) paragraph

(b) of Section 11-401 (motor vehicle crashes involving death or personal injuries), or (iv) reckless homicide as defined in Section 9-3 of this Code; (B) has been previously convicted of reckless homicide or a similar provision of a law of another state relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been convicted of committing a violation of driving under the influence of alcohol or other drug or drugs, intoxicating compound or compounds or any combination thereof and was involved in a motor vehicle crash that resulted in death, great bodily harm, or permanent disability or disfigurement to another, when the violation was a proximate cause of the death or injuries; (C) the person committed a violation of driving under the influence of alcohol or other drug or drugs, intoxicating compound or compounds or any combination thereof under Section 11-501 of the Illinois Vehicle Code or a similar

provision for the third or subsequent time; (D) he or she did not possess a valid driver's license or permit or a valid restricted driving permit or a valid judicial driving permit or a valid monitoring device driving permit; or (E) he or she knew or should have known that the vehicle he or she was driving was not covered by a liability insurance policy;

(7) an offense described in subsection

(g) of Section 6-303 of the Illinois Vehicle Code;

(8) an offense described in subsection

(e) of Section 6-101 of the Illinois Vehicle Code; or (9)(A) operating a watercraft under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or combination thereof under Section 5-16 of the Boat Registration and Safety Act during a period in which his or her privileges to operate a watercraft are revoked or suspended and the revocation or suspension was for operating a watercraft under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or combination thereof; (B) operating a watercraft under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or combination thereof and has been previously convicted of reckless homicide or a similar provision of a law in another state relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or combination thereof as an element of the offense or the person has previously been convicted of committing a violation of operating a watercraft under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or combination thereof and was involved in an accident that resulted in death, great bodily harm, or permanent disability or disfigurement to another, when the violation was a proximate cause of the death or injuries; or (C) the person committed a violation of operating a watercraft under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or combination thereof under Section 5-16 of the Boat Registration and Safety Act or a similar provision for the third or subsequent time.

(b) In addition, any mobile or portable equipment used in the commission of an act which is in violation of Section 7g of the Metropolitan Water Reclamation District Act shall be subject to seizure and forfeiture under the same procedures provided in this Article for the seizure and forfeiture of vessels or watercraft, vehicles, and aircraft, and any such equipment shall be deemed a vessel or watercraft, vehicle, or aircraft for purposes of this Article.

(c) In addition, when a person discharges a firearm at another individual from a vehicle with the knowledge and consent of the owner of the vehicle and with the intent to cause death or great bodily harm to that individual and as a result causes death or great bodily harm to that individual, the vehicle shall be subject to seizure and forfeiture under the same procedures provided in this Article for the seizure and forfeiture of vehicles used in violations of clauses (1), (2), (3), or

(4) of subsection

(a) of this Section.

(d) If the spouse of the owner of a vehicle seized for an offense described in subsection

(g) of Section 6-303 of the Illinois Vehicle Code, a violation of subdivision (d)(1)(A), (d)(1)(D), (d)(1)(G), (d)(1)(H), or (d)(1)(I) of Section 11-501 of the Illinois Vehicle Code, or Section 9-3 of this Code makes a showing that the seized vehicle is the only source of transportation and it is determined that the financial hardship to the family as a result of the seizure outweighs the benefit to the State from the seizure, the vehicle may be forfeited to the spouse or family member and the title to the vehicle shall be transferred to the spouse or family member who is properly licensed and who requires the use of the vehicle for employment or family transportation purposes. A written declaration of forfeiture of a vehicle under this Section shall be sufficient cause for the title to be transferred to the spouse or family member. The provisions of this paragraph shall apply only to one forfeiture per vehicle. If the vehicle is the subject of a subsequent forfeiture proceeding by virtue of a subsequent conviction of either spouse or the family member, the spouse or family member to whom the vehicle was forfeited under the first forfeiture proceeding may not utilize the provisions of this paragraph in another forfeiture proceeding. If the owner of the vehicle seized owns more than one vehicle, the procedure set out in this paragraph may be used for only one vehicle.

(e) In addition, property subject to forfeiture under Section 40 of the Illinois Streetgang Terrorism Omnibus Prevention Act may be seized and forfeited under this Article.

720 ILCS 5/36-1.1 — Seizure

Sec. 36-1.1. Seizure.

(a) Any property subject to forfeiture under this Article may be seized and impounded by the Director of the Illinois State Police or any peace officer upon process or seizure warrant issued by any court having jurisdiction over the property.

(b) Any property subject to forfeiture under this Article may be seized and impounded by the Director of the Illinois State Police or any peace officer without process if there is probable cause to believe that the property is subject to forfeiture under Section 36-1 of this Article and the property is seized under circumstances in which a warrantless seizure or arrest would be reasonable.

(c) If the seized property is a conveyance, an investigation shall be made by the law enforcement agency as to any person whose right, title, interest, or lien is of record in the office of the agency or official in which title to or interest in the conveyance is required by law to be recorded.

(d) After seizure under this Section, notice shall be given to all known interest holders that forfeiture proceedings, including a preliminary review, may be instituted and the proceedings may be instituted under this Article.

720 ILCS 5/36-1.2 — Receipt for seized property

Sec. 36-1.2. Receipt for seized property. If a law enforcement officer seizes property for forfeiture under this Article, the officer shall provide an itemized receipt to the person possessing the property or, in the absence of a person to whom the receipt could be given, shall leave the receipt in the place where the property was found, if possible.

720 ILCS 5/36-1.3 — Safekeeping of seized property pending disposition

Sec. 36-1.3. Safekeeping of seized property pending disposition.

(a) Property seized under this Article is deemed to be in the custody of the Director of the Illinois State Police, subject only to the order and judgments of the circuit court having jurisdiction over the forfeiture proceedings and the decisions of the State's Attorney under this Article.

(b) If property is seized under this Article, the seizing agency shall promptly conduct an inventory of the seized property and estimate the property's value and shall forward a copy of the inventory of seized property and the estimate of the property's value to the Director of the Illinois State Police. Upon receiving notice of seizure, the Director of the Illinois State Police may:

(1) place the property under seal;

(2) remove the property to a place designated by the Director of the Illinois State Police;

(3) keep the property in the possession of the seizing agency;

(4) remove the property to a storage area for safekeeping;

(5) place the property under constructive seizure by posting notice of pending forfeiture on it, by giving notice of pending forfeiture to its owners and interest holders, or by filing notice of pending forfeiture in any appropriate public record relating to the property; or

(6) provide for another agency or custodian, including an owner, secured party, or lienholder, to take custody of the property upon the terms and conditions set by the seizing agency.

(c) The seizing agency shall exercise ordinary care to protect the subject of the forfeiture from negligent loss, damage, or destruction.

(d) Property seized or forfeited under this Article is subject to reporting under the Seizure and Forfeiture Reporting Act.

720 ILCS 5/36-1.4 — Notice to State's Attorney

Sec. 36-1.4. Notice to State's Attorney. The law enforcement agency seizing property for forfeiture under this Article shall, as soon as practicable but not later than 28 days after the seizure, notify the State's Attorney for the county in which an act or omission giving rise to the seizure occurred or in which the property was seized and the facts and circumstances giving rise to the seizure and shall provide the State's Attorney with the inventory of the property and its estimated value. The notice shall be by the delivery of Illinois State Police Notice/Inventory of Seized Property (Form 4-64). If the property seized for forfeiture is a vehicle, the law enforcement agency seizing the property shall immediately notify the Secretary of State that forfeiture proceedings are pending regarding the vehicle.

720 ILCS 5/36-1.5 — Preliminary review

Sec. 36-1.5. Preliminary review.

(a) Within 14 days of the seizure, the State's Attorney of the county in which the seizure occurred shall seek a preliminary determination from the circuit court as to whether there is probable cause that the property may be subject to forfeiture.

(b) The rules of evidence shall not apply to any proceeding conducted under this Section.

(c) The court may conduct the review under subsection

(a) of this Section simultaneously with a proceeding under Section 109-1 of the Code of Criminal Procedure of 1963 for a related criminal offense if a prosecution is commenced by information or complaint.

(d) The court may accept a finding of probable cause at a preliminary hearing following the filing of an information or complaint charging a related criminal offense or following the return of indictment by a grand jury charging the related offense as sufficient evidence of probable cause as required under subsection

(a) of this Section.

(e) Upon making a finding of probable cause as required under this Section, the circuit court shall order the property subject to the provisions of the applicable forfeiture Act held until the conclusion of any forfeiture proceeding. For seizures of conveyances, within 28 days of a finding of probable cause under subsection

(a) of this Section, the registered owner or other claimant may file a motion in writing supported by sworn affidavits claiming that denial of the use of the conveyance during the pendency of the forfeiture proceedings creates a substantial hardship and alleges facts showing that the hardship was not due to his or her culpable negligence. The court shall consider the following factors in determining whether a substantial hardship has been proven:

(1) the nature of the claimed hardship;

(2) the availability of public transportation or other available means of transportation; and

(3) any available alternatives to alleviate the hardship other than the return of the seized conveyance. If the court determines that a substantial hardship has been proven, the court shall then balance the nature of the hardship against the State's interest in safeguarding the conveyance. If the court determines that the hardship outweighs the State's interest in safeguarding the conveyance, the court may temporarily release the conveyance to the registered owner or the registered owner's authorized designee, or both, until the conclusion of the forfeiture proceedings or for such shorter period as ordered by the court provided that the person to whom the conveyance is released provides proof of insurance and a valid driver's license and all State and local registrations for operation of the conveyance are current. The court shall place conditions on the conveyance limiting its use to the stated hardship and providing transportation for employment, religious purposes, medical needs, child care, and restricting the conveyance's use to only those individuals authorized to use the conveyance by the registered owner. The use of the vehicle shall be further restricted to exclude all recreational and entertainment purposes. The court may order additional restrictions it deems reasonable and just on its own motion or on motion of the People. The court shall revoke the order releasing the conveyance and order that the conveyance be resealed by law enforcement if the conditions of release are violated or if the conveyance is used in the commission of any offense identified in subsection

(a) of Section 6-205 of the Illinois Vehicle Code. If the court orders the release of the conveyance during the pendency of the forfeiture proceedings, the court may order the registered owner or his or her authorized designee to post a cash security with the clerk of the court as ordered by the court. If cash security is ordered, the court shall consider the following factors in determining the amount of the cash security: (A) the full market value of the conveyance; (B) the nature of the hardship; (C) the extent and length of the usage of the conveyance; (D) the ability of the owner or designee to pay; and (E) other conditions as the court deems necessary to safeguard the conveyance. If the conveyance is released, the court shall order that the registered owner or his or her designee safeguard the conveyance, not remove the conveyance from the jurisdiction, not conceal, destroy, or otherwise dispose of the conveyance, not encumber the conveyance, and not diminish the value of the conveyance in any way. The court shall also make a determination of the full market value of the conveyance prior to it being released based on a source or sources defined in 50 Ill. Adm. Code 919.80(c)(2)(A) or 919.80(c)(2)(B). If the conveyance subject to forfeiture is released under this Section and is subsequently forfeited, the person to whom the conveyance was released shall return the conveyance to the law enforcement agency that seized the conveyance within 7 days from the date of the declaration of forfeiture or order of forfeiture. If the conveyance is not returned within 7 days, the cash security shall be forfeited in the same manner as the conveyance subject to forfeiture. If the cash security was less than the full market value, a judgment shall be entered against the parties to whom the conveyance was released and the registered owner, jointly and severally, for the difference between the full market value and the amount of the cash security. If the conveyance is returned in a condition

other than the condition in which it was released, the cash security shall be returned to the surety who posted the security minus the amount of the diminished value, and that amount shall be forfeited in the same manner as the conveyance subject to forfeiture. Additionally, the court may enter an order allowing any law enforcement agency in the State of Illinois to seize the conveyance wherever it may be found in the State to satisfy the judgment if the cash security was less than the full market value of the conveyance.

720 ILCS 5/36-1a

Sec. 36-1a. (Repealed).

720 ILCS 5/36-2 — Complaint for forfeiture

Sec. 36-2. Complaint for forfeiture.

(a) If the State's Attorney of the county in which such seizure occurs finds that the alleged violation of law giving rise to the seizure was incurred without willful negligence or without any intention on the part of the owner of the vessel or watercraft, vehicle, or aircraft or any person whose right, title, or interest is of record as described in Section 36-1 of this Article, to violate the law, or finds the existence of such mitigating circumstances as to justify remission of the forfeiture, he or she may cause the law enforcement agency having custody of the property to return the property to the owner within a reasonable time not to exceed 7 days. The State's Attorney shall exercise his or her discretion under this subsection

(a) prior to or promptly after the preliminary review under Section 36-1.5.

(b) If, after review of the facts surrounding the seizure, the State's Attorney is of the opinion that the seized property is subject to forfeiture and the State's Attorney does not cause the forfeiture to be remitted under subsection

(a) of this Section, he or she shall bring an action for forfeiture in the circuit court within whose jurisdiction the seizure and confiscation has taken place by filing a verified complaint for forfeiture in the circuit court within whose jurisdiction the seizure occurred, or within whose jurisdiction an act or omission giving rise to the seizure occurred, subject to Supreme Court Rule 187. The complaint shall be filed as soon as practicable but not later than 28 days after the State's Attorney receives notice from the seizing agency as provided under Section 36-1.4 of this Article. A complaint of forfeiture shall include:

(1) a description of the property seized;

(2) the date and place of seizure of the property;

(3) the name and address of the law enforcement agency making the seizure; and

(4) the specific statutory and factual grounds for the seizure. The complaint shall be served upon each person whose right, title, or interest is of record in the office of the Secretary of State, the Secretary of Transportation, the Administrator of the Federal Aviation Agency, or any other department of this State, or any other state of the United States if the vessel or watercraft, vehicle, or aircraft is required to be so registered, as the case may be, the person from whom the property was seized, and all persons known or reasonably believed by the State to claim an interest in the property, as provided in this Article. The complaint shall be accompanied by the following written notice: "This is a civil court proceeding subject to the Code of Civil Procedure. You received this Complaint of Forfeiture because the State's Attorney's office has brought a legal action seeking forfeiture of your seized property. This complaint starts the court process where the State seeks to prove that your property should be forfeited and not returned to you. This process is also your opportunity to try to prove to a judge that you should get your property back. The complaint lists the date, time, and location of your first court date. You must appear in court on that day, or you may lose the case automatically. You must also file an appearance and answer. If you are unable to pay the appearance fee, you may qualify to have the fee waived. If there is a criminal case related to the seizure of your property, your case may be set for trial after the criminal case has been resolved. Before trial, the judge may allow discovery, where the State can ask you to respond in writing to questions and give them certain documents, and you can make similar requests of the State. The trial is your opportunity to explain what happened when your property was seized and why you should get the property back."

(c) (Blank).

(d) (Blank).

(e) (Blank).

(f) (Blank).

(g) (Blank).

(h) (Blank).

720 ILCS 5/36-2.1 — Notice to owner or interest holder

Sec. 36-2.1. Notice to owner or interest holder. The first attempted service of notice shall be commenced within 28 days of the receipt of the notice from the seizing agency by Form 4-64. If the property seized is a conveyance, notice shall also be directed to the address reflected in the office of the agency or official in which title to or interest in the conveyance is required by law to be recorded. A complaint for forfeiture shall be served upon the property owner or interest holder in the following manner:

(1) If the owner's or interest holder's name and current address are known, then by either: (A) personal service; or (B) mailing a copy of the notice by certified mail, return receipt requested, and first class mail to that address.

(i) If notice is sent by certified mail and no signed return receipt is received by the State's Attorney within 28 days of mailing, and no communication from the owner or interest holder is received by the State's Attorney documenting actual notice by said parties, the State's Attorney shall, within a reasonable period of time, mail a second copy of the notice by certified mail, return receipt requested, and first class mail to that address. (ii) If no signed return receipt is received by the State's Attorney within 28 days of the second attempt at service by certified mail, and no communication from the owner or interest holder is received by the State's Attorney documenting actual notice by said parties, the State's Attorney shall have 60 days to attempt to serve the notice by personal service, which also includes substitute service by leaving a copy at the usual place of abode with some person of the family or a person residing there, of the age of 13 years or upwards. If, after 3 attempts at service in this manner, no service of the notice is accomplished, then the notice shall be posted in a conspicuous manner at this address and service shall be made by the posting. The attempts at service and the posting, if required, shall be documented by the person attempting service and said documentation shall be made part of a return of service returned to the State's Attorney. The State's Attorney may utilize a Sheriff or Deputy Sheriff, any peace officer, a private process server or investigator, or any employee, agent, or investigator of the State's Attorney's office to attempt service without seeking leave of court. After the procedures are followed, service shall be effective on an owner or interest holder on the date of receipt by the State's Attorney of a return receipt, or on the date of receipt of a communication from an owner or interest holder documenting actual notice, whichever is first in time, or on the date of the last act performed by the State's Attorney in attempting personal service under item (ii) of this paragraph (1). If notice is to be shown by actual notice from communication with a claimant, then the State's Attorney shall file an affidavit providing details of the communication, which shall be accepted as sufficient proof of service by the court. For purposes of notice under this Section, if a person has been arrested for the conduct giving rise to the forfeiture, the address provided to the arresting agency at the time of arrest shall be deemed to be that person's known address. Provided, however, if an owner or interest holder's address changes prior to the effective date of the complaint for forfeiture, the owner or interest holder shall promptly notify the seizing agency of the change in address or, if the owner or interest holder's address changes subsequent to the effective date of the notice of pending forfeiture, the owner or interest holder shall promptly notify the State's Attorney of the change in address; or if the property seized is a conveyance, to the address reflected in the office of the agency or official in which title to or interest in the conveyance is required by law to be recorded.

(2) If the owner's or interest holder's address is not known, and is not on record, then notice shall be served by publication for 3 successive weeks in a newspaper of general circulation in the county in which the seizure occurred.

(3) Notice to any business entity, corporation, limited liability company, limited liability partnership, or partnership shall be completed by a single mailing of a copy of the notice by certified mail, return receipt requested, and first class mail to that address. This notice is complete regardless of the return of a signed return receipt.

(4) Notice to a person whose address is not within the State shall be completed by a single mailing of a copy of the notice by certified mail, return receipt requested, and first class mail to that address. This notice is complete regardless of the return of a signed return receipt.

(5) Notice to a person whose address is not within the United States shall be completed by a single mailing of a copy of the notice by certified mail, return receipt requested, and first class mail to that address. This notice shall be complete regardless of the return of a signed return receipt. If certified mail is not available in the foreign country where the person has an address, then notice shall proceed by publication under paragraph

(2) of this Section.

(6) Notice to any person whom the State's Attorney reasonably should know is incarcerated within the State shall also include mailing a copy of the notice by certified mail, return receipt requested, and first class mail to the address of the

detention facility with the inmate's name clearly marked on the envelope.

720 ILCS 5/36-2.2 — Replevin prohibited; return of personal property inside seized conveyance

Sec. 36-2.2. Replevin prohibited; return of personal property inside seized conveyance.

(a) Property seized under this Article shall not be subject to replevin, but is deemed to be in the custody of the Director of the Illinois State Police, subject only to the order and judgments of the circuit court having jurisdiction over the forfeiture proceedings and the decisions of the State's Attorney.

(b) A claimant or a party interested in personal property contained within a seized conveyance may file a motion with the court in a judicial forfeiture action for the return of any personal property contained within a conveyance seized under this Article. The return of personal property shall not be unreasonably withheld if the personal property is not mechanically or electrically coupled to the conveyance, needed for evidentiary purposes, or otherwise contraband. A law enforcement agency that returns property under a court order under this Section shall not be liable to any person who claims ownership to the property if the property is returned to an improper party.

720 ILCS 5/36-2.5 — Judicial in rem procedures

Sec. 36-2.5. Judicial in rem procedures.

(a) The laws of evidence relating to civil actions shall apply to judicial in rem proceedings under this Article.

(b) Only an owner of or interest holder in the property may file an answer asserting a claim against the property in the action in rem. For purposes of this Section, the owner or interest holder shall be referred to as claimant. A person not named in the forfeiture complaint who claims to have an interest in the property may petition to intervene as a claimant under Section 2-408 of the Code of Civil Procedure.

(c) The answer shall be filed with the court within 45 days after service of the civil in rem complaint.

(d) The trial shall be held within 60 days after filing of the answer unless continued for good cause.

(e) In its case in chief, the State shall show by a preponderance of the evidence that:

(1) the property is subject to forfeiture; and

(2) at least one of the following:

(i) the claimant knew or should have known that the conduct was likely to occur; or (ii) the claimant is not the true owner of the property that is subject to forfeiture. In any forfeiture case under this Article, a claimant may present evidence to overcome evidence presented by the State that the property is subject to forfeiture.

(f) Notwithstanding any other provision of this Section, the State's burden of proof at the trial of the forfeiture action shall be by clear and convincing evidence if:

(1) a finding of not guilty is entered as to all counts and all defendants in a criminal proceeding relating to the conduct giving rise to the forfeiture action; or

(2) the State receives an adverse finding at a preliminary hearing and fails to secure an indictment in a criminal proceeding related to the factual allegations of the forfeiture action.

(g) If the State does not meet its burden of proof, the court shall order the interest in the property returned or conveyed to the claimant and shall order all other property in which the State does meet its burden of proof forfeited to the State. If the State does meet its burden of proof, the court shall order all property forfeited to the State.

(h) A defendant convicted in any criminal proceeding is precluded from later denying the essential allegations of the criminal offense of which the defendant was convicted in any proceeding under this Article regardless of the pendency of an appeal from that conviction. However, evidence of the pendency of an appeal is admissible.

(i) An acquittal or dismissal in a criminal proceeding shall not preclude civil proceedings under this Act; however, for good cause shown, on a motion by either party, the court may stay civil forfeiture proceedings during the criminal trial for a related criminal indictment or information alleging a violation of law authorizing forfeiture under Section 36-1 of this Article.

(j) Title to all property declared forfeited under this Act vests in this State on the commission of the conduct giving rise to forfeiture together with the proceeds of the property after that time. Except as otherwise provided in this Article, any property or proceeds subsequently transferred to any person remain subject to forfeiture unless a person to whom the property was transferred makes an appropriate claim under or has the claim adjudicated at the judicial in rem hearing.

(k) No property shall be forfeited under this Article from a person who, without actual or constructive notice that the property was the subject of forfeiture proceedings, obtained possession of the property as a bona fide purchaser for value. A person who purports to transfer property after receiving actual or constructive notice that the property is subject to seizure or forfeiture is guilty of contempt of court and shall be liable to the State for a penalty in the amount of the fair market value of the property.

(l) A civil action under this Article shall be commenced within 5 years after the last conduct giving rise to forfeiture became known or should have become known or 5 years after the forfeitable property is discovered, whichever is later, excluding any time during which either the property or claimant is out of the State or in confinement or during which criminal proceedings relating to the same conduct are in progress.

(m) If property is ordered forfeited under this Article from a claimant who held title to the property in joint tenancy or tenancy in common with another claimant, the court shall determine the amount of each owner's interest in the property according to principles of property law.

720 ILCS 5/36-2.7 — Innocent owner hearing

Sec. 36-2.7. Innocent owner hearing.

(a) After a complaint for forfeiture has been filed and all claimants have appeared and answered, a claimant may file a motion with the court for an innocent owner hearing prior to trial. This motion shall be made and supported by sworn affidavit and shall assert the following along with specific facts that support each assertion:

(1) that the claimant filing the motion is the true owner of the conveyance as interpreted by case law; and

(2) that the claimant did not know or did not have reason to know the conduct giving rise to the forfeiture was likely to occur. The claimant's motion shall include specific facts that support these assertions.

(b) Upon the filing, a hearing may only be conducted after the parties have been given the opportunity to conduct limited discovery as to the ownership and control of the property, the claimant's knowledge, or any matter relevant to the issues raised or facts alleged in the claimant's motion. Discovery shall be limited to the People's requests in these areas but may proceed by any means allowed in the Code of Civil Procedure.

(c) After discovery is complete and the court has allowed for sufficient time to review and investigate the discovery responses, the court shall conduct a hearing. At the hearing, the fact that the conveyance is subject to forfeiture shall not be at issue. The court shall only hear evidence relating to the issue of innocent ownership.

(d) At the hearing on the motion, the claimant shall bear the burden of proving each of the assertions listed in subsection (a) of this Section by a preponderance of the evidence. If a claimant meets the burden of proof, the court shall grant the motion and order the conveyance returned to the claimant. If the claimant fails to meet the burden of proof, the court shall deny the motion and the forfeiture case shall proceed according to the Code of Civil Procedure.

720 ILCS 5/36-3 — Exemptions from forfeiture

Sec. 36-3. Exemptions from forfeiture.

(a) No vessel or watercraft, vehicle, or aircraft used by any person as a common carrier in the transaction of business as such common carrier may be forfeited under the provisions of Section 36-2 unless the State proves by a preponderance of the evidence that

(1) in the case of a railway car or engine, the owner, or

(2) in the case of any other such vessel or watercraft, vehicle or aircraft, the owner or the master of such vessel or watercraft or the owner or conductor, driver, pilot, or other person in charge of such vehicle or aircraft was at the time of the alleged illegal act a consenting party or privy thereto.

(b) No vessel or watercraft, vehicle, or aircraft shall be forfeited under the provisions of Section 36-2 of this Article by reason of any act or omission committed or omitted by any person other than such owner while such vessel or watercraft, vehicle, or aircraft was unlawfully in the possession of a person who acquired possession thereof in violation of the criminal laws of the United States, or of any state.

720 ILCS 5/36-3.1 — Proportionality

Sec. 36-3.1. Proportionality. Property forfeited under this Article shall be subject to an 8th Amendment to the United States Constitution disproportionate penalties analysis, and the property forfeiture may be denied in whole or in part if the

court finds that the forfeiture would constitute an excessive fine in violation of the 8th Amendment to the United States Constitution, as interpreted by case law.

720 ILCS 5/36-4 — Remission by Attorney General

Sec. 36-4. Remission by Attorney General. Whenever any owner of, or other person interested in, a vessel or watercraft, vehicle, or aircraft seized under the provisions of this Act files with the Attorney General before the sale or destruction of such vessel or watercraft, vehicle, or aircraft, a petition for the remission of such forfeiture the Attorney General if he finds that such forfeiture was incurred without willful negligence or without any intention on the part of the owner or any person whose right, title or interest is of record as described in Section 36-1, to violate the law, or finds the existence of such mitigating circumstances as to justify the remission of forfeiture, may cause the same to be remitted upon such terms and conditions as he deems reasonable and just, or order discontinuance of any forfeiture proceeding relating thereto.

720 ILCS 5/36-5

Sec. 36-5. (Repealed).

720 ILCS 5/36-6 — Return of property, damages and costs

Sec. 36-6. Return of property, damages and costs.

(a) The law enforcement agency that holds custody of property seized for forfeiture shall return to the claimant, within a reasonable period of time not to exceed 7 days unless the order is stayed by the trial court or a reviewing court pending an appeal, motion to reconsider, or other reason after the court orders the property to be returned or conveyed to the claimant:

- (1) property ordered by the court to be conveyed or returned to the claimant; and
- (2) property ordered by the court to be conveyed or returned to the claimant under subsection (d) of Section 36-3.1 of this Article.

(b) The law enforcement agency that holds custody of property seized under this Article is responsible for any damages, storage fees, and related costs applicable to property returned to a claimant under this Article. The claimant shall not be subject to any charges by the State for storage of the property or expenses incurred in the preservation of the property. Charges for the towing of a conveyance shall be borne by the claimant unless the conveyance was towed for the sole reason of seizure for forfeiture. This subsection does not prohibit the imposition of any fees or costs by a home rule unit of local government related to the impoundment of a conveyance under an ordinance enacted by the unit of government.

720 ILCS 5/36-7 — Distribution of proceeds; selling or retaining seized property prohibited

Sec. 36-7. Distribution of proceeds; selling or retaining seized property prohibited.

(a) Except as otherwise provided in this Section, the court shall order that property forfeited under this Article be delivered to the Illinois State Police within 60 days.

(b) The Illinois State Police or its designee shall dispose of all property at public auction and shall distribute the proceeds of the sale, together with any moneys forfeited or seized, under subsection

(c) of this Section.

(c) All moneys and the sale proceeds of all other property forfeited and seized under this Act shall be distributed as follows:

(1) 65% shall be distributed to the drug task force, metropolitan enforcement group, local, municipal, county, or State law enforcement agency or agencies that conducted or participated in the investigation resulting in the forfeiture. The distribution shall bear a reasonable relationship to the degree of direct participation of the law enforcement agency in the effort resulting in the forfeiture, taking into account the total value of the property forfeited and the total law enforcement effort with respect to the violation of the law upon which the forfeiture is based. Amounts distributed to the agency or agencies shall be used, at the discretion of the agency, for the enforcement of criminal laws; or for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol; or for security cameras used for the prevention or detection of violence, except that amounts distributed to the Secretary of State shall be deposited into the Secretary of State Evidence Fund to be used as provided in Section 2-115 of the Illinois Vehicle Code. Any local, municipal, or county law enforcement agency entitled to receive a monetary distribution of forfeiture proceeds may share those forfeiture proceeds pursuant to the terms of an intergovernmental agreement with a municipality that has a

population in excess of 20,000 if: (A) the receiving agency has entered into an intergovernmental agreement with the municipality to provide police services; (B) the intergovernmental agreement for police services provides for consideration in an amount of not less than \$1,000,000 per year; (C) the seizure took place within the geographical limits of the municipality; and (D) the funds are used only for the enforcement of criminal laws; for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol; or for security cameras used for the prevention or detection of violence or the establishment of a municipal police force, including the training of officers, construction of a police station, the purchase of law enforcement equipment, or vehicles.

(2) 12.5% shall be distributed to the Office of the State's Attorney of the county in which the prosecution resulting in the forfeiture was instituted, deposited in a special fund in the county treasury and appropriated to the State's Attorney for use, at the discretion of the State's Attorney, in the enforcement of criminal laws; or for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol; or at the discretion of the State's Attorney, in addition to other authorized purposes, to make grants to local substance abuse treatment facilities and half-way houses. In counties over 3,000,000 population, 25% will be distributed to the Office of the State's Attorney for use, at the discretion of the State's Attorney, in the enforcement of criminal laws; or for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol; or at the discretion of the State's Attorney, in addition to other authorized purposes, to make grants to local substance abuse treatment facilities and half-way houses. If the prosecution is undertaken solely by the Attorney General, the portion provided shall be distributed to the Attorney General for use in the enforcement of criminal laws governing cannabis and controlled substances or for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol. 12.5% shall be distributed to the Office of the State's Attorneys Appellate Prosecutor and shall be used at the discretion of the State's Attorneys Appellate Prosecutor for additional expenses incurred in the investigation, prosecution and appeal of cases arising in the enforcement of criminal laws; or for public education in the community or schools in the prevention or detection of the abuse of drugs or alcohol. The Office of the State's Attorneys Appellate Prosecutor shall not receive distribution from cases brought in counties with over 3,000,000 population.

(3) 10% shall be retained by the Illinois State Police for expenses related to the administration and sale of seized and forfeited property.

(d) A law enforcement agency shall not retain forfeited property for its own use or transfer the property to any person or entity, except as provided under this Section. A law enforcement agency may apply in writing to the Director of the Illinois State Police to request that forfeited property be awarded to the agency for a specifically articulated official law enforcement use in an investigation. The Director of the Illinois State Police shall provide a written justification in each instance detailing the reasons why the forfeited property was placed into official use, and the justification shall be retained for a period of not less than 3 years.

720 ILCS 5/36-9 — Reporting

Sec. 36-9. Reporting. Property seized or forfeited under this Article is subject to reporting under the Seizure and Forfeiture Reporting Act.

720 ILCS 5/36-10 — Applicability; savings clause

Sec. 36-10. Applicability; savings clause.

(a) The changes made to this Article by Public Act 100-512 and Public Act 100-699 only apply to property seized on and after July 1, 2018.

(b) The changes made to this Article by Public Act 100-699 are subject to Section 4 of the Statute on Statutes.

720 ILCS 5/36.5-5 — Vehicle impoundment

Sec. 36.5-5. Vehicle impoundment.

(a) In addition to any other penalty, fee or forfeiture provided by law, a peace officer who arrests a person for a violation of Section 10-9, 11-14, 11-14.1, 11-14.3, 11-14.4, 11-18, or 11-18.1 of this Code or related municipal ordinance, may tow and impound any vehicle used by the person in the commission of the violation. The person arrested for one or more such violations shall be charged a \$1,000 fee, to be paid to the law enforcement agency that made the arrest or its designated representative. The person may recover the vehicle from the impound after a minimum of 2 hours after arrest upon payment of the fee.

(b) \$500 of the fee shall be distributed to the law enforcement agency whose peace officers made the arrest, for the costs incurred by the law enforcement agency to investigate and to tow and impound the vehicle. Upon the defendant's conviction of one or more of the violations in connection with which the vehicle was impounded and the fee imposed under this Section, the remaining \$500 of the fee shall be deposited into the Specialized Services for Survivors of Human Trafficking Fund and disbursed in accordance with subsections (d), (e), and

(f) of Section 5-9-1.21 of the Unified Code of Corrections.

(c) Upon the presentation by the defendant of a signed court order showing that the defendant has been acquitted of all of the violations in connection with which a vehicle was impounded and a fee imposed under this Section, or that the charges against the defendant for those violations have been dismissed, the law enforcement agency shall refund the \$1,000 fee to the defendant.

720 ILCS 5/37-1 — Maintaining Public Nuisance

Sec. 37-1. Maintaining Public Nuisance. Any building used in the commission of offenses prohibited by Sections 9-1, 10-1, 10-2, 11-14, 11-15, 11-16, 11-17, 11-20, 11-20.1, 11-20.1B, 11-20.3, 11-21, 11-22, 12-5.1, 16-1, 20-2, 23-1, 23-1(a)(1), 24-1(a)(7), 24-3, 28-1, 28-3, 31-5 or 39A-1, or subdivision (a)(1), (a)(2)(A), or (a)(2)(B) of Section 11-14.3, of this Code, or prohibited by the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, or the Cannabis Control Act, or used in the commission of an inchoate offense relative to any of the aforesaid principal offenses, or any real property erected, established, maintained, owned, leased, or used by a streetgang for the purpose of conducting streetgang related activity as defined in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act is a public nuisance.

(b) Sentence. A person convicted of knowingly maintaining such a public nuisance commits a Class A misdemeanor. Each subsequent offense under this Section is a Class 4 felony.

720 ILCS 5/37-2 — Enforcement of lien upon public nuisance

Sec. 37-2. Enforcement of lien upon public nuisance. Any building, used in the commission of an offense specified in Section 37-1 of this Act with the intentional, knowing, reckless or negligent permission of the owner thereof, or the agent of the owner managing the building, shall, together with the underlying real estate, all fixtures and other property used to commit such an offense, be subject to a lien and may be sold to pay any unsatisfied judgment that may be recovered and any unsatisfied fine that may be levied under any Section of this Article and to pay to any person not maintaining the nuisance his damages as a consequence of the nuisance; provided, that the lien herein created shall not affect the rights of any purchaser, mortgagee, judgment creditor or other lien holder arising prior to the filing of a notice of such lien in the office of the recorder of the county in which the real estate subject to the lien is located, or in the office of the registrar of titles of such county if that real estate is registered under "An Act concerning land titles" approved May 1, 1897, as amended; which notice shall definitely describe the real estate and property involved, the nature and extent of the lien claimed, and the facts upon which the same is based. An action to enforce such lien may be commenced in any circuit court by the State's Attorney of the county of the nuisance or by the person suffering damages or both, except that a person seeking to recover damages must pursue his remedy within 6 months after the damages are sustained or his cause of action becomes thereafter exclusively enforceable by the State's Attorney of the county of the nuisance.

720 ILCS 5/37-3 — Revocation of licenses, permits and certificates

Sec. 37-3. Revocation of licenses, permits and certificates. All licenses, permits or certificates issued by the State of Illinois or any subdivision or political agency thereof authorizing the serving of food or liquor on any premises found to constitute a public nuisance as described in Section 37-1 shall be void and shall be revoked by the issuing authority; and no license, permit or certificate so revoked shall be reissued for such premises for a period of 60 days thereafter; nor shall any person convicted of knowingly maintaining such nuisance be reissued such license, permit or certificate for one year from his conviction. No license, permit or certificate shall be revoked pursuant to this Section without a full hearing conducted by the commission or agency which issued the license.

720 ILCS 5/37-4 — Abatement of nuisance

Sec. 37-4. Abatement of nuisance.) The Attorney General of this State or the State's Attorney of the county wherein the nuisance exists may commence an action to abate a public nuisance as described in Section 37-1 of this Act, in the name of the People of the State of Illinois, in the circuit court. Upon being satisfied by affidavits or other sworn evidence that an

alleged public nuisance exists, the court may without notice or bond enter a temporary restraining order or preliminary injunction to enjoin any defendant from maintaining such nuisance and may enter an order restraining any defendant from removing or interfering with all property used in connection with the public nuisance. If during the proceedings and hearings upon the merits, which shall be in the manner of "An Act in relation to places used for the purpose of using, keeping or selling controlled substances or cannabis", approved July 5, 1957, the existence of the nuisance is established, and it is found that such nuisance was maintained with the intentional, knowing, reckless or negligent permission of the owner or the agent of the owner managing the building, the court shall enter an order restraining all persons from maintaining or permitting such nuisance and from using the building for a period of one year thereafter, except that an owner, lessee or other occupant thereof may use such place if the owner shall give bond with sufficient security or surety approved by the court, in an amount between \$1,000 and \$5,000 inclusive, payable to the People of the State of Illinois, and including a condition that no offense specified in Section 37-1 of this Act shall be committed at, in or upon the property described and a condition that the principal obligor and surety assume responsibility for any fine, costs or damages resulting from such an offense thereafter.

720 ILCS 5/37-5 — Enforcement by private person

Sec. 37-5. Enforcement by private person. A private person may, after 30 days and within 90 days of giving the Attorney General and the State's Attorney of the county of nuisance written notice by certified or registered mail of the fact that a public nuisance as described in Section 37-1 of this Act, commence an action pursuant to Section 37-4 of this Act, provided that the Attorney General or the State's Attorney of the county of nuisance has not already commenced said action.

720 ILCS 5/37.5-5

Sec. 37.5-5. (Repealed).

720 ILCS 5/37.5-10

Sec. 37.5-10. (Repealed).

720 ILCS 5/37.5-15

Sec. 37.5-15. (Repealed).

720 ILCS 5/37.5-20

Sec. 37.5-20. (Repealed).

720 ILCS 5/37.5-25

Sec. 37.5-25. (Repealed).

720 ILCS 5/37.5-30

Sec. 37.5-30. (Repealed).

720 ILCS 5/37.5-35

Sec. 37.5-35. (Repealed).

720 ILCS 5/37.5-40

Sec. 37.5-40. (Repealed).

720 ILCS 5/37.5-45

Sec. 37.5-45. (Repealed).

720 ILCS 5/38-1 — Forfeiture of charter and revocation of certificate

Sec. 38-1. Forfeiture of charter and revocation of certificate. The State's Attorney is authorized to institute civil proceedings in the Circuit Court to forfeit the charter of a corporation organized under the laws of this State or to revoke the certificate authorizing a foreign corporation to conduct business in this State. The Court may order the charter forfeited or the certificate revoked upon finding

(a) that a director, officer, employee, agent or stockholder acting in behalf of the corporation has, in conducting the corporation's affairs, purposely engaged in a persistent course of intimidation, coercion, bribery or other such illegal conduct with the intent to compel other persons, firms, or corporations to deal with such corporation, and

(b) that for the prevention of future illegal conduct of the same character, the public interest requires the charter of the corporation to be forfeited and the corporation to be dissolved or the certificate to be revoked.

720 ILCS 5/38-2 — Enjoining operation of a business

Sec. 38-2. Enjoining operation of a business. The State's Attorney is authorized to institute civil proceedings in the Circuit Court to enjoin the operation of any business other than a corporation, including a partnership, joint venture or sole proprietorship. The Court may grant the injunction upon finding that

(a) any person in control of any such business, who may be a partner in a partnership, a participant in a joint venture, the owner of a sole proprietorship, an employee or agent of any such business, or a person who, in fact, exercises control over the operations of any such business, has, in conducting its business affairs, purposely engaged in a persistent course of intimidation, coercion, bribery or other such illegal conduct with the intent to compel other persons, firms, or corporations to deal with such business, and

(b) that for the prevention of future illegal conduct of the same character, the public interest requires the operation of the business to be enjoined.

720 ILCS 5/38-3 — Institution and conduct of proceedings

Sec. 38-3. Institution and conduct of proceedings.)

(a) The proceedings authorized by Section 38-1 may be instituted against a corporation in any county in which it is doing business and the proceedings shall be conducted in accordance with the Civil Practice Law and all existing and future amendments of that Law and the Supreme Court Rules now or hereafter adopted in relation to that Law. Such proceedings shall be deemed additional to any other proceeding authorized by law for the purpose of forfeiting the charter of a corporation or revoking the certificate of a foreign corporation.

(b) The proceedings authorized by Section 38-2 may be instituted against a business other than a corporation in any county in which it is doing business and the proceedings shall be conducted in accordance with the Civil Practice Law and all existing and future amendments of that Law and the Supreme Court Rules now or hereafter adopted in relation to that Law.

(c) Whenever proceedings are instituted against a corporation or business pursuant to Section 38-1 or 38-2, the State's Attorney shall give written notice of the institution of such proceedings to the corporation or business against which the proceedings are brought.

720 ILCS 5/39-1

Sec. 39-1. (Renumbered).

720 ILCS 5/39-2

Sec. 39-2. (Repealed).

720 ILCS 5/39-3

Sec. 39-3. (Repealed).

720 ILCS 5/42-1

Sec. 42-1. (Repealed).

720 ILCS 5/42-2

Sec. 42-2. (Repealed).

720 ILCS 5/44-1

Sec. 44-1. (Repealed).

720 ILCS 5/44-2

Sec. 44-2. (Renumbered).

720 ILCS 5/44-3

Sec. 44-3. (Repealed).

720 ILCS 5/45-1

Sec. 45-1. (Renumbered).

720 ILCS 5/45-2

Sec. 45-2. (Renumbered).

720 ILCS 5/47-5 — Public nuisance

Sec. 47-5. Public nuisance. It is a public nuisance:

- (1) To cause or allow the carcass of an animal or offal, filth, or a noisome substance to be collected, deposited, or to remain in any place to the prejudice of others.
- (2) To throw or deposit offal or other offensive matter or the carcass of a dead animal in a water course, lake, pond, spring, well, or common sewer, street, or public highway.
- (3) To corrupt or render unwholesome or impure the water of a spring, river, stream, pond, or lake to the injury or prejudice of others.
- (4) To obstruct or impede, without legal authority, the passage of a navigable river or waters.
- (5) To obstruct or encroach upon public highways, private ways, streets, alleys, commons, landing places, and ways to burying places.
- (6) To carry on the business of manufacturing gunpowder, nitroglycerine, or other highly explosive substances, or mixing or grinding the materials for those substances, in a building within 20 rods of a valuable building erected at the time the business is commenced.
- (7) To establish powder magazines near incorporated towns, at a point different from that appointed according to law by the corporate authorities of the town, or within 50 rods of an occupied dwelling house.
- (8) To erect, continue, or use a building or other place for the exercise of a trade, employment, or manufacture that, by occasioning noxious exhalations, offensive smells, or otherwise, is offensive or dangerous to the health of individuals or of the public.
- (9) To advertise wares or occupation by painting notices of the wares or occupation on or affixing them to fences or other private property, or on rocks or other natural objects, without the consent of the owner, or if in the highway or other public place, without permission of the proper authorities.
- (10) To permit a well drilled for oil, gas, salt water disposal, or any other purpose in connection with the production of oil and gas to remain unplugged after the well is no longer used for the purpose for which it was drilled.
- (11) To construct or operate a salt water pit or oil field refuse pit, commonly called a "burn out pit", so that salt water, brine, or oil field refuse or other waste liquids may escape from the pit in a manner except by the evaporation of the salt water or brine or by the burning of the oil field waste or refuse.
- (12) To permit concrete bases, discarded machinery, and materials to remain around an oil or gas well, or to fail to fill holes, cellars, slush pits, and other excavations made in connection with the well or to restore the surface of the lands surrounding the well to its condition before the drilling of the well, upon abandonment of the oil or gas well.
- (13) To permit salt water, oil, gas, or other wastes from a well drilled for oil, gas, or exploratory purposes to escape to the surface, or into a mine or coal seam, or into an underground fresh water supply, or from one underground stratum to another.
- (14) To harass, intimidate, or threaten a person who is about to sell or lease or has sold or leased a residence or other real property or is about to buy or lease or has bought or leased a residence or other real property, when the harassment, intimidation, or threat relates to a person's attempt to sell, buy, or lease a residence, or other real property, or refers to a person's sale, purchase, or lease of a residence or other real property.
- (15) To store, dump, or permit the accumulation of debris, refuse, garbage, trash, tires, buckets, cans, wheelbarrows, garbage cans, or other containers in a manner that may harbor mosquitoes, flies, insects, rodents, nuisance birds, or other animal pests that are offensive, injurious, or dangerous to the health of individuals or the public.

(16) To create a condition, through the improper maintenance of a swimming pool or wading pool, or by causing an action that alters the condition of a natural body of water, so that it harbors mosquitoes, flies, or other animal pests that are offensive, injurious, or dangerous to the health of individuals or the public.

(17) To operate a tanning facility without a valid permit under the Tanning Facility Permit Act. Nothing in this Section shall be construed to prevent the corporate authorities of a city, village, or incorporated town, or the county board of a county, from declaring what are nuisances and abating them within their limits. Counties have that authority only outside the corporate limits of a city, village, or incorporated town.

720 ILCS 5/47-10 — Dumping garbage

Sec. 47-10. Dumping garbage. It is unlawful for a person to dump or place garbage or another offensive substance within the corporate limits of a city, village, or incorporated town other than

(1) the city, village, or incorporated town within the corporate limits of which the garbage or other offensive substance originated or

(2) a city, village, or incorporated town that has contracted with the city, village, or incorporated town within which the garbage originated, for the joint collection and disposal of garbage; nor shall the garbage or other offensive substance be dumped or placed within a distance of one mile of the corporate limits of any other city, village, or incorporated town. A person violating this Section is guilty of a petty offense.

720 ILCS 5/47-15 — Dumping garbage upon real property

Sec. 47-15. Dumping garbage upon real property.

(a) It is unlawful for a person to dump, deposit, or place garbage, rubbish, trash, or refuse upon real property not owned by that person without the consent of the owner or person in possession of the real property.

(b) A person who violates this Section is liable to the owner or person in possession of the real property on which the garbage, rubbish, trash, or refuse is dumped, deposited, or placed for the reasonable costs incurred by the owner or person in possession for cleaning up and properly disposing of the garbage, rubbish, trash, or refuse, and for reasonable attorneys' fees.

(c) A person violating this Section is guilty of a Class B misdemeanor for which the court must impose a minimum fine of \$500. A second conviction for an offense committed after the first conviction is a Class A misdemeanor for which the court must impose a minimum fine of \$500. A third or subsequent violation, committed after a second conviction, is a Class 4 felony for which the court must impose a minimum fine of \$500. A person who violates this Section and who has an equity interest in a motor vehicle used in violation of this Section is presumed to have the financial resources to pay the minimum fine not exceeding his or her equity interest in the vehicle. Personal property used by a person in violation of this Section shall on the third or subsequent conviction of the person be forfeited to the county where the violation occurred and disposed of at a public sale. Before the forfeiture, the court shall conduct a hearing to determine whether property is subject to forfeiture under this Section. At the forfeiture hearing the State has the burden of establishing by a preponderance of the evidence that property is subject to forfeiture under this Section. Property seized or forfeited under this Section is subject to reporting under the Seizure and Forfeiture Reporting Act.

(d) The statutory minimum fine required by subsection

(c) is not subject to reduction or suspension unless the defendant is indigent. If the defendant files a motion with the court asserting his or her inability to pay the mandatory fine required by this Section, the court must set a hearing on the motion before sentencing. The court must require an affidavit signed by the defendant containing sufficient information to ascertain the assets and liabilities of the defendant. If the court determines that the defendant is indigent, the court must require that the defendant choose either to pay the minimum fine of \$500 or to perform 100 hours of community service.

720 ILCS 5/47-20 — Unplugged well

Sec. 47-20. Unplugged well. It is a Class A misdemeanor for a person to permit a water well, located on property owned by him or her, to be in an unplugged condition at any time after the abandonment of the well for obtaining water. No well is in an unplugged condition, however, that is plugged in conformity with the rules and regulations of the Department of Natural Resources issued under Section 6 and Section 19 of the Illinois Oil and Gas Act. This Section does not apply to a well drilled or used for observation or any other purpose in connection with the development or operation of a gas storage project.

720 ILCS 5/47-25 — Penalties

Sec. 47-25. Penalties. Whoever causes, erects, or continues a nuisance described in this Article, for the first offense, is guilty of a petty offense and shall be fined not exceeding \$100, and for a subsequent offense is guilty of a Class B misdemeanor. Every nuisance described in this Article, when a conviction for that nuisance is had, may, by order of the court before which the conviction is had, be abated by the sheriff or other proper officer, at the expense of the defendant. It is not a defense to a proceeding under this Section that the nuisance is erected or continued by virtue or permission of a law of this State.

720 ILCS 5/48-1 — Dog fighting

Sec. 48-1. Dog fighting. (For other provisions that may apply to dog fighting, see the Humane Care for Animals Act. For provisions similar to this Section that apply to animals other than dogs, see in particular Section 4.01 of the Humane Care for Animals Act.)

- (a) No person may own, capture, breed, train, or lease any dog which he or she knows is intended for use in any show, exhibition, program, or other activity featuring or otherwise involving a fight between the dog and any other animal or human, or the intentional killing of any dog for the purpose of sport, wagering, or entertainment.
- (b) No person may promote, conduct, carry on, advertise, collect money for or in any other manner assist or aid in the presentation for purposes of sport, wagering, or entertainment of any show, exhibition, program, or other activity involving a fight between 2 or more dogs or any dog and human, or the intentional killing of any dog.
- (c) No person may sell or offer for sale, ship, transport, or otherwise move, or deliver or receive any dog which he or she knows has been captured, bred, or trained, or will be used, to fight another dog or human or be intentionally killed for purposes of sport, wagering, or entertainment. (c-5) No person may solicit a minor to violate this Section.
- (d) No person may manufacture for sale, shipment, transportation, or delivery any device or equipment which he or she knows or should know is intended for use in any show, exhibition, program, or other activity featuring or otherwise involving a fight between 2 or more dogs, or any human and dog, or the intentional killing of any dog for purposes of sport, wagering, or entertainment.
- (e) No person may own, possess, sell or offer for sale, ship, transport, or otherwise move any equipment or device which he or she knows or should know is intended for use in connection with any show, exhibition, program, or activity featuring or otherwise involving a fight between 2 or more dogs, or any dog and human, or the intentional killing of any dog for purposes of sport, wagering or entertainment.
- (f) No person may knowingly make available any site, structure, or facility, whether enclosed or not, that he or she knows is intended to be used for the purpose of conducting any show, exhibition, program, or other activity involving a fight between 2 or more dogs, or any dog and human, or the intentional killing of any dog or knowingly manufacture, distribute, or deliver fittings to be used in a fight between 2 or more dogs or a dog and human.
- (g) No person may knowingly attend or otherwise patronize any show, exhibition, program, or other activity featuring or otherwise involving a fight between 2 or more dogs, or any dog and human, or the intentional killing of any dog for purposes of sport, wagering, or entertainment.
- (h) No person may tie or attach or fasten any live animal to any machine or device propelled by any power for the purpose of causing the animal to be pursued by a dog or dogs. This subsection
- (h) applies only when the dog is intended to be used in a dog fight.
- (i) Sentence.
 - (1) Any person convicted of violating subsection (a), (b), (c), or
 - (h) of this Section is guilty of a Class 4 felony for a first violation and a Class 3 felony for a second or subsequent violation, and may be fined an amount not to exceed \$50,000. (1.5) A person who knowingly owns a dog for fighting purposes or for producing a fight between 2 or more dogs or a dog and human or who knowingly offers for sale or sells a dog bred for fighting is guilty of a Class 3 felony and may be fined an amount not to exceed \$50,000, if the dog participates in a dogfight and any of the following factors is present:
 - (i) the dogfight is performed in the presence of a person under 18 years of age; (ii) the dogfight is performed for the purpose of or in the presence of illegal wagering activity; or (iii) the dogfight is performed in furtherance of streetgang related activity as defined in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act. (1.7) A person

convicted of violating subsection (c-5) of this Section is guilty of a Class 4 felony.

(2) Any person convicted of violating subsection

(d) or

(e) of this Section is guilty of a Class 4 felony for a first violation. A second or subsequent violation of subsection

(d) or

(e) of this Section is a Class 3 felony. (2.5) Any person convicted of violating subsection

(f) of this Section is guilty of a Class 4 felony. Any person convicted of violating subsection

(f) of this Section in which the site, structure, or facility made available to violate subsection

(f) is located within 1,000 feet of a school, public park, playground, child care institution, day care center, part day child care facility, day care home, group day care home, or a facility providing programs or services exclusively directed toward persons under 18 years of age is guilty of a Class 3 felony for a first violation and a Class 2 felony for a second or subsequent violation.

(3) Any person convicted of violating subsection

(g) of this Section is guilty of a Class 4 felony for a first violation. A second or subsequent violation of subsection

(g) of this Section is a Class 3 felony. If a person under 13 years of age is present at any show, exhibition, program, or other activity prohibited in subsection (g), the parent, legal guardian, or other person who is 18 years of age or older who brings that person under 13 years of age to that show, exhibition, program, or other activity is guilty of a Class 3 felony for a first violation and a Class 2 felony for a second or subsequent violation. (i-5) A person who commits a felony violation of this Section is subject to the property forfeiture provisions set forth in Article 124B of the Code of Criminal Procedure of 1963.

(j) Any dog or equipment involved in a violation of this Section shall be immediately seized and impounded under Section 12 of the Humane Care for Animals Act when located at any show, exhibition, program, or other activity featuring or otherwise involving a dog fight for the purposes of sport, wagering, or entertainment.

(k) Any vehicle or conveyance other than a common carrier that is used in violation of this Section shall be seized, held, and offered for sale at public auction by the sheriff's department of the proper jurisdiction, and the proceeds from the sale shall be remitted to the general fund of the county where the violation took place.

(l) Any veterinarian in this State who is presented with a dog for treatment of injuries or wounds resulting from fighting where there is a reasonable possibility that the dog was engaged in or utilized for a fighting event for the purposes of sport, wagering, or entertainment shall file a report with the Department of Agriculture and cooperate by furnishing the owners' names, dates, and descriptions of the dog or dogs involved. Any veterinarian who in good faith complies with the requirements of this subsection has immunity from any liability, civil, criminal, or otherwise, that may result from his or her actions. For the purposes of any proceedings, civil or criminal, the good faith of the veterinarian shall be rebuttably presumed.

(m) In addition to any other penalty provided by law, upon conviction for violating this Section, the court may order that the convicted person and persons dwelling in the same household as the convicted person who conspired, aided, or abetted in the unlawful act that was the basis of the conviction, or who knew or should have known of the unlawful act, may not own, harbor, or have custody or control of any dog or other animal for a period of time that the court deems reasonable.

(n) A violation of subsection

(a) of this Section may be inferred from evidence that the accused possessed any device or equipment described in subsection (d), (e), or

(h) of this Section, and also possessed any dog.

(o) When no longer required for investigations or court proceedings relating to the events described or depicted therein, evidence relating to convictions for violations of this Section shall be retained and made available for use in training peace officers in detecting and identifying violations of this Section. Such evidence shall be made available upon request to other law enforcement agencies and to schools certified under the Illinois Police Training Act.

(p) For the purposes of this Section, "school" has the meaning ascribed to it in Section 11-9.3 of this Code; and "public park", "playground", "child care institution", "day care center", "part day child care facility", "day care home", "group day care home", and "facility providing programs or services exclusively directed toward persons under 18 years of age" have

the meanings ascribed to them in Section 11-9.4 of this Code.

720 ILCS 5/48-2 — Animal research and production facilities protection

Sec. 48-2. Animal research and production facilities protection.

(a) Definitions. "Animal" means every living creature, domestic or wild, but does not include man. "Animal facility" means any facility engaging in legal scientific research or agricultural production of or involving the use of animals including any organization with a primary purpose of representing livestock production or processing, any organization with a primary purpose of promoting or marketing livestock or livestock products, any person licensed to practice veterinary medicine, any institution as defined in the Impounding and Disposition of Stray Animals Act, and any organization with a primary purpose of representing any such person, organization, or institution. "Animal facility" shall include the owner, operator, and employees of any animal facility and any premises where animals are located. "Director" means the Director of the Illinois Department of Agriculture or the Director's authorized representative.

(b) Legislative Declaration. There has been an increasing number of illegal acts committed against animal research and production facilities involving injury or loss of life to humans or animals, criminal trespass and damage to property. These actions not only abridge the property rights of the owner of the facility, they may also damage the public interest by jeopardizing crucial scientific, biomedical, or agricultural research or production. These actions can also threaten the public safety by possibly exposing communities to serious public health concerns and creating traffic hazards. These actions may substantially disrupt or damage publicly funded research and can result in the potential loss of physical and intellectual property. Therefore, it is in the interest of the people of the State of Illinois to protect the welfare of humans and animals as well as productive use of public funds to require regulation to prevent unauthorized possession, alteration, destruction, or transportation of research records, test data, research materials, equipment, research and agricultural production animals.

(c) It shall be unlawful for any person:

- (1) to release, steal, or otherwise intentionally cause the death, injury, or loss of any animal at or from an animal facility and not authorized by that facility;
- (2) to damage, vandalize, or steal any property in or on an animal facility;
- (3) to obtain access to an animal facility by false pretenses for the purpose of performing acts not authorized by that facility;
- (4) to enter into an animal facility with an intent to destroy, alter, duplicate, or obtain unauthorized possession of records, data, materials, equipment, or animals;
- (5) by theft or deception knowingly to obtain control or to exert control over records, data, material, equipment, or animals of any animal facility for the purpose of depriving the rightful owner or animal facility of the records, material, data, equipment, or animals or for the purpose of concealing, abandoning, or destroying these records, material, data, equipment, or animals; or
- (6) to enter or remain on an animal facility with the intent to commit an act prohibited under this Section.

(d) Sentence.

(1) Any person who violates any provision of subsection

(c) shall be guilty of a Class 4 felony for each violation, unless the loss, theft, or damage to the animal facility property exceeds \$300 in value.

(2) If the loss, theft, or damage to the animal facility property exceeds \$300 in value but does not exceed \$10,000 in value, the person is guilty of a Class 3 felony.

(3) If the loss, theft, or damage to the animal facility property exceeds \$10,000 in value but does not exceed \$100,000 in value, the person is guilty of a Class 2 felony.

(4) If the loss, theft, or damage to the animal facility property exceeds \$100,000 in value, the person is guilty of a Class 1 felony.

(5) Any person who, with the intent that any violation of any provision of subsection

(c) be committed, agrees with another to the commission of the violation and commits an act in furtherance of this agreement is guilty of the same class of felony as provided in paragraphs

(1) through

(4) of this subsection for that violation.

(6) Restitution. (A) The court shall conduct a hearing to determine the reasonable cost of replacing materials, data, equipment, animals and records that may have been damaged, destroyed, lost or cannot be returned, and the reasonable cost of repeating any experimentation that may have been interrupted or invalidated as a result of a violation of subsection (c). (B) Any persons convicted of a violation shall be ordered jointly and severally to make restitution to the owner, operator, or both, of the animal facility in the full amount of the reasonable cost determined under paragraph (A).

(e) Private right of action. Nothing in this Section shall preclude any animal facility injured in its business or property by a violation of this Section from seeking appropriate relief under any other provision of law or remedy including the issuance of a permanent injunction against any person who violates any provision of this Section. The animal facility owner or operator may petition the court to permanently enjoin the person from violating this Section and the court shall provide this relief.

(f) The Director shall have authority to investigate any alleged violation of this Section, along with any other law enforcement agency, and may take any action within the Director's authority necessary for the enforcement of this Section. State's Attorneys, State police and other law enforcement officials shall provide any assistance required in the conduct of an investigation and prosecution. Before the Director reports a violation for prosecution he or she may give the owner or operator of the animal facility and the alleged violator an opportunity to present his or her views at an administrative hearing. The Director may adopt any rules and regulations necessary for the enforcement of this Section.

720 ILCS 5/48-3 — Hunter or fisherman interference

Sec. 48-3. Hunter or fisherman interference.

(a) Definitions. As used in this Section: "Aquatic life" means all fish, reptiles, amphibians, crayfish, and mussels the taking of which is authorized by the Fish and Aquatic Life Code. "Interfere with" means to take any action that physically impedes, hinders, or obstructs the lawful taking of wildlife or aquatic life. "Taking" means the capture or killing of wildlife or aquatic life and includes travel, camping, and other acts preparatory to taking which occur on lands or waters upon which the affected person has the right or privilege to take such wildlife or aquatic life. "Wildlife" means any wildlife the taking of which is authorized by the Wildlife Code and includes those species that are lawfully released by properly licensed permittees of the Department of Natural Resources.

(b) A person commits hunter or fisherman interference when he or she intentionally or knowingly:

(1) obstructs or interferes with the lawful taking of wildlife or aquatic life by another person with the specific intent to prevent that lawful taking;

(2) drives or disturbs wildlife or aquatic life for the purpose of disrupting a lawful taking of wildlife or aquatic life;

(3) blocks, impedes, or physically harasses another person who is engaged in the process of lawfully taking wildlife or aquatic life;

(4) uses natural or artificial visual, aural, olfactory, gustatory, or physical stimuli to affect wildlife or aquatic life behavior in order to hinder or prevent the lawful taking of wildlife or aquatic life;

(5) erects barriers with the intent to deny ingress or egress to or from areas where the lawful taking of wildlife or aquatic life may occur;

(6) intentionally interjects himself or herself into the line of fire or fishing lines of a person lawfully taking wildlife or aquatic life;

(7) affects the physical condition or placement of personal or public property intended for use in the lawful taking of wildlife or aquatic life in order to impair the usefulness of the property or prevent the use of the property;

(8) enters or remains upon or over private lands without the permission of the owner or the owner's agent, with the intent to violate this subsection;

(9) fails to obey the order of a peace officer to desist from conduct in violation of this subsection

(b) if the officer observes the conduct, or has reasonable grounds to believe that the person has engaged in the conduct that day or that the person plans or intends to engage in the conduct that day on a specific premises; or

(10) uses a drone in a way that interferes with another person's lawful taking of wildlife or aquatic life. For the purposes of this paragraph (10), "drone" means any aerial vehicle that does not carry a human operator.

(c) Exemptions; defenses.

(1) This Section does not apply to actions performed by authorized employees of the Department of Natural Resources, duly accredited officers of the U.S. Fish and Wildlife Service, sheriffs, deputy sheriffs, or other peace officers if the actions are authorized by law and are necessary for the performance of their official duties.

(2) This Section does not apply to landowners, tenants, or lease holders exercising their legal rights to the enjoyment of land, including, but not limited to, farming and restricting trespass.

(3) It is an affirmative defense to a prosecution for a violation of this Section that the defendant's conduct is protected by his or her right to freedom of speech under the constitution of this State or the United States.

(4) Any interested parties may engage in protests or other free speech activities adjacent to or on the perimeter of the location where the lawful taking of wildlife or aquatic life is taking place, provided that none of the provisions of this Section are being violated.

(d) Sentence. A first violation of paragraphs

(1) through

(8) of subsection

(b) is a Class B misdemeanor. A second or subsequent violation of paragraphs

(1) through

(8) of subsection

(b) is a Class A misdemeanor for which imprisonment for not less than 7 days shall be imposed. A person guilty of a second or subsequent violation of paragraphs

(1) through

(8) of subsection

(b) is not eligible for court supervision. A violation of paragraph

(9) or

(10) of subsection

(b) is a Class A misdemeanor. A court shall revoke, for a period of one year to 5 years, any Illinois hunting, fishing, or trapping privilege, license or permit of any person convicted of violating any provision of this Section. For purposes of this subsection, a "second or subsequent violation" means a conviction under paragraphs

(1) through

(8) of subsection

(b) of this Section within 2 years of a prior violation arising from a separate set of circumstances.

(e) Injunctions; damages.

(1) Any court may enjoin conduct which would be in violation of paragraphs

(1) through

(8) or

(10) of subsection

(b) upon petition by a person affected or who reasonably may be affected by the conduct, upon a showing that the conduct is threatened or that it has occurred on a particular premises in the past and that it is not unreasonable to expect that under similar circumstances it will be repeated.

(2) A court shall award all resulting costs and damages to any person adversely affected by a violation of paragraphs

(1) through

(8) or

(10) of subsection (b), which may include an award for punitive damages. In addition to other items of special damage, the measure of damages may include expenditures of the affected person for license and permit fees, travel, guides,

special equipment and supplies, to the extent that these expenditures were rendered futile by prevention of the taking of wildlife or aquatic life.

720 ILCS 5/48-4 — Obtaining certificate of registration by false pretenses

Sec. 48-4. Obtaining certificate of registration by false pretenses.

(a) A person commits obtaining certificate of registration by false pretenses when he or she, by any false pretense, obtains from any club, association, society or company for improving the breed of cattle, horses, sheep, swine, or other domestic animals, a certificate of registration of any animal in the herd register, or other register of any club, association, society or company, or a transfer of the registration.

(b) A person commits obtaining certificate of registration by false pretenses when he or she knowingly gives a false pedigree of any animal.

(c) Sentence. Obtaining certificate of registration by false pretenses is a Class A misdemeanor.

720 ILCS 5/48-5 — Horse mutilation

Sec. 48-5. Horse mutilation.

(a) A person commits horse mutilation when he or she cuts the solid part of the tail of any horse in the operation known as docking, or by any other operation performed for the purpose of shortening the tail, and whoever shall cause the same to be done, or assist in doing this cutting, unless the same is proved to be a benefit to the horse.

(b) Sentence. Horse mutilation is a Class A misdemeanor.

720 ILCS 5/48-6 — Horse racing false entry

Sec. 48-6. Horse racing false entry.

(a) That in order to encourage the breeding of and improvement in trotting, running and pacing horses in the State, it is hereby made unlawful for any person or persons knowingly to enter or cause to be entered for competition, or knowingly to compete with any horse, mare, gelding, colt or filly under any other than its true name or out of its proper class for any purse, prize, premium, stake or sweepstakes offered or given by any agricultural or other society, association, person or persons in the State where the prize, purse, premium, stake or sweepstakes is to be decided by a contest of speed.

(b) The name of any horse, mare, gelding, colt or filly, for the purpose of entry for competition or performance in any contest of speed, shall be the name under which the horse has publicly performed, and shall not be changed after having once so performed or contested for a prize, purse, premium, stake or sweepstakes, except as provided by the code of printed rules of the society or association under which the contest is advertised to be conducted.

(c) The official records shall be received in all courts as evidence upon the trial of any person under the provisions of this Section.

(d) Sentence. A violation of subsection

(a) is a Class 4 felony.

720 ILCS 5/48-7 — Feeding garbage to animals

Sec. 48-7. Feeding garbage to animals.

(a) Definitions. As used in this Section: "Department" means the Department of Agriculture of the State of Illinois. "Garbage" has the same meaning as in the federal Swine Health Protection Act (7 U.S.C. 3802) and also includes putrescible vegetable waste. "Garbage" does not include the contents of the bovine digestive tract. "Person" means any person, firm, partnership, association, corporation, or other legal entity, any public or private institution, the State, or any municipal corporation or political subdivision of the State.

(b) A person commits feeding garbage to animals when he or she feeds or permits the feeding of garbage to swine or any animals or poultry on any farm or any other premises where swine are kept.

(c) Establishments licensed under the Animal Mortality Act or under similar laws in other states are exempt from the provisions of this Section.

(d) Nothing in this Section shall be construed to apply to any person who feeds garbage produced in his or her own household to animals or poultry kept on the premises where he or she resides except this garbage if fed to swine shall not contain particles of meat.

(e) Sentence. Feeding garbage to animals is a Class B misdemeanor, and for the first offense shall be fined not less than \$100 nor more than \$500 and for a second or subsequent offense shall be fined not less than \$200 nor more than \$500 or imprisoned in a penal institution other than the penitentiary for not more than 6 months, or both.

(f) A person violating this Section may be enjoined by the Department from continuing the violation.

(g) The Department may make reasonable inspections necessary for the enforcement of this Section, and is authorized to enforce, and administer the provisions of this Section.

720 ILCS 5/48-8 — Service animal access

Sec. 48-8. Service animal access.

(a) When a person with a physical, mental, or intellectual disability requiring the use of a service animal is accompanied by a service animal or when a trainer of a service animal is accompanied by a service animal, neither the person nor the service animal shall be denied the right of entry and use of facilities of any public place of accommodation as defined in Section 5-101 of the Illinois Human Rights Act. For the purposes of this Section, "service animal" means a dog or miniature horse trained or being trained as a hearing animal, a guide animal, an assistance animal, a seizure alert animal, a mobility animal, a psychiatric service animal, an autism service animal, or an animal trained for any other physical, mental, or intellectual disability. "Service animal" includes a miniature horse that a public place of accommodation shall make reasonable accommodation so long as the public place of accommodation takes into consideration:

- (1) the type, size, and weight of the miniature horse and whether the facility can accommodate its features;
- (2) whether the handler has sufficient control of the miniature horse;
- (3) whether the miniature horse is housebroken; and
- (4) whether the miniature horse's presence in the facility compromises legitimate safety requirements necessary for operation.

(b) A person who knowingly violates this Section commits a Class C misdemeanor.

720 ILCS 5/48-9 — Misrepresentation of stallion and jack pedigree

Sec. 48-9. Misrepresentation of stallion and jack pedigree.

(a) The owner or keeper of any stallion or jack kept for public service commits misrepresentation of stallion and jack pedigree when he or she misrepresents the pedigree or breeding of the stallion or jack, or represents that the animal, so kept for public service, is registered, when in fact it is not registered in a published volume of a society for the registry of standard and purebred animals, or who shall post or publish, or cause to be posted or published, any false pedigree or breeding of this animal.

(b) Sentence. Misrepresentation of stallion and jack pedigree is a petty offense, and for a second or subsequent offense is a Class B misdemeanor.

720 ILCS 5/48-10 — Dangerous animals

Sec. 48-10. Dangerous animals.

(a) Definitions. As used in this Section, unless the context otherwise requires: "Dangerous animal" means a lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, lynx, bobcat, jaguarundi, bear, hyena, wolf or coyote. Dangerous animal does not mean any herptiles included in the Herptiles-Herps Act. "Owner" means any person who

- (1) has a right of property in a dangerous animal or primate,
 - (2) keeps or harbors a dangerous animal or primate,
 - (3) has a dangerous animal or primate in his or her care, or
 - (4) acts as custodian of a dangerous animal or primate. "Person" means any individual, firm, association, partnership, corporation, or other legal entity, any public or private institution, the State, or any municipal corporation or political subdivision of the State. "Primate" means a nonhuman member of the order primate, including but not limited to chimpanzee, gorilla, orangutan, bonobo, gibbon, monkey, lemur, loris, aye-aye, and tarsier.
- (b) Dangerous animal or primate offense. No person shall have a right of property in, keep, harbor, care for, act as custodian of or maintain in his or her possession any dangerous animal or primate except at a properly maintained zoological park, federally licensed exhibit, circus, college or university, scientific institution, research laboratory, veterinary

hospital, hound running area, or animal refuge in an escape-proof enclosure.

(c) Exemptions.

(1) This Section does not prohibit a person who had lawful possession of a primate before January 1, 2011, from continuing to possess that primate if the person registers the animal by providing written notification to the local animal control administrator on or before April 1, 2011. The notification shall include: (A) the person's name, address, and telephone number; and (B) the type of primate, the age, a photograph, a description of any tattoo, microchip, or other identifying information, and a list of current inoculations.

(2) This Section does not prohibit a person who has a permanent disability with a severe mobility impairment from possessing a single capuchin monkey to assist the person in performing daily tasks if: (A) the capuchin monkey was obtained from and trained at a licensed nonprofit organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, the nonprofit tax status of which was obtained on the basis of a mission to improve the quality of life of severely mobility-impaired individuals; and (B) the person complies with the notification requirements as described in paragraph

(1) of this subsection (c).

(d) A person who registers a primate shall notify the local animal control administrator within 30 days of a change of address. If the person moves to another locality within the State, the person shall register the primate with the new local animal control administrator within 30 days of moving by providing written notification as provided in paragraph

(1) of subsection

(c) and shall include proof of the prior registration.

(e) A person who registers a primate shall notify the local animal control administrator immediately if the primate dies, escapes, or bites, scratches, or injures a person.

(f) It is no defense to a violation of subsection

(b) that the person violating subsection

(b) has attempted to domesticate the dangerous animal. If there appears to be imminent danger to the public, any dangerous animal found not in compliance with the provisions of this Section shall be subject to seizure and may immediately be placed in an approved facility. Upon the conviction of a person for a violation of subsection (b), the animal with regard to which the conviction was obtained shall be confiscated and placed in an approved facility, with the owner responsible for all costs connected with the seizure and confiscation of the animal. Approved facilities include, but are not limited to, a zoological park, federally licensed exhibit, humane society, veterinary hospital or animal refuge.

(g) Sentence. Any person violating this Section is guilty of a Class C misdemeanor. Any corporation or partnership, any officer, director, manager or managerial agent of the partnership or corporation who violates this Section or causes the partnership or corporation to violate this Section is guilty of a Class C misdemeanor. Each day of violation constitutes a separate offense.

720 ILCS 5/48-11 — Unlawful use of an elephant in a traveling animal act

Sec. 48-11. Unlawful use of an elephant in a traveling animal act.

(a) Definitions. As used in this Section: "Mobile or traveling animal housing facility" means a transporting vehicle such as a truck, trailer, or railway car used to transport or house animals while traveling to an exhibition or other performance. "Performance" means an exhibition, public showing, presentation, display, exposition, fair, animal act, circus, ride, trade show, petting zoo, carnival, parade, race, or other similar undertaking in which animals are required to perform tricks, give rides, or participate as accompaniments for entertainment, amusement, or benefit of a live audience. "Traveling animal act" means any performance of animals where animals are transported to, from, or between locations for the purpose of a performance in a mobile or traveling animal housing facility.

(b) A person commits unlawful use of an elephant in a traveling animal act when he or she knowingly allows for the participation of an African elephant (*Loxodonta africana*) or Asian elephant (*Elephas maximus*) protected under the federal Endangered Species Act of 1973 in a traveling animal act.

(c) This Section does not apply to an exhibition of elephants at a non-mobile, permanent institution, or other facility.

(d) Sentence. Unlawful use of an elephant in a traveling animal act is a Class A misdemeanor.

720 ILCS 570/ Illinois Controlled Substances Act.

720 ILCS 570/100 — Legislative intent

Sec. 100. Legislative intent. It is the intent of the General Assembly, recognizing the rising incidence in the misuse of drugs and other dangerous substances and its resultant damage to the peace, health, and welfare of the citizens of Illinois, to provide a system of control over the distribution and use of controlled substances which will more effectively:

- (1) limit access of such substances only to those persons who have demonstrated an appropriate sense of responsibility and have a lawful and legitimate reason to possess them;
- (2) deter the unlawful and destructive misuse of controlled substances;
- (3) penalize most heavily the illicit traffickers or profiteers of controlled substances, who propagate and perpetuate the misuse of such substances with reckless disregard for its consumptive consequences upon every element of society;
- (4) acknowledge the functional and consequential differences between the various types of controlled substances and provide for correspondingly different degrees of control over each of the various types;
- (5) unify where feasible and codify the efforts of this State to conform with the regulatory systems of the Federal government; and
- (6) provide law enforcement authorities with the necessary resources to make this system efficacious. It is not the intent of the General Assembly to treat the unlawful user or occasional petty distributor of controlled substances with the same severity as the large-scale, unlawful purveyors and traffickers of controlled substances. However, it is recognized that persons who violate this Act with respect to the manufacture, delivery, possession with intent to deliver, or possession of more than one type of controlled substance listed herein may accordingly receive multiple convictions and sentences under each Section of this Act. To this end, guidelines have been provided, along with a wide latitude in sentencing discretion, to enable the sentencing court to order penalties in each case which are appropriate for the purposes of this Act.

720 ILCS 570/101 — This Act shall be known as and may be cited as the " Illinois Controlled Substances Act

Sec. 101. This Act shall be known as and may be cited as the " Illinois Controlled Substances Act. "

720 ILCS 570/102 — Definitions

Sec. 102. Definitions. As used in this Act, unless the context otherwise requires:

- (a) "Person with a substance use disorder" means any person who has a substance use disorder diagnosis defined as a spectrum of persistent and recurring problematic behavior that encompasses 10 separate classes of drugs: alcohol; caffeine; cannabis; hallucinogens; inhalants; opioids; sedatives, hypnotics and anxiolytics; stimulants; and tobacco; and other unknown substances leading to clinically significant impairment or distress.
- (b) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient, research subject, or animal (as defined by the Humane Euthanasia in Animal Shelters Act) by:
 - (1) a practitioner (or, in his or her presence, by his or her authorized agent),
 - (2) the patient or research subject pursuant to an order, or
 - (3) a euthanasia technician as defined by the Humane Euthanasia in Animal Shelters Act.
- (c) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, dispenser, prescriber, or practitioner. It does not include a common or contract carrier, public warehouseman or employee of the carrier or warehouseman. (c-1) "Anabolic Steroids" means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone), and includes:
 - (i) 3[beta],17-dihydroxy-5a-androstane, (ii) 3[alpha],17[beta]-dihydroxy-5a-androstane, (iii) 5[alpha]-androstan-3,17-dione, (iv) 1-androstenediol (3[beta], 17[beta]-dihydroxy-5[alpha]-androst-1-ene),
 - (v) 1-androstenediol (3[alpha], 17[beta]-dihydroxy-5[alpha]-androst-1-ene), (vi) 4-androstenediol (3[beta],17[beta]-dihydroxy-androst-4-ene), (vii) 5-androstenediol (3[beta],17[beta]-dihydroxy-androst-5-ene), (viii)

1-androstenedione ([5alpha]-androst-1-en-3,17-dione), (ix) 4-androstenedione (androst-4-en-3,17-dione), (x) 5-androstenedione (androst-5-en-3,17-dione), (xi) bolasterone (7[alpha],17a-dimethyl-17[beta]-hydroxyandrost-4-en-3-one), (xii) boldenone (17[beta]-hydroxyandrost-1,4,-diene-3-one), (xiii) boldione (androsta-1,4-diene-3,17-dione), (xiv) calusterone (7[beta],17[alpha]-dimethyl-17[beta]-hydroxyandrost-4-en-3-one), (xv) clostebol (4-chloro-17[beta]-hydroxyandrost-4-en-3-one), (xvi) dehydrochloromethyltestosterone (4-chloro-17[beta]-hydroxy-17[alpha]-methyl-androst-1,4-dien-3-one), (xvii) desoxymethyltestosterone (17[alpha]-methyl-5[alpha]-androst-2-en-17[beta]-ol)(a.k.a., madol), (xviii) [delta]1-dihydrotestosterone (a.k.a. '1-testosterone') (17[beta]-hydroxy-5[alpha]-androst-1-en-3-one), (xix) 4-dihydrotestosterone (17[beta]-hydroxy-androstan-3-one), (xx) drostanolone (17[beta]-hydroxy-2[alpha]-methyl-5[alpha]-androstan-3-one), (xxi) ethylestrenol (17[alpha]-ethyl-17[beta]-hydroxyestr-4-ene), (xxii) fluoxymesterone (9-fluoro-17[alpha]-methyl-1[beta],17[beta]-dihydroxyandrost-4-en-3-one), (xxiii) formebolone (2-formyl-17[alpha]-methyl-11[alpha],17[beta]-dihydroxyandrost-1,4-dien-3-one), (xxiv) furazabol (17[alpha]-methyl-17[beta]-hydroxyandrostano[2,3-c]-furazan), (xxv) 13[beta]-ethyl-17[beta]-hydroxygon-4-en-3-one, (xxvi) 4-hydroxytestosterone (4,17[beta]-dihydroxy-androst-4-en-3-one), (xxvii) 4-hydroxy-19-nortestosterone (4,17[beta]-dihydroxy-estr-4-en-3-one), (xxviii) mestanolone (17[alpha]-methyl-17[beta]-hydroxy-5-androstan-3-one), (xxix) mesterolone (1-methyl-17[beta]-hydroxy-5a-androstan-3-one), (xxx) methandienone (17[alpha]-methyl-17[beta]-hydroxyandrost-1,4-dien-3-one), (xxxi) methandriol (17[alpha]-methyl-3[beta],17[beta]-dihydroxyandrost-5-ene), (xxxii) methenolone (1-methyl-17[beta]-hydroxy-5[alpha]-androst-1-en-3-one), (xxxiii) 17[alpha]-methyl-3[beta],17[beta]-dihydroxy-5a-androstane, (xxxiv) 17[alpha]-methyl-3[alpha],17[beta]-dihydroxy-5a-androstane, (xxxv) 17[alpha]-methyl-3[beta],17[beta]-dihydroxyandrost-4-ene), (xxxvi) 17[alpha]-methyl-4-hydroxyandrolone (17[alpha]-methyl-4-hydroxy-17[beta]-hydroxyestr-4-en-3-one), (xxxvii) methyldienolone (17[alpha]-methyl-17[beta]-hydroxyestra-4,9(10)-dien-3-one), (xxxviii) methyltrienolone (17[alpha]-methyl-17[beta]-hydroxyestra-4,9-11-trien-3-one), (xxxix) methyltestosterone (17[alpha]-methyl-17[beta]-hydroxyandrost-4-en-3-one), (xl) mibolerone (7[alpha],17a-dimethyl-17[beta]-hydroxyestr-4-en-3-one), (xli) 17[alpha]-methyl-[delta]1-dihydrotestosterone (17b[beta]-hydroxy-17[alpha]-methyl-5[alpha]-androst-1-en-3-one)(a.k.a. '17-[alpha]-methyl-1-testosterone'), (xlii) nandrolone (17[beta]-hydroxyestr-4-en-3-one), (xliii) 19-nor-4-androstenediol (3[beta],17[beta]-dihydroxyestr-4-ene), (xliv) 19-nor-4-androstenediol (3[alpha],17[beta]-dihydroxyestr-4-ene), (xlv) 19-nor-5-androstenediol (3[beta],17[beta]-dihydroxyestr-5-ene), (xlvi) 19-nor-5-androstenediol (3[alpha],17[beta]-dihydroxyestr-5-ene), (xlvii) 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-dione), (xlviii) 19-nor-4-androstenedione (estr-4-en-3,17-dione), (xlix) 19-nor-5-androstenedione (estr-5-en-3,17-dione), (li) norbolethone (13[beta],17a-diethyl-17[beta]-hydroxygon-4-en-3-one), (lii) norclostebol (4-chloro-17[beta]-hydroxyestr-4-en-3-one), (liii) norethandrolone (17[alpha]-ethyl-17[beta]-hydroxyestr-4-en-3-one), (liiii) normethandrolone (17[alpha]-methyl-17[beta]-hydroxyestr-4-en-3-one), (liv) oxandrolone (17[alpha]-methyl-17[beta]-hydroxy-2-oxa-5[alpha]-androstan-3-one), (lv) oxymesterone (17[alpha]-methyl-4,17[beta]-dihydroxyandrost-4-en-3-one), (lvi) oxymetholone (17[alpha]-methyl-2-hydroxymethylene-17[beta]-hydroxy-(5[alpha]-androstan-3-one), (lvii) stanozolol (17[alpha]-methyl-17[beta]-hydroxy-(5[alpha]-androst-2-eno[3,2-c]-pyrazole), (lviii) stenbolone (17[beta]-hydroxy-2-methyl-(5[alpha]-androst-1-en-3-one), (lix) testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone), (lx) testosterone (17[beta]-hydroxyandrost-4-en-3-one), (lxi) tetrahydrogestrinone (13[beta],17[alpha]-diethyl-17[beta]-hydroxygon-4,9,11-trien-3-one), (lxii) trenbolone (17[beta]-hydroxyestr-4,9,11-trien-3-one). Any person who is otherwise lawfully in possession of an anabolic steroid, or who otherwise lawfully manufactures, distributes, dispenses, delivers, or possesses with intent to deliver an anabolic steroid, which anabolic steroid is expressly intended for and lawfully allowed to be administered through implants to livestock or other nonhuman species, and which is approved by the Secretary of Health and Human Services for such administration, and which the person intends to administer or have administered through such implants, shall not be considered to be in unauthorized possession or to unlawfully manufacture, distribute, dispense, deliver, or possess with intent to deliver such anabolic steroid for purposes of this Act.

(d) "Administration" means the Drug Enforcement Administration, United States Department of Justice, or its successor agency. (d-5) "Clinical Director, Prescription Monitoring Program" means a Department of Human Services administrative employee licensed to either prescribe or dispense controlled substances who shall run the clinical aspects of the Department of Human Services Prescription Monitoring Program and its Prescription Information Library. (d-10) "Compounding" means the preparation and mixing of components, excluding flavorings,

(1) as the result of a prescriber's prescription drug order or initiative based on the prescriber-patient-pharmacist relationship in the course of professional practice or

(2) for the purpose of, or incident to, research, teaching, or chemical analysis and not for sale or dispensing.

"Compounding" includes the preparation of drugs or devices in anticipation of receiving prescription drug orders based on routine, regularly observed dispensing patterns. Commercially available products may be compounded for dispensing to individual patients only if both of the following conditions are met:

(i) the commercial product is not reasonably available from normal distribution channels in a timely manner to meet the patient's needs and (ii) the prescribing practitioner has requested that the drug be compounded.

(e) "Control" means to add a drug or other substance, or immediate precursor, to a Schedule whether by transfer from another Schedule or otherwise.

(f) "Controlled Substance" means

(i) a drug, substance, immediate precursor, or synthetic drug in the Schedules of Article II of this Act or (ii) a drug or other substance, or immediate precursor, designated as a controlled substance by the Department through administrative rule. The term does not include distilled spirits, wine, malt beverages, or tobacco, as those terms are defined or used in the Liquor Control Act of 1934 and the Tobacco Products Tax Act of 1995. (f-5) "Controlled substance analog" means a substance:

(1) the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II;

(2) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II; or

(3) with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II.

(g) "Counterfeit substance" means a controlled substance, which, or the container or labeling of which, without authorization bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance.

(h) "Deliver" or "delivery" means the actual, constructive or attempted transfer of possession of a controlled substance, with or without consideration, whether or not there is an agency relationship. "Deliver" or "delivery" does not include the donation of drugs to the extent permitted under the Illinois Drug Reuse Opportunity Program Act.

(i) "Department" means the Illinois Department of Human Services (as successor to the Department of Alcoholism and Substance Abuse) or its successor agency.

(j) (Blank).

(k) "Department of Corrections" means the Department of Corrections of the State of Illinois or its successor agency.

(l) "Department of Financial and Professional Regulation" means the Department of Financial and Professional Regulation of the State of Illinois or its successor agency.

(m) "Depressant" means any drug that

(i) causes an overall depression of central nervous system functions, (ii) causes impaired consciousness and awareness, and (iii) can be habit-forming or lead to a substance misuse or substance use disorder, including, but not limited to, alcohol, cannabis and its active principles and their analogs, benzodiazepines and their analogs, barbiturates and their analogs, opioids (natural and synthetic) and their analogs, and chloral hydrate and similar sedative hypnotics.

(n) (Blank).

(o) "Director" means the Director of the Illinois State Police or his or her designated agents.

(p) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a prescriber, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery.

(q) "Dispenser" means a practitioner who dispenses.

(r) "Distribute" means to deliver, other than by administering or dispensing, a controlled substance.

(s) "Distributor" means a person who distributes.

(t) "Drug" means

(1) substances recognized as drugs in the official United States Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them;

(2) substances intended for use in diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals;

(3) substances (other than food) intended to affect the structure of any function of the body of man or animals and

(4) substances intended for use as a component of any article specified in clause (1), (2), or

(3) of this subsection. It does not include devices or their components, parts, or accessories. (t-3) "Electronic health record" or "EHR" means an electronic record of health-related information on an individual that is created, gathered, managed, and consulted by authorized health care clinicians and staff. (t-3.5) "Electronic health record system" or "EHR system" means any computer-based system or combination of federally certified Health IT Modules (defined at 42 CFR 170.102 or its successor) used as a repository for electronic health records and accessed or updated by a prescriber or authorized surrogate in the ordinary course of his or her medical practice. For purposes of connecting to the Prescription Information Library maintained by the Bureau of Pharmacy and Clinical Support Systems or its successor, an EHR system may connect to the Prescription Information Library directly or through all or part of a computer program or system that is a federally certified Health IT Module maintained by a third party and used by the EHR system to secure access to the database. (t-4) "Emergency medical services personnel" has the meaning ascribed to it in the Emergency Medical Services (EMS) Systems Act. (t-5) "Euthanasia agency" means an entity certified by the Department of Financial and Professional Regulation for the purpose of animal euthanasia that holds an animal control facility license or animal shelter license under the Animal Welfare Act. A euthanasia agency is authorized to purchase, store, possess, and utilize Schedule II nonnarcotic and Schedule III nonnarcotic drugs for the sole purpose of animal euthanasia. (t-10) "Euthanasia drugs" means Schedule II or Schedule III substances (nonnarcotic controlled substances) that are used by a euthanasia agency for the purpose of animal euthanasia.

(u) "Good faith" means the prescribing or dispensing of a controlled substance by a practitioner in the regular course of professional treatment to or for any person who is under his or her treatment for a pathology or condition other than that individual's physical or psychological dependence upon a controlled substance, except as provided herein: and application of the term to a pharmacist shall mean the dispensing of a controlled substance pursuant to the prescriber's order which in the professional judgment of the pharmacist is lawful. The pharmacist shall be guided by accepted professional standards, including, but not limited to, the following, in making the judgment:

(1) lack of consistency of prescriber-patient relationship,

(2) frequency of prescriptions for same drug by one prescriber for large numbers of patients,

(3) quantities beyond those normally prescribed,

(4) unusual dosages (recognizing that there may be clinical circumstances where more or less than the usual dose may be used legitimately),

(5) unusual geographic distances between patient, pharmacist and prescriber,

(6) consistent prescribing of habit-forming drugs. (u-0.5) "Hallucinogen" means a drug that causes markedly altered

sensory perception leading to hallucinations of any type. (u-1) "Home infusion services" means services provided by a pharmacy in compounding solutions for direct administration to a patient in a private residence, long-term care facility, or hospice setting by means of parenteral, intravenous, intramuscular, subcutaneous, or intraspinal infusion. (u-5) "Illinois State Police" means the Illinois State Police or its successor agency.

(v) "Immediate precursor" means a substance:

(1) which the Department has found to be and by rule designated as being a principal compound used, or produced primarily for use, in the manufacture of a controlled substance;

(2) which is an immediate chemical intermediary used or likely to be used in the manufacture of such controlled substance; and

(3) the control of which is necessary to prevent, curtail or limit the manufacture of such controlled substance.

(w) "Instructional activities" means the acts of teaching, educating or instructing by practitioners using controlled substances within educational facilities approved by the State Board of Education or its successor agency.

(x) "Local authorities" means a duly organized State, County or Municipal peace unit or police force.

(y) "Look-alike substance" means a substance, other than a controlled substance which

(1) by overall dosage unit appearance, including shape, color, size, markings or lack thereof, taste, consistency, or any other identifying physical characteristic of the substance, would lead a reasonable person to believe that the substance is a controlled substance, or

(2) is expressly or impliedly represented to be a controlled substance or is distributed under circumstances which would lead a reasonable person to believe that the substance is a controlled substance. For the purpose of determining whether the representations made or the circumstances of the distribution would lead a reasonable person to believe the substance to be a controlled substance under this clause

(2) of subsection (y), the court or other authority may consider the following factors in addition to any other factor that may be relevant:

(a) statements made by the owner or person in control of the substance concerning its nature, use or effect;

(b) statements made to the buyer or recipient that the substance may be resold for profit;

(c) whether the substance is packaged in a manner normally used for the illegal distribution of controlled substances;

(d) whether the distribution or attempted distribution included an exchange of or demand for money or other property as consideration, and whether the amount of the consideration was substantially greater than the reasonable retail market value of the substance. Clause

(1) of this subsection

(y) shall not apply to a noncontrolled substance in its finished dosage form that was initially introduced into commerce prior to the initial introduction into commerce of a controlled substance in its finished dosage form which it may substantially resemble. Nothing in this subsection

(y) prohibits the dispensing or distributing of noncontrolled substances by persons authorized to dispense and distribute controlled substances under this Act, provided that such action would be deemed to be carried out in good faith under subsection

(u) if the substances involved were controlled substances. Nothing in this subsection

(y) or in this Act prohibits the manufacture, preparation, propagation, compounding, processing, packaging, advertising or distribution of a drug or drugs by any person registered pursuant to Section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360). (y-1) "Mail-order pharmacy" means a pharmacy that is located in a state of the United States that delivers, dispenses or distributes, through the United States Postal Service or other common carrier, to Illinois residents, any substance which requires a prescription.

(z) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance other than methamphetamine, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling of its container, except that this term does not include:

(1) by an ultimate user, the preparation or compounding of a controlled substance for his or her own use;

(2) by a practitioner, or his or her authorized agent under his or her supervision, the preparation, compounding, packaging, or labeling of a controlled substance:

(a) as an incident to his or her administering or dispensing of a controlled substance in the course of his or her professional practice; or

(b) as an incident to lawful research, teaching or chemical analysis and not for sale; or

(3) the packaging, repackaging, or labeling of drugs only to the extent permitted under the Illinois Drug Reuse Opportunity Program Act. (z-1) (Blank). (z-5) "Medication shopping" means the conduct prohibited under subsection

(a) of Section 314.5 of this Act. (z-10) "Mid-level practitioner" means

(i) a physician assistant who has been delegated authority to prescribe through a written delegation of authority by a physician licensed to practice medicine in all of its branches, in accordance with Section 7.5 of the Physician Assistant Practice Act of 1987, (ii) an advanced practice registered nurse who has been delegated authority to prescribe through a

written delegation of authority by a physician licensed to practice medicine in all of its branches or by a podiatric physician, in accordance with Section 65-40 of the Nurse Practice Act, (iii) an advanced practice registered nurse certified as a nurse practitioner, nurse midwife, or clinical nurse specialist who has been granted authority to prescribe by a hospital affiliate in accordance with Section 65-45 of the Nurse Practice Act, (iv) an animal euthanasia agency, or

(v) a prescribing psychologist. (aa) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) opium, opiates, derivatives of opium and opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation; however the term "narcotic drug" does not include the isoquinoline alkaloids of opium;

(2) (blank);

(3) opium poppy and poppy straw;

(4) coca leaves, except coca leaves and extracts of coca leaves from which substantially all of the cocaine and ecgonine, and their isomers, derivatives and salts, have been removed;

(5) cocaine, its salts, optical and geometric isomers, and salts of isomers;

(6) ecgonine, its derivatives, their salts, isomers, and salts of isomers;

(7) any compound, mixture, or preparation which contains any quantity of any of the substances referred to in subparagraphs

(1) through (6). (bb) "Nurse" means a registered nurse licensed under the Nurse Practice Act. (cc) (Blank). (dd) "Opiate" means a drug derived from or related to opium. (ee) "Opium poppy" means the plant of the species *Papaver somniferum* L., except its seeds. (ee-5) "Oral dosage" means a tablet, capsule, elixir, or solution or other liquid form of medication intended for administration by mouth, but the term does not include a form of medication intended for buccal, sublingual, or transmucosal administration. (ff) "Parole and Pardon Board" means the Parole and Pardon Board of the State of Illinois or its successor agency. (gg) "Person" means any individual, corporation, mail-order pharmacy, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other entity. (hh) "Pharmacist" means any person who holds a license or certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act. (ii) "Pharmacy" means any store, ship or other place in which pharmacy is authorized to be practiced under the Pharmacy Practice Act. (ii-5) "Pharmacy shopping" means the conduct prohibited under subsection

(b) of Section 314.5 of this Act. (ii-10) "Physician" (except when the context otherwise requires) means a person licensed to practice medicine in all of its branches. (jj) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing. (kk) "Practitioner" means a physician licensed to practice medicine in all its branches, dentist, optometrist, podiatric physician, veterinarian, scientific investigator, pharmacist, physician assistant, advanced practice registered nurse, licensed practical nurse, registered nurse, emergency medical services personnel, hospital, laboratory, or pharmacy, or other person licensed, registered, or otherwise lawfully permitted by the United States or this State to distribute, dispense, conduct research with respect to, administer or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research. (ll) "Pre-printed prescription" means a written prescription upon which the designated drug has been indicated prior to the time of issuance; the term does not mean a written prescription that is individually generated by machine or computer in the prescriber's office. (mm) "Prescriber" means a physician licensed to practice medicine in all its branches, dentist, optometrist, prescribing psychologist licensed under Section 4.2 of the Clinical Psychologist Licensing Act with prescriptive authority delegated under Section 4.3 of the Clinical Psychologist Licensing Act, podiatric physician, or veterinarian who issues a prescription, a physician assistant who issues a prescription for a controlled substance in accordance with Section 303.05, a written delegation, and a written collaborative agreement required under Section 7.5 of the Physician Assistant Practice Act of 1987, an advanced practice registered nurse with prescriptive authority delegated under Section 65-40 of the Nurse Practice Act and in accordance with Section 303.05, a written delegation, and a written collaborative agreement under Section 65-35 of the Nurse Practice Act, an advanced practice registered nurse certified as a nurse practitioner, nurse midwife, or clinical nurse specialist who has been granted authority to prescribe by a hospital affiliate in accordance with Section 65-45 of the Nurse Practice Act and in accordance with Section 303.05, or an advanced practice registered nurse certified as a nurse practitioner, nurse midwife, or clinical nurse specialist who has full practice authority pursuant to Section 65-43 of the

Nurse Practice Act. (nn) "Prescription" means a written, facsimile, or oral order, or an electronic order that complies with applicable federal requirements, of a physician licensed to practice medicine in all its branches, dentist, podiatric physician or veterinarian for any controlled substance, of an optometrist in accordance with Section 15.1 of the Illinois Optometric Practice Act of 1987, of a prescribing psychologist licensed under Section 4.2 of the Clinical Psychologist Licensing Act with prescriptive authority delegated under Section 4.3 of the Clinical Psychologist Licensing Act, of a physician assistant for a controlled substance in accordance with Section 303.05, a written delegation, and a written collaborative agreement required under Section 7.5 of the Physician Assistant Practice Act of 1987, of an advanced practice registered nurse with prescriptive authority delegated under Section 65-40 of the Nurse Practice Act who issues a prescription for a controlled substance in accordance with Section 303.05, a written delegation, and a written collaborative agreement under Section 65-35 of the Nurse Practice Act, of an advanced practice registered nurse certified as a nurse practitioner, nurse midwife, or clinical nurse specialist who has been granted authority to prescribe by a hospital affiliate in accordance with Section 65-45 of the Nurse Practice Act and in accordance with Section 303.05 when required by law, or of an advanced practice registered nurse certified as a nurse practitioner, nurse midwife, or clinical nurse specialist who has full practice authority pursuant to Section 65-43 of the Nurse Practice Act. (nn-5) "Prescription Information Library" (PIL) means an electronic library that contains reported controlled substance data. (nn-10) "Prescription Monitoring Program" (PMP) means the entity that collects, tracks, and stores reported data on controlled substances and select drugs pursuant to Section 316. (oo) "Production" or "produce" means manufacture, planting, cultivating, growing, or harvesting of a controlled substance other than methamphetamine. (pp) "Registrant" means every person who is required to register under Section 302 of this Act. (qq) "Registry number" means the number assigned to each person authorized to handle controlled substances under the laws of the United States and of this State. (qq-5) "Secretary" means, as the context requires, either the Secretary of the Department or the Secretary of the Department of Financial and Professional Regulation, and the Secretary's designated agents. (rr) "State" includes the State of Illinois and any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America. (rr-5) "Stimulant" means any drug that

(i) causes an overall excitation of central nervous system functions, (ii) causes impaired consciousness and awareness, and (iii) can be habit-forming or lead to a substance use disorder, including, but not limited to, amphetamines and their analogs, methylphenidate and its analogs, cocaine, and phencyclidine and its analogs. (rr-10) "Synthetic drug" includes, but is not limited to, any synthetic cannabinoids or piperazines or any synthetic cathinones as provided for in Schedule I. (ss) "Ultimate user" means a person who lawfully possesses a controlled substance for his or her own use or for the use of a member of his or her household or for administering to an animal owned by him or her or by a member of his or her household.

720 ILCS 570/103 — Scope of Act

Sec. 103. Scope of Act. Nothing in this Act limits the lawful authority granted by the Medical Practice Act of 1987, the Nurse Practice Act, the Illinois Optometric Practice Act of 1987, or the Pharmacy Practice Act.

720 ILCS 570/201

Sec. 201.

(a) The Department shall carry out the provisions of this Article. The Department or its successor agency may, by administrative rule, add additional substances to or delete or reschedule all controlled substances in the Schedules of Sections 204, 206, 208, 210 and 212 of this Act. In making a determination regarding the addition, deletion, or rescheduling of a substance, the Department shall consider the following:

- (1) the actual or relative potential for misuse;
- (2) the scientific evidence of its pharmacological effect, if known;
- (3) the state of current scientific knowledge regarding the substance;
- (4) the history and current pattern of misuse;
- (5) the scope, duration, and significance of misuse;
- (6) the risk to the public health;
- (7) the potential of the substance to produce psychological or physiological dependence or a substance use disorder;
- (8) whether the substance is an immediate precursor of a substance already controlled under this Article;

(9) the immediate harmful effect in terms of potentially fatal dosage; and

(10) the long-range effects in terms of permanent health impairment.

(b) (Blank).

(c) (Blank).

(d) If any substance is scheduled, rescheduled, or deleted as a controlled substance under Federal law and notice thereof is given to the Department, the Department shall similarly control the substance under this Act after the expiration of 30 days from publication in the Federal Register of a final order scheduling a substance as a controlled substance or rescheduling or deleting a substance, unless within that 30 day period the Department objects, or a party adversely affected files with the Department substantial written objections objecting to inclusion, rescheduling, or deletion. In that case, the Department shall publish the reasons for objection or the substantial written objections and afford all interested parties an opportunity to be heard. At the conclusion of the hearing, the Department shall publish its decision, by means of a rule, which shall be final unless altered by statute. Upon publication of objections by the Department, similar control under this Act whether by inclusion, rescheduling or deletion is stayed until the Department publishes its ruling.

(e) (Blank).

(f) (Blank).

(g) Authority to control under this Section does not extend to distilled spirits, wine, malt beverages, or tobacco as those terms are defined or used in the Liquor Control Act of 1934 and the Tobacco Products Tax Act of 1995.

(h) Persons registered with the Drug Enforcement Administration to manufacture or distribute controlled substances shall maintain adequate security and provide effective controls and procedures to guard against theft and diversion, but shall not otherwise be required to meet the physical security control requirements (such as cage or vault) for Schedule V controlled substances containing pseudoephedrine or Schedule II controlled substances containing dextromethorphan.

720 ILCS 570/202

Sec. 202. The controlled substances listed in the schedules in Sections 204, 206, 208, 210 and 212, including any substances added to any of those schedules by the Department by administrative rule, may be included by official, common, usual, chemical, or trade name.

720 ILCS 570/203

Sec. 203. The Department, taking into consideration the recommendations of its Prescription Monitoring Program Advisory Committee, may issue a rule scheduling a substance in Schedule I if it finds that:

(1) the substance has high potential for misuse; and

(2) the substance has no currently accepted medical use in treatment in the United States or lacks accepted safety for use in treatment under medical supervision.

720 ILCS 570/204

Sec. 204.

(a) The controlled substances listed in this Section are included in Schedule I.

(b) Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation:

(1) Acetylmethadol; (1.1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)- 4-piperidiny]-N-phenylacetamide);

(2) Allylprodine;

(3) Alphacetylmethadol, except levo-alphacetylmethadol (also known as levo-alpha- acetylmethadol, levomethadyl acetate, or LAAM);

(4) Alphameprodine;

(5) Alphamethadol;

(6) Alpha-methylfentanyl (N-(1-alpha-methyl-beta-phenyl) ethyl-4-piperidyl) propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N- propanilido) piperidine; (6.1) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidiny]-N-phenylpropanamide);

(7) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP); (7.1) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
(8) Benzethidine;
(9) Betacetylmethadol; (9.1) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)- 4-piperidiny]-N-phenylpropanamide);
(10) Betameprodine;
(11) Betamethadol;
(12) Betaprodine;
(13) Clonitazene;
(14) Dextromoramide;
(15) Diampromide;
(16) Diethylthiambutene;
(17) Difenoxin;
(18) Dimenoxadol;
(19) Dimepheptanol;
(20) Dimethylthiambutene;
(21) Dioxaphetylbutyrate;
(22) Dipipanone;
(23) Ethylmethylthiambutene;
(24) Etonitazene;
(25) Etoxeridine;
(26) Furethidine;
(27) Hydroxpethidine;
(28) Ketobemidone;
(29) Levomoramide;
(30) Levophenacymorphan;
(31) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)- 4-piperidyl]-N-phenylpropanamide); (31.1) 3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl- 4-piperidiny]-N-phenylpropanamide);
(32) Morpheridine;
(33) Noracymethadol;
(34) Norlevorphanol;
(35) Normethadone;
(36) Norpipanone; (36.1) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)- 4-piperidiny]propanamide);
(37) Phenadoxone;
(38) Phenampromide;
(39) Phenomorphan;
(40) Phenoperidine;
(41) Piritramide;
(42) Proheptazine;
(43) Properidine;
(44) Propiram;
(45) Racemoramide; (45.1) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl- 4-piperidiny]-propanamide);
(46) Tilidine;
(47) Trimeperidine;

(48) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);

(49) Furanyl fentanyl (FU-F);

(50) Butyryl fentanyl;

(51) Valeryl fentanyl;

(52) Acetyl fentanyl;

(53) Beta-hydroxy-thiofentanyl;

(54) 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide (U-47700);

(55) 4-chloro-N-[1-[2-(4-nitrophenyl)ethyl]-2-piperidinylidene]-benzenesulfonamide (W-18);

(56) 4-chloro-N-[1-(2-phenylethyl)-2-piperidinylidene]-benzenesulfonamide (W-15);

(57) acrylfentanyl (acryloylfentanyl).

(c) Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, its salts, isomers and salts of isomers, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Acetorphine;

(2) Acetyldihydrocodeine;

(3) Benzylmorphine;

(4) Codeine methylbromide;

(5) Codeine-N-Oxide;

(6) Cyprenorphine;

(7) Desomorphine;

(8) Diacetyldihydromorphine (Dihydroheroin);

(9) Dihydromorphine;

(10) Drotebanol;

(11) Etorphine (except hydrochloride salt);

(12) Heroin;

(13) Hydromorphenol;

(14) Methyldesorphine;

(15) Methyldihydromorphine;

(16) Morphine methylbromide;

(17) Morphine methylsulfonate;

(18) Morphine-N-Oxide;

(19) Myrophine;

(20) Nicocodeine;

(21) Nicomorphine;

(22) Normorphine;

(23) Pholcodine;

(24) Thebacon.

(d) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (for the purposes of this paragraph only, the term "isomer" includes the optical, position and geometric isomers):

- (1) 3,4-methylenedioxyamphetamine (alpha-methyl,3,4-methylenedioxyphenethylamine, methylenedioxyamphetamine, MDA); (1.1) Alpha-ethyltryptamine (some trade or other names: etryptamine; MONASE; alpha-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl)indole; a-ET; and AET);
- (2) 3,4-methylenedioxymethamphetamine (MDMA); (2.1) 3,4-methylenedioxy-N-ethylamphetamine (also known as: N-ethyl-alpha-methyl- 3,4(methylenedioxy) Phenethylamine, N-ethyl MDA, MDE, and MDEA); (2.2) N-Benzylpiperazine (BZP); (2.2-1) Trifluoromethylphenylpiperazine (TFMPP);
- (3) 3-methoxy-4,5-methylenedioxyamphetamine, (MMDA);
- (4) 3,4,5-trimethoxyamphetamine (TMA);
- (5) (Blank);
- (6) Diethyltryptamine (DET);
- (7) Dimethyltryptamine (DMT); (7.1) 5-Methoxy-diallyltryptamine;
- (8) 4-methyl-2,5-dimethoxyamphetamine (DOM, STP);
- (9) Ibogaine (some trade and other names: 7-ethyl-6,6,beta,7,8,9,10,12,13-octahydro-2-methoxy- 6,9-methano-5H-pyrido [1',2':1,2] azepino [5,4-b] indole; Tabernanthe iboga);
- (10) Lysergic acid diethylamide; (10.1) Salvinorin A; (10.5) Salvia divinorum (meaning all parts of the plant presently classified botanically as Salvia divinorum, whether growing or not, the seeds thereof, any extract from any part of that plant, and every compound, manufacture, salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation, derivative, mixture, or preparation of that plant, its seeds or extracts);
- (11) 3,4,5-trimethoxyphenethylamine (Mescaline);
- (12) Peyote (meaning all parts of the plant presently classified botanically as Lophophora williamsii Lemaire, whether growing or not, the seeds thereof, any extract from any part of that plant, and every compound, manufacture, salts, derivative, mixture, or preparation of that plant, its seeds or extracts);
- (13) N-ethyl-3-piperidyl benzilate (JB 318);
- (14) N-methyl-3-piperidyl benzilate; (14.1) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl- 3,4(methylenedioxy)phenethylamine and N-hydroxy MDA);
- (15) Parahexyl; some trade or other names: 3-hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H- dibenzo (b,d) pyran; Synhexyl;
- (16) Psilocybin;
- (17) Psilocyn;
- (18) Alpha-methyltryptamine (AMT);
- (19) 2,5-dimethoxyamphetamine (2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA);
- (20) 4-bromo-2,5-dimethoxyamphetamine (4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-2,5-DMA); (20.1) 4-Bromo-2,5 dimethoxyphenethylamine. Some trade or other names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl DOB, 2CB, Nexus;
- (21) 4-methoxyamphetamine (4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine; PMA);
- (22) (Blank);
- (23) Ethylamine analog of phencyclidine. Some trade or other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE;
- (24) Pyrrolidine analog of phencyclidine. Some trade or other names: 1-(1-phenylcyclohexyl) pyrrolidine, PCPy, PHP;
- (25) 5-methoxy-3,4-methylenedioxy-amphetamine;
- (26) 2,5-dimethoxy-4-ethylamphetamine (another name: DOET);
- (27) 1-[1-(2-thienyl)cyclohexyl] pyrrolidine (another name: TCPy);
- (28) (Blank);
- (29) Thiophene analog of phencyclidine (some trade or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine; 2-thienyl analog of phencyclidine; TPCP; TCP); (29.1) Benzothiophene analog of phencyclidine. Some trade or other names:

BTCP or benocyclidine; (29.2) 3-Methoxyphencyclidine (3-MeO-PCP);

(30) Bufotenine (some trade or other names: 3-(Beta-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; 5-hydroxy-N,N-dimethyltryptamine; N,N-dimethylserotonin; mappine);

(31) (Blank);

(32) (Blank);

(33) (Blank);

(34) (Blank); (34.5) (Blank);

(35) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol
Some trade or other names: HU-210; (35.5) (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol, its isomers, salts, and salts of isomers;
Some trade or other names: HU-210, Dexanabinol;

(36) Dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol Some trade or other names: HU-211;

(37) (Blank);

(38) (Blank);

(39) (Blank);

(40) (Blank);

(41) (Blank);

(42) Any compound structurally derived from 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl whether or not further substituted in the indole ring to any extent, whether or not substituted in the naphthyl ring to any extent. Examples of this structural class include, but are not limited to, JWH-018, AM-2201, JWH-175, JWH-184, and JWH-185;

(43) Any compound structurally derived from 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted in the naphthyl ring to any extent. Examples of this structural class include, but are not limited to, JWH-030, JWH-145, JWH-146, JWH-307, and JWH-368;

(44) Any compound structurally derived from 1-(1-naphthylmethyl)indene by substitution at the 3-position of the indene ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl whether or not further substituted in the indene ring to any extent, whether or not substituted in the naphthyl ring to any extent. Examples of this structural class include, but are not limited to, JWH-176;

(45) Any compound structurally derived from 3-phenylacetylindole by substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent, whether or not substituted in the phenyl ring to any extent. Examples of this structural class include, but are not limited to, JWH-167, JWH-250, JWH-251, and RCS-8;

(46) Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position of the phenolic ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, whether or not substituted in the cyclohexyl ring to any extent. Examples of this structural class include, but are not limited to, CP 47, 497 and its C8 homologue (cannabicyclohexanol);

(46.1) Any compound structurally derived from 3-(benzoyl)indole with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. Examples of this structural class include, but are not limited to, AM-630, AM-2233, AM-694, Pravadoline (WIN 48,098), and RCS-4;

(47) (Blank);

- (48) (Blank);
- (49) (Blank);
- (50) (Blank);
- (51) (Blank);
- (52) (Blank);
- (53) 2,5-Dimethoxy-4-(n)-propylthio-phenethylamine. Some trade or other names: 2C-T-7; (53.1) 4-ethyl-2,5-dimethoxyphenethylamine. Some trade or other names: 2C-E; (53.2) 2,5-dimethoxy-4-methylphenethylamine. Some trade or other names: 2C-D; (53.3) 4-chloro-2,5-dimethoxyphenethylamine. Some trade or other names: 2C-C; (53.4) 4-iodo-2,5-dimethoxyphenethylamine. Some trade or other names: 2C-I; (53.5) 4-ethylthio-2,5-dimethoxyphenethylamine. Some trade or other names: 2C-T-2; (53.6) 2,5-dimethoxy-4-isopropylthio-phenethylamine. Some trade or other names: 2C-T-4; (53.7) 2,5-dimethoxyphenethylamine. Some trade or other names: 2C-H; (53.8) 2,5-dimethoxy-4-nitrophenethylamine. Some trade or other names: 2C-N; (53.9) 2,5-dimethoxy-4-(n)-propylphenethylamine. Some trade or other names: 2C-P; (53.10) 2,5-dimethoxy-3,4-dimethylphenethylamine. Some trade or other names: 2C-G; (53.11) The N-(2-methoxybenzyl) derivative of any 2C phenethylamine referred to in subparagraphs (20.1), (53), (53.1), (53.2), (53.3), (53.4), (53.5), (53.6), (53.7), (53.8), (53.9), and (53.10) including, but not limited to, 25I-NBOMe and 25C-NBOMe;
- (54) 5-Methoxy-N,N-diisopropyltryptamine;
- (55) (Blank);
- (56) (Blank);
- (57) (Blank);
- (58) (Blank);
- (59) 3-cyclopropoylindole with substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted on the indole ring to any extent, whether or not substituted on the cyclopropyl ring to any extent: including, but not limited to, XLR11, UR144, FUB-144;
- (60) 3-adamantoylindole with substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent: including, but not limited to, AB-001;
- (61) N-(adamantyl)-indole-3-carboxamide with substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent: including, but not limited to, APICA/2NE-1, STS-135;
- (62) N-(adamantyl)-indazole-3-carboxamide with substitution at a nitrogen atom of the indazole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted on the indazole ring to any extent, whether or not substituted on the adamantyl ring to any extent: including, but not limited to, AKB48, 5F-AKB48;
- (63) 1H-indole-3-carboxylic acid 8-quinolinyl ester with substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted on the indole ring to any extent, whether or not substituted on the quinoline ring to any extent: including, but not limited to, PB22, 5F-PB22, FUB-PB-22;
- (64) 3-(1-naphthoyl)indazole with substitution at the nitrogen atom of the indazole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted on the indazole ring to any extent, whether or not substituted on the naphthyl ring to any extent: including, but not limited to, THJ-018, THJ-2201;
- (65) 2-(1-naphthoyl)benzimidazole with substitution at the nitrogen atom of the benzimidazole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted on the benzimidazole ring to any extent, whether or not

substituted on the naphthyl ring to any extent: including, but not limited to, FUBIMINA;

(66) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1H-indazole-3-carboxamide with substitution on the nitrogen atom of the indazole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted on the indazole ring to any extent: including, but not limited to, AB-PINACA, AB-FUBINACA, AB-CHMINACA;

(67) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1H-indazole-3-carboxamide with substitution on the nitrogen atom of the indazole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted on the indazole ring to any extent: including, but not limited to, ADB-PINACA, ADB-FUBINACA;

(68) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1H-indole-3-carboxamide with substitution on the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted on the indole ring to any extent: including, but not limited to, ADBICA, 5F-ADBICA;

(69) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1H-indole-3-carboxamide with substitution on the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted on the indole ring to any extent: including, but not limited to, ABICA, 5F-ABICA;

(70) Methyl 2-(1H-indazole-3-carboxamido)-3-methylbutanoate with substitution on the nitrogen atom of the indazole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted on the indazole ring to any extent: including, but not limited to, AMB, 5F-AMB;

(71) Methyl 2-(1H-indazole-3-carboxamido)-3,3-dimethylbutanoate with substitution on the nitrogen atom of the indazole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted on the indazole ring to any extent: including, but not limited to, 5-fluoro-MDMB-PINACA, MDMB-FUBINACA;

(72) Methyl 2-(1H-indole-3-carboxamido)-3-methylbutanoate with substitution on the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted on the indazole ring to any extent: including, but not limited to, MMB018, MMB2201, and AMB-CHMICA;

(73) Methyl 2-(1H-indole-3-carboxamido)-3,3-dimethylbutanoate with substitution on the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted on the indazole ring to any extent: including, but not limited to, MDMB-CHMICA;

(74) N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1H-indazole-3-carboxamide with substitution on the nitrogen atom of the indazole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted on the indazole ring to any extent: including, but not limited to, APP-CHMINACA, 5-fluoro-APP-PINACA;

(75) N-(1-Amino-1-oxo-3-phenylpropan-2-yl)-1H-indole-3-carboxamide with substitution on the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, aryl halide, alkyl aryl halide, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted on the indazole ring to any extent: including, but not limited to, APP-PICA and 5-fluoro-APP-PICA;

(76) 4-Acetoxy-N,N-dimethyltryptamine: trade name 4-AcO-DMT;

(77) 5-Methoxy-N-methyl-N-isopropyltryptamine: trade name 5-MeO-MIPT;

(78) 4-hydroxy Diethyltryptamine (4-HO-DET);

(79) 4-hydroxy-N-methyl-N-ethyltryptamine (4-HO-MET);

(80) 4-hydroxy-N,N-diisopropyltryptamine (4-HO-DiPT);

(81) 4-hydroxy-N-methyl-N-isopropyltryptamine (4-HO-MiPT);

(82) Fluorophenylpiperazine;

(83) Methoxetamine;

(84) 1-(Ethylamino)-2-phenylpropan-2-one (iso- ethcathinone).

(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) mecloqualone;

(2) methaqualone; and

(3) gamma hydroxybutyric acid.

(f) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

(1) Fenethylamine;

(2) N-ethylamphetamine;

(3) Aminorex (some other names: 2-amino-5-phenyl-2-oxazoline; aminoxaphen; 4-5-dihydro-5-phenyl-2-oxazolamine) and its salts, optical isomers, and salts of optical isomers;

(4) Methcathinone (some other names: 2-methylamino-1-phenylpropan-1-one; Ephedrone; 2-(methylamino)-propionophenone; alpha-(methylamino)propionophenone; N-methylcathinone; methycathinone; Monomethylpropion; UR 1431) and its salts, optical isomers, and salts of optical isomers;

(5) Cathinone (some trade or other names: 2-aminopropionophenone; alpha-aminopropionophenone; 2-amino-1-phenyl-propanone; norephedrone);

(6) N,N-dimethylamphetamine (also known as: N,N-alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine);

(7) (+ or -) cis-4-methylaminorex ((+ or -) cis- 4,5-dihydro-4-methyl-4-5-phenyl-2-oxazolamine);

(8) 3,4-Methylenedioxypyrovalerone (MDPV);

(9) Halogenated amphetamines and methamphetamines - any compound derived from either amphetamine or methamphetamine through the substitution of a halogen on the phenyl ring, including, but not limited to, 2-fluoroamphetamine, 3- fluoroamphetamine and 4-fluoroamphetamine;

(10) Aminopropylbenzofuran (APB): including 4-(2-Aminopropyl) benzofuran, 5- (2-Aminopropyl)benzofuran, 6-(2-Aminopropyl) benzofuran, and 7-(2-Aminopropyl) benzofuran;

(11) Aminopropyldihydrobenzofuran (APDB): including 4-(2-Aminopropyl)-2,3- dihydrobenzofuran, 5-(2-Aminopropyl)-2, 3-dihydrobenzofuran, 6-(2-Aminopropyl)-2,3-dihydrobenzofuran, and 7-(2-Aminopropyl)-2,3-dihydrobenzofuran;

(12) Methylaminopropylbenzofuran (MAPB): including 4-(2-methylaminopropyl) benzofuran, 5-(2-methylaminopropyl)benzofuran, 6-(2-methylaminopropyl)benzofuran and 7-(2-methylaminopropyl)benzofuran.

(g) Temporary listing of substances subject to emergency scheduling. Any material, compound, mixture, or preparation that contains any quantity of the following substances:

(1) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), its optical isomers, isomers, salts, and salts of isomers;

(2) N-[1(2-thienyl) methyl-4-piperidyl]-N- phenylpropanamide (thienylfentanyl), its optical isomers, salts, and salts of isomers.

(h) Synthetic cathinones. Unless specifically excepted, any chemical compound which is not approved by the United States Food and Drug Administration or, if approved, is not dispensed or possessed in accordance with State or federal law, not including bupropion, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified in one or more of the following ways:

(1) by substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents. Examples

of this class include, but are not limited to, 3,4-Methylenedioxycathinone (bk-MDA);

(2) by substitution at the 3-position with an acyclic alkyl substituent. Examples of this class include, but are not limited to, 2-methylamino-1-phenylbutan-1-one (buphedrone); or

(3) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups, or by inclusion of the 2-amino nitrogen atom in a cyclic structure. Examples of this class include, but are not limited to, Dimethylcathinone, Ethcathinone, and α-Pyrrolidinopropiophenone (α-PPP); or Any other synthetic cathinone which is not approved by the United States Food and Drug Administration or, if approved, is not dispensed or possessed in accordance with State or federal law.

(i) Synthetic cannabinoids or piperazines. Any synthetic cannabinoid or piperazine which is not approved by the United States Food and Drug Administration or, if approved, which is not dispensed or possessed in accordance with State and federal law.

(j) Unless specifically excepted or listed in another schedule, any chemical compound which is not approved by the United States Food and Drug Administration or, if approved, is not dispensed or possessed in accordance with State or federal law, and is derived from the following structural classes and their salts:

(1) Benzodiazepine class: A fused 1,4-diazepine and benzene ring structure with a phenyl connected to the 1,4-diazepine ring, with any substitution(s) or replacement(s) on the 1,4-diazepine or benzene ring, any substitution(s) on the phenyl ring, or any combination thereof. Examples of this class include but are not limited to: Clonazepam, Flualprazolam; or

(2) Thienodiazepine class: A fused 1,4-diazepine and thiophene ring structure with a phenyl connected to the 1,4-diazepine ring, with any substitution(s) or replacement(s) on the 1,4-diazepine or thiophene ring, any substitution(s) on the phenyl ring, or any combination thereof. Examples of this class include but are not limited to: Etizolam.

720 ILCS 570/205

Sec. 205. The Department, taking into consideration the recommendations of its Prescription Monitoring Program Advisory Committee, may issue a rule scheduling a substance in Schedule II if it finds that:

(1) the substance has high potential for misuse;

(2) the substance has currently accepted medical use in treatment in the United States, or currently accepted medical use with severe restrictions; and

(3) the misuse of the substance may lead to severe psychological or physiological dependence.

720 ILCS 570/206

Sec. 206.

(a) The controlled substances listed in this Section are included in Schedule II.

(b) Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

(1) Opium and opiates, and any salt, compound, derivative or preparation of opium or opiate, excluding apomorphine, dextrorphan, levopropoxyphene, nalbuphine, nalmeferine, naloxone, and naltrexone, and their respective salts, but including the following:

(i) Raw Opium; (ii) Opium extracts; (iii) Opium fluid extracts; (iv) Powdered opium;

(v) Granulated opium; (vi) Tincture of opium; (vii) Codeine; (viii) Ethylmorphine; (ix) Etorphine Hydrochloride;

(x) Hydrocodone; (xi) Hydromorphone; (xii) Metopon; (xiii) Morphine; (xiii.5) 6-Monoacetylmorphine; (xiv) Oxycodone; (xv) Oxymorphone; (xv.5) Tapentadol; (xvi) Thebaine; (xvii) Thebaine-derived butorphanol. (xviii) Methorphan, except drug products containing dextromethorphan that may be dispensed pursuant to a prescription order of a practitioner and are sold in compliance with the safety and labeling standards as set forth by the United States Food and Drug Administration, or drug products containing dextromethorphan that are sold in solid, tablet, liquid, capsule, powder, thin film, or gel form and which are formulated, packaged, and sold in dosages and concentrations for use as an over-the-counter drug product. For the purposes of this Section, "over-the-counter drug product" means a drug that is available to consumers without a prescription and sold in compliance with the safety and labeling standards as set forth by the United States Food and Drug Administration.

(2) Any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in subparagraph (1), but not including the isoquinoline alkaloids of opium;

(3) Opium poppy and poppy straw;

(4) Coca leaves and any salt, compound, isomer, salt of an isomer, derivative, or preparation of coca leaves including cocaine or ecgonine, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine (for the purpose of this paragraph, the term "isomer" includes optical, positional and geometric isomers);

(5) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrine alkaloids of the opium poppy).

(c) Unless specifically excepted or unless listed in another schedule any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation, dextrophan excepted:

(1) Alfentanil; (1.1) Carfentanil; (1.2) Thiafentanil;

(2) Alphaprodine;

(3) Anileridine;

(4) Bezitramide;

(5) Bulk Dextropropoxyphene (non-dosage forms);

(6) Dihydrocodeine;

(7) Diphenoxylate;

(8) Fentanyl;

(9) Sufentanil; (9.5) Remifentanil;

(10) Isomethadone;

(11) (Blank);

(12) Levorphanol (Levorphan);

(13) Metazocine;

(14) Methadone;

(15) Methadone-Intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl-1-butane;

(16) Moramide-Intermediate, 2-methyl-3-morpholino-1,1-diphenylpropane-carboxylic acid;

(17) Pethidine (meperidine);

(18) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;

(19) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;

(20) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;

(21) Phenazocine;

(22) Piminodine;

(23) Racemethorphan;

(24) (Blank);

(25) Levo-alpha-acetylmethadol (some other names: levo-alpha-acetylmethadol, levomethadyl acetate, LAAM).

(d) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

(1) Amphetamine, its salts, optical isomers, and salts of its optical isomers;

(2) Methamphetamine, its salts, isomers, and salts of its isomers;

(3) Phenmetrazine and its salts;

(4) Methylphenidate;

(5) Lisdexamfetamine.

(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Amobarbital;
- (2) Secobarbital;
- (3) Pentobarbital;
- (4) Pentazocine;
- (5) Phencyclidine;
- (6) Gluthethimide;
- (7) (Blank).

(f) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:

- (1) Immediate precursor to amphetamine and methamphetamine:
 - (i) Phenylacetone Some trade or other names: phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone.
 - (2) Immediate precursors to phencyclidine:
 - (i) 1-phenylcyclohexylamine; (ii) 1-piperidinocyclohexanecarbonitrile (PCC).
 - (3) Nabilone.

720 ILCS 570/207

Sec. 207. The Department, taking into consideration the recommendations of its Prescription Monitoring Program Advisory Committee, may issue a rule scheduling a substance in Schedule III if it finds that:

- (1) the substance has a potential for misuse less than the substances listed in Schedule I and II;
- (2) the substance has currently accepted medical use in treatment in the United States; and
- (3) misuse of the substance may lead to moderate or low physiological dependence or high psychological dependence.

720 ILCS 570/208

Sec. 208.

(a) The controlled substances listed in this Section are included in Schedule III.

(b) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation;

- (1) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in Schedule II which compounds, mixtures, or preparations were listed on August 25, 1971, as excepted compounds under Title 21, Code of Federal Regulations, Section 308.32, and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances;
- (2) Benzphetamine;
- (3) Chlorphentermine;
- (4) Clortermine;
- (5) Phendimetrazine.

(c) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for misuse associated with a depressant effect on the central nervous system:

- (1) Any compound, mixture, or preparation containing amobarbital, secobarbital, pentobarbital or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule;
- (2) Any suppository dosage form containing amobarbital, secobarbital, pentobarbital or any salt of any of these drugs and approved by the Federal Food and Drug Administration for marketing only as a suppository;
- (3) Any substance which contains any quantity of a derivative of barbituric acid, or any salt thereof: (3.1) Aprobarbital; (3.2) Butabarbital (secbutabarbital); (3.3) Butalbital; (3.4) Butobarbital (butethal);
- (4) Chlorhexadol;
- (5) Methypylon;
- (6) Sulfondiethylmethane;
- (7) Sulfonethylmethane;
- (8) Sulfonmethane;
- (9) Lysergic acid;
- (10) Lysergic acid amide; (10.1) Tiletamine or zolazepam or both, or any salt of either of them. Some trade or other names for a tiletamine-zolazepam combination product: Telazol. Some trade or other names for Tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone. Some trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo- [3,4-e], [1,4]-diazepin-7(1H)-one, and flupyrzapon.
- (11) Any material, compound, mixture or preparation containing not more than 12.5 milligrams of pentazocine or any of its salts, per 325 milligrams of aspirin;
- (12) Any material, compound, mixture or preparation containing not more than 12.5 milligrams of pentazocine or any of its salts, per 325 milligrams of acetaminophen;
- (13) Any material, compound, mixture or preparation containing not more than 50 milligrams of pentazocine or any of its salts plus naloxone HCl USP 0.5 milligrams, per dosage unit;
- (14) Ketamine;
- (15) Thiopental.
- (d) Nalorphine. (d.5) Buprenorphine.
- (e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, as set forth below:
 - (1) not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;
 - (2) not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active non-narcotic ingredients in recognized therapeutic amounts;
 - (3) (blank);
 - (4) (blank);
 - (5) not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts;
 - (6) not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts;
 - (7) not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts;
 - (8) not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with one or more active, non-narcotic ingredients in recognized therapeutic amounts.
- (f) Anabolic steroids, except the following anabolic steroids that are exempt:
 - (1) Androgyn L.A.;
 - (2) Andro-Estro 90-4;
 - (3) depANDROGYN;

- (4) DEPO-T.E.;
- (5) depTESTROGEN;
- (6) Duomone;
- (7) DURATESTTRIN;
- (8) DUO-SPAN II;
- (9) Estratest;
- (10) Estratest H.S.;
- (11) PAN ESTRA TEST;
- (12) Premarin with Methyltestosterone;
- (13) TEST-ESTRO Cypionates;
- (14) Testosterone Cyp 50 Estradiol Cyp 2;
- (15) Testosterone Cypionate-Estradiol Cypionate injection; and
- (16) Testosterone Enanthate-Estradiol Valerate injection.

(g) Hallucinogenic substances.

(1) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a U.S. Food and Drug Administration approved product. Some other names for dronabinol: (6aR-trans)-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo (b,d) pyran-1-ol) or (-)-delta-9-(trans)-tetrahydrocannabinol.

(2) (Reserved).

(h) The Department may except by rule any compound, mixture, or preparation containing any stimulant or depressant substance listed in subsection

(b) from the application of all or any part of this Act if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for misuse of the substances which have a stimulant or depressant effect on the central nervous system.

720 ILCS 570/209

Sec. 209. The Department, taking into consideration the recommendations of its Prescription Monitoring Program Advisory Committee, may issue a rule scheduling a substance in Schedule IV if it finds that:

- (1) the substance has a low potential for misuse relative to substances in Schedule III;
- (2) the substance has currently accepted medical use in treatment in the United States; and
- (3) misuse of the substance may lead to limited physiological dependence or psychological dependence relative to the substances in Schedule III.

720 ILCS 570/210

Sec. 210.

(a) The controlled substances listed in this Section are included in Schedule IV.

(b) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, as set forth below:

- (1) Not more than 1 milligram of difenoxin (DEA Drug Code No. 9618) and not less than 25 micrograms of atropine sulfate per dosage unit.
- (2) Dextropropoxyphene (Alpha-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-propionybutane).

(c) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for misuse associated with a depressant effect on the central nervous system:

- (1) Alprazolam;

- (2) Barbitol; (2.1) Bromazepam; (2.2) Camazepam; (2.3) Carisoprodol;
- (3) Chloral Betaine;
- (4) Chloral Hydrate;
- (5) Chlordiazepoxide; (5.1) Clobazam;
- (6) Clonazepam;
- (7) Clorazepate; (7.1) Clotiazepam; (7.2) Cloxazolam; (7.3) Delorazepam;
- (8) Diazepam; (8.05) Dichloralphenazone; (8.1) Estazolam;
- (9) Ethchlorvynol;
- (10) Ethinamate; (10.1) Ethyl loflazepate; (10.2) Fludiazepam; (10.3) Flunitrazepam;
- (11) Flurazepam; (11.1) Fospropofol;
- (12) Halazepam; (12.1) Haloxazolam; (12.2) Ketazolam; (12.3) Loprazolam;
- (13) Lorazepam; (13.1) Lormetazepam;
- (14) Mebutamate; (14.1) Medazepam;
- (15) Meprobamate;
- (16) Methohexital;
- (17) Methylphenobarbital (Mephobarbital); (17.1) Midazolam; (17.2) Nimetazepam; (17.3) Nitrazepam; (17.4) Nordiazepam;
- (18) Oxazepam; (18.1) Oxazolam;
- (19) Paraldehyde;
- (20) Petrichloral;
- (21) Phenobarbital; (21.1) Pinazepam;
- (22) Prazepam; (22.1) Quazepam;
- (23) Temazepam; (23.1) Tetrazepam; (23.2) Tramadol;
- (24) Triazolam; (24.5) Zaleplon;
- (25) Zolpidem;
- (26) Zopiclone.

(d) Any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers, whenever the existence of such salts, isomers and salts of isomers is possible:

- (1) Fenfluramine.

(e) Unless specifically excepted or unless listed in another schedule any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Cathine ((+)-norpseudoephedrine); (1.1) Diethylpropion; (1.2) Fencamfamin; (1.3) Fenproporex;
- (2) Mazindol; (2.1) Mefenorex;
- (3) Phentermine;
- (4) Pemoline (including organometallic complexes and chelates thereof);
- (5) Pipradrol;
- (6) SPA ((-)-1-dimethylamino-1, 2-diphenylethane);
- (7) Modafinil;
- (8) Sibutramine.

(f) Other Substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substance, including its salts:

(1) Butorphanol (including its optical isomers).

(g) The Department may except by rule any compound, mixture, or preparation containing any depressant substance listed in subsection

(b) from the application of all or any part of this Act if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for misuse of the substances which have a depressant effect on the central nervous system.

(h) Except as otherwise provided in Section 216, any material, compound, mixture, or preparation that contains any quantity of the following substance having a stimulant effect on the central nervous system, including its salts, enantiomers (optical isomers) and salts of enantiomers (optical isomers):

(1) Ephedrine, its salts, optical isomers and salts of optical isomers.

720 ILCS 570/211

Sec. 211. The Department, taking into consideration the recommendations of its Prescription Monitoring Program Advisory Committee, may issue a rule scheduling a substance in Schedule V if it finds that:

(1) the substance has low potential for misuse relative to the controlled substances listed in Schedule IV;

(2) the substance has currently accepted medical use in treatment in the United States; and

(3) misuse of the substance may lead to limited physiological dependence or psychological dependence relative to the substances in Schedule IV, or the substance is a targeted methamphetamine precursor as defined in the Methamphetamine Precursor Control Act.

720 ILCS 570/212

Sec. 212.

(a) The controlled substances listed in this section are included in Schedule V.

(b) Any compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid which also contains one or more non-narcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation, valuable medicinal qualities other than those possessed by the narcotic drug alone as set forth below:

(1) not more than 200 milligrams of codeine, or any of its salts, per 100 milliliters or per 100 grams;

(2) not more than 10 milligrams of dihydrocodeine; or any of its salts, per 100 milliliters or per 100 grams;

(3) not more than 100 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or per 100 grams;

(4) not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;

(5) not more than 100 milligrams of opium per 100 milliliters or per 100 grams;

(6) not more than 0.5 milligram of difenoxin (DEA Drug Code No. 9618) and not less than 25 micrograms of atropine sulfate per dosage unit.

(c) (Blank). (c-1) Lacosamide. (c-2) Pregabalin.

(d) Pyrovalerone. (d-5) Any targeted methamphetamine precursor as defined in the Methamphetamine Precursor Control Act.

(e) Any compound, mixture or preparation which contains any quantity of any controlled substance when such compound, mixture or preparation is not otherwise controlled in Schedules I, II, III or IV.

720 ILCS 570/213

Sec. 213. The Department shall revise and republish the Schedules semi-annually for two years from the effective date of this Act, and thereafter annually. If the Department fails to republish the Schedules, the last published Schedules shall remain in full force and effect.

720 ILCS 570/214 — Excluded Substances

Sec. 214. Excluded Substances.

(a) Products containing an anabolic steroid, that are expressly intended for administration through implants to cattle or other nonhuman species and that have been approved by the Secretary of Health and Human Services for that administration, and that are excluded from all schedules under Section 102(41)(B)(1) of the federal Controlled Substances Act (21 U.S.C. 802(41)(B)(1)) are also excluded from Sections 207 and 208 of this Act.

(b) The non-narcotic substances excluded from all schedules of the Federal Controlled Substances Act (21 U.S.C. 801 et seq.) pursuant to Section 1308.22 of the Code of Federal Regulations (21 C.F.R. 1308.22), are excluded from all schedules of this Act.

720 ILCS 570/215 — Excepted Compounds

Sec. 215. Excepted Compounds. The compounds in the form excepted from application of certain specified sections of the Federal Controlled Substances Act (21 U.S.C. 801 et seq.), the Federal Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.) and the Code of Federal Regulations, pursuant to Section 1308.32 of the Code of Federal Regulations (21 C.F.R. 1308.32) are excepted from the application of Sections 312 and 313 of this Act.

720 ILCS 570/216 — Ephedrine

Sec. 216. Ephedrine.

(a) The following drug products containing ephedrine, its salts, optical isomers and salts of optical isomers shall be exempt from the application of Sections 312 and 313 of this Act if they:

(i) may lawfully be sold over-the-counter without a prescription under the Federal Food, Drug, and Cosmetic Act; (ii) are labeled and marketed in a manner consistent with Section 341.76 of Title 21 of the Code of Federal Regulations; (iii) are manufactured and distributed for legitimate medicinal use in a manner that reduces or eliminates the likelihood of abuse; and (iv) are not marketed, advertised, or labeled for the indications of stimulation, mental alertness, weight loss, muscle enhancement, appetite control, or energy:

(1) Solid oral dosage forms, including soft gelatin caplets, which are formulated pursuant to 21 CFR 341 or its successor, and packaged in blister packs of not more than 2 tablets per blister.

(2) Anorectal preparations containing not more than 5% ephedrine.

(b) The marketing, advertising, or labeling of any product containing ephedrine, a salt of ephedrine, an optical isomer of ephedrine, or a salt of an optical isomer of ephedrine, for the indications of stimulation, mental alertness, weight loss, appetite control, or energy, is prohibited. In determining compliance with this requirement the Department may consider the following factors:

(1) The packaging of the drug product;

(2) The name and labeling of the product;

(3) The manner of distribution, advertising, and promotion of the product;

(4) Verbal representations made concerning the product;

(5) The duration, scope, and significance of misuse of the particular product.

(c) A violation of this Section is a Class A misdemeanor. A second or subsequent violation of this Section is a Class 4 felony.

(d) This Section does not apply to dietary supplements, herbs, or other natural products, including concentrates or extracts, which:

(1) are not otherwise prohibited by law; and

(2) may contain naturally occurring ephedrine, ephedrine alkaloids, or pseudoephedrine, or their salts, isomers, or salts of isomers, or a combination of these substances, that:

(i) are contained in a matrix of organic material; and (ii) do not exceed 15% of the total weight of the natural product.

(e) Nothing in this Section limits the scope or terms of the Methamphetamine Precursor Control Act.

(f) This Section does not apply to the sale of any product dispensed or delivered by a practitioner or pharmacy according to a prescription issued by a prescriber authorized by this State or another state for a valid medical purpose and in the course of professional practice.

720 ILCS 570/217

Sec. 217. (Repealed).

720 ILCS 570/218 — Dextromethorphan

Sec. 218. Dextromethorphan.

(a) (Blank).

(b) Possession of a drug product containing dextromethorphan in violation of this Act is a Class 4 felony. The sale, delivery, distribution, or possession with intent to sell, deliver, or distribute a drug product containing dextromethorphan in violation of this Act is a Class 2 felony.

(c) (Blank).

720 ILCS 570/219 — Dietary supplements containing ephedrine or anabolic steroid precursors

Sec. 219. Dietary supplements containing ephedrine or anabolic steroid precursors.

(a) It is a Class A misdemeanor for any manufacturer, wholesaler, retailer, or other person to sell, transfer, or otherwise furnish any of the following to a person under 18 years of age:

(1) a dietary supplement containing an ephedrine group alkaloid; or

(2) a dietary supplement containing any of the following: (A) Androstenediol; (B) Androstenedione; (C) Androstenedione; (D) Norandrostenediol; (E) Norandrostenedione; or (F) Dehydroepiandrosterone.

(b) A seller shall request valid identification from any individual who attempts to purchase a dietary supplement set forth in subsection

(a) if that individual reasonably appears to the seller to be under 18 years of age.

720 ILCS 570/220 — Electronic health record systems

Sec. 220. Electronic health record systems. The Bureau of Pharmacy and Clinical Support Systems shall establish a form to allow EHR systems to certify the identity of a third party that will provide access to the Prescription Information Library for the EHR system using all or part of a computer program or system that is a federally certified Health IT Module for the EHR system. Before the Health IT Module is permitted to connect to the Prescription Information Library, it must enter into a business associate agreement with the EHR system that requires the Health IT Module to agree to adhere to all requirements imposed on the EHR system by the laws of this State, including data privacy and security obligations that the Bureau otherwise imposes on EHR systems.

720 ILCS 570/301

Sec. 301. The Department of Financial and Professional Regulation shall promulgate rules and charge reasonable fees and fines relating to the registration and control of the manufacture, distribution, and dispensing of controlled substances within this State. The Department shall request a contact email address in its application for a new or renewed license to dispense controlled substances. All moneys received by the Department of Financial and Professional Regulation under this Act shall be deposited into the respective professional dedicated funds in like manner as the primary professional licenses. A pharmacy, manufacturer of controlled substances, or wholesale distributor of controlled substances that is regulated under this Act and owned and operated by the State is exempt from fees required under this Act. Pharmacists and pharmacy technicians working in facilities owned and operated by the State are not exempt from the payment of fees required by this Act and any rules adopted under this Act. Nothing in this Section shall be construed to prohibit the Department of Financial and Professional Regulation from imposing any fine or other penalty allowed under this Act.

720 ILCS 570/302

Sec. 302.

(a) Every person who manufactures, distributes, or dispenses any controlled substances; engages in chemical analysis, research, or instructional activities which utilize controlled substances; purchases, stores, or administers euthanasia drugs, within this State; provides canine odor detection services; proposes to engage in the manufacture, distribution, or dispensing of any controlled substance; proposes to engage in chemical analysis, research, or instructional activities which utilize controlled substances; proposes to engage in purchasing, storing, or administering euthanasia drugs; or proposes to provide canine odor detection services within this State, must obtain a registration issued by the Department of Financial and Professional Regulation in accordance with its rules. The rules shall include, but not be limited to, setting

the expiration date and renewal period for each registration under this Act. The Department, any facility or service licensed by the Department, and any veterinary hospital or clinic operated by a veterinarian or veterinarians licensed under the Veterinary Medicine and Surgery Practice Act of 2004 or maintained by a State-supported or publicly funded university or college shall be exempt from the regulation requirements of this Section; however, such exemption shall not operate to bar the University of Illinois from requesting, nor the Department of Financial and Professional Regulation from issuing, a registration to the University of Illinois Veterinary Teaching Hospital under this Act. Neither a request for such registration nor the issuance of such registration to the University of Illinois shall operate to otherwise waive or modify the exemption provided in this subsection (a).

(b) Persons registered by the Department of Financial and Professional Regulation under this Act to manufacture, distribute, or dispense controlled substances, engage in chemical analysis, research, or instructional activities which utilize controlled substances, purchase, store, or administer euthanasia drugs, or provide canine odor detection services, may possess, manufacture, distribute, engage in chemical analysis, research, or instructional activities which utilize controlled substances, dispense those substances, or purchase, store, or administer euthanasia drugs, or provide canine odor detection services to the extent authorized by their registration and in conformity with the other provisions of this Article.

(c) The following persons need not register and may lawfully possess controlled substances under this Act:

(1) an agent or employee of any registered manufacturer, distributor, or dispenser of any controlled substance if he or she is acting in the usual course of his or her employer's lawful business or employment;

(2) a common or contract carrier or warehouseman, or an agent or employee thereof, whose possession of any controlled substance is in the usual lawful course of such business or employment;

(3) an ultimate user or a person in possession of a controlled substance prescribed for the ultimate user under a lawful prescription of a practitioner, including any authorized employee of an organization that provides hospice services to a hospice patient or that provides home health services to a person, or a person in possession of any controlled substance pursuant to a lawful prescription of a practitioner or in lawful possession of a Schedule V substance. In this Section, "home health services" has the meaning ascribed to it in the Home Health, Home Services, and Home Nursing Agency Licensing Act; and "hospice patient" and "hospice services" have the meanings ascribed to them in the Hospice Program Licensing Act;

(4) officers and employees of this State or of the United States while acting in the lawful course of their official duties which requires possession of controlled substances;

(5) a registered pharmacist who is employed in, or the owner of, a pharmacy licensed under this Act and the Federal Controlled Substances Act, at the licensed location, or if he or she is acting in the usual course of his or her lawful profession, business, or employment;

(6) a holder of a temporary license issued under Section 17 of the Medical Practice Act of 1987 practicing within the scope of that license and in compliance with the rules adopted under this Act. In addition to possessing controlled substances, a temporary license holder may order, administer, and prescribe controlled substances when acting within the scope of his or her license and in compliance with the rules adopted under this Act.

(d) A separate registration is required at each place of business or professional practice where the applicant manufactures, distributes, or dispenses controlled substances, or purchases, stores, or administers euthanasia drugs. Persons are required to obtain a separate registration for each place of business or professional practice where controlled substances are located or stored. A separate registration is not required for every location at which a controlled substance may be prescribed.

(e) The Department of Financial and Professional Regulation or the Illinois State Police may inspect the controlled premises, as defined in Section 502 of this Act, of a registrant or applicant for registration in accordance with this Act and the rules promulgated hereunder and with regard to persons licensed by the Department, in accordance with subsection (bb) of Section 30-5 of the Substance Use Disorder Act and the rules and regulations promulgated thereunder.

720 ILCS 570/303

Sec. 303.

(a) The Department of Financial and Professional Regulation shall license an applicant to manufacture, distribute or dispense controlled substances included in Sections 202, 204, 206, 208, 210 and 212 of this Act or purchase, store, or

administer euthanasia drugs unless it determines that the issuance of that license would be inconsistent with the public interest. In determining the public interest, the Department of Financial and Professional Regulation shall consider the following:

- (1) maintenance of effective controls against diversion of controlled substances into other than lawful medical, scientific, or industrial channels;
 - (2) compliance with applicable Federal, State and local law;
 - (3) any convictions of the applicant, or the designated agent of the applicant where applicable, under any law of the United States or of any State relating to any controlled substance;
 - (4) past experience in the manufacture or distribution of controlled substances, and the existence in the applicant's establishment of effective controls against diversion;
 - (5) furnishing by the applicant of false or fraudulent material in any application filed under this Act;
 - (6) suspension or revocation of the applicant's Federal registration to manufacture, distribute, or dispense controlled substances, or purchase, store, or administer euthanasia drugs, as authorized by Federal law;
 - (7) whether the applicant is suitably equipped with the facilities appropriate to carry on the operation described in his or her application;
 - (8) whether the applicant is of good moral character or, if the applicant is a partnership, association, corporation or other organization, whether the partners, directors, governing committee and managing officers are of good moral character;
 - (9) any other factors relevant to and consistent with the public health and safety; and
 - (10) evidence from court, medical disciplinary and pharmacy board records and those of State and Federal investigatory bodies that the applicant has not or does not prescribe controlled substances within the provisions of this Act.
- (b) No license shall be granted to or renewed for any person who has within 5 years been convicted of a wilful violation of any law of the United States or any law of any State relating to controlled substances, or who is found to be deficient in any of the matters enumerated in subsections (a)(1) through (a)(8).
- (c) Licensure under subsection
- (a) does not entitle a registrant to manufacture, distribute or dispense controlled substances in Schedules I or II other than those specified in the registration.
- (d) Practitioners who are licensed to dispense any controlled substances in Schedules II through V are authorized to conduct instructional activities with controlled substances in Schedules II through V under the law of this State.
- (e) If an applicant for registration is registered under the Federal law to manufacture, distribute or dispense controlled substances, or purchase, store, or administer euthanasia drugs, upon filing a completed application for licensure in this State and payment of all fees due hereunder, he or she shall be licensed in this State to the same extent as his or her Federal registration, unless, within 30 days after completing his or her application in this State, the Department of Financial and Professional Regulation notifies the applicant that his or her application has not been granted. A practitioner who is in compliance with the Federal law with respect to registration to dispense controlled substances in Schedules II through V need only send a current copy of that Federal registration to the Department of Financial and Professional Regulation and he or she shall be deemed in compliance with the registration provisions of this State. (e-5) All of the fees and fines collected under this Section 303 shall be deposited into the Illinois State Pharmacy Disciplinary Fund.
- (f) The fee for registration as a manufacturer or wholesale distributor of controlled substances shall be \$50.00 per year, except that the fee for registration as a manufacturer or wholesale distributor of controlled substances that may be dispensed without a prescription under this Act shall be \$15.00 per year. The expiration date and renewal period for each controlled substance license issued under this Act shall be set by rule.

720 ILCS 570/303.05 — Mid-level practitioner registration

Sec. 303.05. Mid-level practitioner registration.

- (a) The Department of Financial and Professional Regulation shall register licensed physician assistants, licensed advanced practice registered nurses, and prescribing psychologists licensed under Section 4.2 of the Clinical Psychologist Licensing Act to prescribe and dispense controlled substances under Section 303 and euthanasia agencies to purchase, store, or administer animal euthanasia drugs under the following circumstances:

(1) with respect to physician assistants, (A) the physician assistant has been delegated written authority to prescribe any Schedule III through V controlled substances by a physician licensed to practice medicine in all its branches in accordance with Section 7.5 of the Physician Assistant Practice Act of 1987; and the physician assistant has completed the appropriate application forms and has paid the required fees as set by rule; or (B) the physician assistant has been delegated authority by a collaborating physician licensed to practice medicine in all its branches to prescribe or dispense Schedule II controlled substances through a written delegation of authority and under the following conditions:

(i) Specific Schedule II controlled substances by oral dosage or topical or transdermal application may be delegated, provided that the delegated Schedule II controlled substances are routinely prescribed by the collaborating physician. This delegation must identify the specific Schedule II controlled substances by either brand name or generic name. Schedule II controlled substances to be delivered by injection or other route of administration may not be delegated; (ii) any delegation must be of controlled substances prescribed by the collaborating physician; (iii) all prescriptions must be limited to no more than a 30-day supply, with any continuation authorized only after prior approval of the collaborating physician; (iv) the physician assistant must discuss the condition of any patients for whom a controlled substance is prescribed monthly with the delegating physician;

(v) the physician assistant must have completed the appropriate application forms and paid the required fees as set by rule; (vi) the physician assistant must provide evidence of satisfactory completion of 45 contact hours in pharmacology from any physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant (ARC-PA), or its predecessor agency, for any new license issued with Schedule II authority after the effective date of this amendatory Act of the 97th General Assembly; and (vii) the physician assistant must annually complete at least 5 hours of continuing education in pharmacology;

(2) with respect to advanced practice registered nurses who do not meet the requirements of Section 65-43 of the Nurse Practice Act, (A) the advanced practice registered nurse has been delegated authority to prescribe any Schedule III through V controlled substances by a collaborating physician licensed to practice medicine in all its branches or a collaborating podiatric physician in accordance with Section 65-40 of the Nurse Practice Act. The advanced practice registered nurse has completed the appropriate application forms and has paid the required fees as set by rule; or (B) the advanced practice registered nurse has been delegated authority by a collaborating physician licensed to practice medicine in all its branches to prescribe or dispense Schedule II controlled substances through a written delegation of authority and under the following conditions:

(i) specific Schedule II controlled substances by oral dosage or topical or transdermal application may be delegated, provided that the delegated Schedule II controlled substances are routinely prescribed by the collaborating physician. This delegation must identify the specific Schedule II controlled substances by either brand name or generic name. Schedule II controlled substances to be delivered by injection or other route of administration may not be delegated; (ii) any delegation must be of controlled substances prescribed by the collaborating physician; (iii) all prescriptions must be limited to no more than a 30-day supply, with any continuation authorized only after prior approval of the collaborating physician; (iv) the advanced practice registered nurse must discuss the condition of any patients for whom a controlled substance is prescribed monthly with the delegating physician or in the course of review as required by Section 65-40 of the Nurse Practice Act;

(v) the advanced practice registered nurse must have completed the appropriate application forms and paid the required fees as set by rule; (vi) the advanced practice registered nurse must provide evidence of satisfactory completion of at least 45 graduate contact hours in pharmacology for any new license issued with Schedule II authority after the effective date of this amendatory Act of the 97th General Assembly; and (vii) the advanced practice registered nurse must annually complete 5 hours of continuing education in pharmacology; (2.5) with respect to advanced practice registered nurses certified as nurse practitioners, nurse midwives, or clinical nurse specialists who do not meet the requirements of Section 65-43 of the Nurse Practice Act practicing in a hospital affiliate, (A) the advanced practice registered nurse certified as a nurse practitioner, nurse midwife, or clinical nurse specialist has been privileged to prescribe any Schedule II through V controlled substances by the hospital affiliate upon the recommendation of the appropriate physician committee of the hospital affiliate in accordance with Section 65-45 of the Nurse Practice Act, has completed the appropriate application forms, and has paid the required fees as set by rule; and (B) an advanced practice registered nurse certified as a nurse practitioner, nurse midwife, or clinical nurse specialist has been privileged to prescribe any Schedule II controlled substances by the hospital affiliate upon the recommendation of the appropriate physician committee of the hospital affiliate, then the following conditions must be met:

(i) specific Schedule II controlled substances by oral dosage or topical or transdermal application may be designated, provided that the designated Schedule II controlled substances are routinely prescribed by advanced practice registered nurses in their area of certification; the privileging documents must identify the specific Schedule II controlled substances by either brand name or generic name; privileges to prescribe or dispense Schedule II controlled substances to be delivered by injection or other route of administration may not be granted; (ii) any privileges must be controlled substances limited to the practice of the advanced practice registered nurse; (iii) any prescription must be limited to no more than a 30-day supply; (iv) the advanced practice registered nurse must discuss the condition of any patients for whom a controlled substance is prescribed monthly with the appropriate physician committee of the hospital affiliate or its physician designee; and

(v) the advanced practice registered nurse must meet the education requirements of this Section;

(3) with respect to animal euthanasia agencies, the euthanasia agency has obtained a license from the Department of Financial and Professional Regulation and obtained a registration number from the Department; or

(4) with respect to prescribing psychologists, the prescribing psychologist has been delegated authority to prescribe any nonnarcotic Schedule III through V controlled substances by a collaborating physician licensed to practice medicine in all its branches in accordance with Section 4.3 of the Clinical Psychologist Licensing Act, and the prescribing psychologist has completed the appropriate application forms and has paid the required fees as set by rule.

(b) The mid-level practitioner shall only be licensed to prescribe those schedules of controlled substances for which a licensed physician has delegated prescriptive authority, except that an animal euthanasia agency does not have any prescriptive authority. A physician assistant and an advanced practice registered nurse are prohibited from prescribing medications and controlled substances not set forth in the required written delegation of authority or as authorized by their practice Act.

(c) Upon completion of all registration requirements, physician assistants, advanced practice registered nurses, and animal euthanasia agencies may be issued a mid-level practitioner controlled substances license for Illinois.

(d) A collaborating physician may, but is not required to, delegate prescriptive authority to an advanced practice registered nurse as part of a written collaborative agreement, and the delegation of prescriptive authority shall conform to the requirements of Section 65-40 of the Nurse Practice Act.

(e) A collaborating physician may, but is not required to, delegate prescriptive authority to a physician assistant as part of a written collaborative agreement, and the delegation of prescriptive authority shall conform to the requirements of Section 7.5 of the Physician Assistant Practice Act of 1987.

(f) Nothing in this Section shall be construed to prohibit generic substitution.

720 ILCS 570/303.1

Sec. 303.1. Any person who delivers a check or other payment to the Department of Financial and Professional Regulation that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of \$100 shall be imposed. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department of Financial and Professional Regulation shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department of Financial and Professional Regulation shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department of Financial and Professional Regulation may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Secretary may waive the fines due under this Section in individual cases where the Secretary of the Department of Financial and Professional Regulation finds that the fines would be unreasonable or unnecessarily burdensome.

720 ILCS 570/304

Sec. 304.

(a) A registration under Section 303 to manufacture, distribute, or dispense a controlled substance or purchase, store, or administer euthanasia drugs may be denied, refused renewal, suspended, or revoked by the Department of Financial and Professional Regulation, and a fine of no more than \$10,000 per violation may be imposed on the applicant or registrant, upon a finding that the applicant or registrant:

- (1) has furnished any false or fraudulent material information in any application filed under this Act; or
- (2) has been convicted of a felony under any law of the United States or any State relating to any controlled substance; or
- (3) has had suspended or revoked his or her Federal registration to manufacture, distribute, or dispense controlled substances or purchase, store, or administer euthanasia drugs; or
- (4) has been convicted of bribery, perjury, or other infamous crime under the laws of the United States or of any State; or
- (5) has violated any provision of this Act or any rules promulgated hereunder, or any provision of the Methamphetamine Precursor Control Act or rules promulgated thereunder, whether or not he or she has been convicted of such violation; or
- (6) has failed to provide effective controls against the diversion of controlled substances in other than legitimate medical, scientific or industrial channels.

(b) The Department of Financial and Professional Regulation may limit revocation or suspension of a registration to the particular controlled substance with respect to which grounds for revocation or suspension exist.

(c) The Department of Financial and Professional Regulation shall promptly notify the Administration, the Department and the Illinois State Police or their successor agencies, of all orders denying, suspending or revoking registration, all forfeitures of controlled substances, and all final court dispositions, if any, of such denials, suspensions, revocations or forfeitures.

(d) If Federal registration of any registrant is suspended, revoked, refused renewal or refused issuance, then the Department of Financial and Professional Regulation shall issue a notice and conduct a hearing in accordance with Section 305 of this Act.

720 ILCS 570/305

Sec. 305.

(a) Before denying, refusing renewal of, suspending, or revoking a registration, or imposing a fine on an applicant or registrant, the Department of Financial and Professional Regulation shall serve upon the applicant or registrant, by registered mail at the address in the application or registration or by any other means authorized under the Civil Practice Law or Rules of the Illinois Supreme Court for the service of summons or subpoenas, a notice of hearing to determine why registration should not be denied, refused renewal, suspended or revoked. The notice shall contain a statement of the basis therefor and shall call upon the applicant or registrant to appear before the Department of Financial and Professional Regulation at a reasonable time and place. These proceedings shall be conducted in accordance with Sections 2105-5, 2105-15, 2105-100, 2105-105, 2105-110, 2105-115, 2105-120, 2105-125, 2105-175, and 2105-325 of the Department of Professional Regulation Law (20 ILCS 2105/2105-5, 2105/2105-15, 2105/2105-100, 2105/2105-105, 2105/2105-110, 2105/2105-115, 2105/2105-120, 2105/2105-125, 2105/2105-175, and 2105/2105-325), without regard to any criminal prosecution or other proceeding. Except as authorized in subsection (c), proceedings to refuse renewal or suspend or revoke registration shall not abate the existing registration, which shall remain in effect until the Department of Financial and Professional Regulation has held the hearing called for in the notice and found, with input from the appropriate licensure or disciplinary board, that the registration shall no longer remain in effect.

(b) The Secretary of the Department of Financial and Professional Regulation may appoint an attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action to deny, refuse to renew, suspend, or revoke, or take any other disciplinary action with regard to a registration. The hearing officer shall have full authority to conduct the hearing. The hearing officer shall report his or her findings and recommendations to the appropriate licensure or disciplinary board within 30 days after receiving the record. The Disciplinary Board shall have 60 days from receipt of the report to review the report of the hearing officer and present its findings of fact, conclusions of law, and recommendations to the Secretary of the Department of Financial and Professional Regulation.

(c) If the Department of Financial and Professional Regulation finds that there is an imminent danger to the public health or safety by the continued manufacture, distribution or dispensing of controlled substances by the registrant, the Department of Financial and Professional Regulation may, upon the issuance of a written ruling stating the reasons for such finding and without notice or hearing, suspend such registrant. The suspension shall continue in effect for not more

than 15 days during which time the registrant shall be given a hearing on the issues involved in the suspension. If after the hearing, and after input from the appropriate licensure or disciplinary board, the Department of Financial and Professional Regulation finds that the public health or safety requires the suspension to remain in effect it shall so remain until the ruling is terminated by its own terms or subsequent ruling or is dissolved by a circuit court upon determination that the suspension was wholly without basis in fact and law.

(d) If, after a hearing as provided in subsection (a), the Department of Financial and Professional Regulation finds that a registration should be refused renewal, suspended or revoked, a written ruling to that effect shall be entered. The Department of Financial and Professional Regulation's ruling shall remain in effect until the ruling is terminated by its own terms or subsequent ruling or is dissolved by a circuit court upon a determination that the refusal to renew suspension or revocation was wholly without basis in fact and law.

720 ILCS 570/306

Sec. 306. Every practitioner and person who is required under this Act to be registered to manufacture, distribute or dispense controlled substances or purchase, store, or administer euthanasia drugs under this Act shall keep records and maintain inventories in conformance with the recordkeeping and inventory requirements of the laws of the United States and with any additional rules and forms issued by the Department of Financial and Professional Regulation.

720 ILCS 570/307

Sec. 307. Controlled substances in Schedules I and II shall be distributed by a registrant to another registrant only pursuant to a written order. Compliance with the laws of the United States respecting order forms shall be deemed compliance with this Section.

720 ILCS 570/308

Sec. 308. (Repealed).

720 ILCS 570/309

Sec. 309. On or after April 1, 2000, no person shall issue a prescription for a Schedule II controlled substance, which is a narcotic drug listed in Section 206 of this Act; or which contains any quantity of amphetamine or methamphetamine, their salts, optical isomers or salts of optical isomers; phenmetrazine and its salts; gluthethimide; and pentazocine, other than on a written prescription; provided that in the case of an emergency, epidemic or a sudden or unforeseen accident or calamity, the prescriber may issue a lawful oral prescription where failure to issue such a prescription might result in loss of life or intense suffering, but such oral prescription shall include a statement by the prescriber concerning the accident or calamity, or circumstances constituting the emergency, the cause for which an oral prescription was used. Within 7 days after issuing an emergency prescription, the prescriber shall cause a written prescription for the emergency quantity prescribed to be delivered to the dispensing pharmacist. The prescription shall have written on its face "Authorization for Emergency Dispensing", and the date of the emergency prescription. The written prescription may be delivered to the pharmacist in person, or by mail, but if delivered by mail it must be postmarked within the 7-day period. Upon receipt, the dispensing pharmacist shall attach this prescription to the emergency oral prescription earlier received and reduced to writing. The dispensing pharmacist shall notify the Department of Financial and Professional Regulation if the prescriber fails to deliver the authorization for emergency dispensing on the prescription to him or her. Failure of the dispensing pharmacist to do so shall void the authority conferred by this paragraph to dispense without a written prescription of a prescriber. All prescriptions issued for Schedule II controlled substances shall include the quantity prescribed. All nonelectronic prescriptions issued for Schedule II controlled substances shall include both a written and numerical notation of quantity on the face of the prescription. No prescription for a Schedule II controlled substance may be refilled. The Department shall provide, at no cost, audit reviews and necessary information to the Department of Financial and Professional Regulation in conjunction with ongoing investigations being conducted in whole or part by the Department of Financial and Professional Regulation.

720 ILCS 570/310

Sec. 310. (Repealed).

720 ILCS 570/311

Sec. 311. (Repealed).

720 ILCS 570/311.5 — Electronic prescriptions for controlled substances

Sec. 311.5. Electronic prescriptions for controlled substances. Notwithstanding any other Section in this Act, a prescriber who is otherwise authorized to prescribe controlled substances in Illinois may issue an electronic prescription for Schedule II, III, IV, and V controlled substances if done in accordance with the federal rules for electronic prescriptions for controlled substances, as set forth in 21 C.F.R. Parts 1300, 1304, 1306, and 1311, as amended.

720 ILCS 570/311.6 — Prescriptions for substance classified in Schedule II, III, IV, or V sent electronically; exceptions

Sec. 311.6. Prescriptions for substance classified in Schedule II, III, IV, or V sent electronically; exceptions.

(a) Notwithstanding any other provision of law, a prescription for a substance classified in Schedule II, III, IV, or V must be sent electronically, in accordance with Section 316. Prescriptions sent in accordance with this subsection

(a) must be accepted by the dispenser in electronic format.

(b) Beginning on January 1, 2024 (the effective date of Public Act 103-425) until December 31, 2028, notwithstanding any other provision of this Section or any other provision of law, a prescriber shall not be required to issue prescriptions electronically if he or she certifies to the Department of Financial and Professional Regulation that he or she will not issue more than 150 prescriptions during a 12-month period. Prescriptions in both oral and written form for controlled substances shall be included in determining whether the prescriber will reach the limit of 150 prescriptions. Beginning January 1, 2029, notwithstanding any other provision of this Section or any other provision of law, a prescriber shall not be required to issue prescriptions electronically if he or she certifies to the Department of Financial and Professional Regulation that he or she will not issue more than 50 prescriptions during a 12-month period. Prescriptions in both oral and written form for controlled substances shall be included in determining whether the prescriber will reach the limit of 50 prescriptions. (b-5) Notwithstanding any other provision of this Section or any other provision of law, a prescriber shall not be required to issue prescriptions electronically under the following circumstances:

(1) prior to January 1, 2026, the prescriber demonstrates financial difficulties in buying or managing an electronic prescription option, whether it is an electronic health record or some other electronic prescribing product;

(2) on and after January 1, 2026, the prescriber provides proof of a waiver from the Centers for Medicare and Medicaid Services for the Electronic Prescribing for Controlled Substances Program due to demonstrated economic hardship for the previous compliance year;

(3) there is a temporary technological or electrical failure that prevents an electronic prescription from being issued;

(4) the prescription is for a drug that the practitioner reasonably determines would be impractical for the patient to obtain in a timely manner if prescribed by an electronic data transmission prescription and the delay would adversely impact the patient's medical condition;

(5) the prescription is for an individual who: (A) resides in a nursing or assisted living facility; (B) is receiving hospice or palliative care; (C) is receiving care at an outpatient renal dialysis facility and the prescription is related to the care provided; (D) is receiving care through the United States Department of Veterans Affairs; or (E) is incarcerated in a state, detained, or confined in a correctional facility;

(6) the prescription prescribes a drug under a research protocol;

(7) the prescription is a non-patient specific prescription dispensed under a standing order, approved protocol for drug therapy, collaborative drug management, or comprehensive medication management, or in response to a public health emergency or other circumstance in which the practitioner may issue a non-patient specific prescription;

(8) the prescription is issued when the prescriber and dispenser are the same entity;

(9) the prescription is issued for a compound prescription containing 2 or more compounds; or

(10) the prescription is issued by a licensed veterinarian within 7 years after November 17, 2023 (the effective date of Public Act 103-563).

(c) The Department of Financial and Professional Regulation may adopt rules for the administration of this Section to the requirements under this Section that the Department of Financial and Professional Regulation may deem appropriate.

(d) Any prescriber who makes a good faith effort to prescribe electronically, but for reasons not within the prescriber's control is unable to prescribe electronically, may be exempt from any disciplinary action.

(e) Any pharmacist who dispenses in good faith based upon a valid prescription that is not prescribed electronically may be exempt from any disciplinary action. A pharmacist is not required to ensure or responsible for ensuring the prescriber's compliance under subsection (b), nor may any other entity or organization require a pharmacist to ensure the prescriber's compliance with that subsection. A pharmacist may not refuse to fill a valid prescription solely because it is not prescribed electronically.

(f) It shall be a violation of this Section for any prescriber or dispenser to adopt a policy contrary to this Section.

(g) A compliance action with respect to this Section initiated by the Department of Financial and Professional Regulation prior to December 31, 2030 is limited to a non-disciplinary warning letter or citation, unless the prescriber or dispenser fails to abide by the initial non-disciplinary warning letter or citation, has acted in bad faith, or a pattern of practice in violation of this Section occurs.

720 ILCS 570/312 — Requirements for dispensing controlled substances

Sec. 312. Requirements for dispensing controlled substances.

(a) A practitioner, in good faith, may dispense a Schedule II controlled substance, which is a narcotic drug listed in Section 206 of this Act; or which contains any quantity of amphetamine or methamphetamine, their salts, optical isomers or salts of optical isomers; phenmetrazine and its salts; or pentazocine; and Schedule III, IV, or V controlled substances to any person upon a written or electronic prescription of any prescriber, dated and signed by the person prescribing (or electronically validated in compliance with Section 311.5) on the day when issued and bearing the name and address of the patient for whom, or the owner of the animal for which the controlled substance is dispensed, and the full name, address and registry number under the laws of the United States relating to controlled substances of the prescriber, if he or she is required by those laws to be registered. If the prescription is for an animal it shall state the species of animal for which it is ordered. The practitioner filling the prescription shall, unless otherwise permitted, write the date of filling and his or her own signature on the face of the written prescription or, alternatively, shall indicate such filling using a unique identifier as defined in paragraph

(v) of Section 3 of the Pharmacy Practice Act. The written prescription shall be retained on file by the practitioner who filled it or pharmacy in which the prescription was filled for a period of 2 years, so as to be readily accessible for inspection or removal by any officer or employee engaged in the enforcement of this Act. Whenever the practitioner's or pharmacy's copy of any prescription is removed by an officer or employee engaged in the enforcement of this Act, for the purpose of investigation or as evidence, such officer or employee shall give to the practitioner or pharmacy a receipt in lieu thereof. If the specific prescription is machine or computer generated and printed at the prescriber's office, the date does not need to be handwritten. A prescription for a Schedule II controlled substance shall not be issued for more than a 30 day supply, except as provided in subsection (a-5), and shall be valid for up to 90 days after the date of issuance. A written prescription for Schedule III, IV or V controlled substances shall not be filled or refilled more than 6 months after the date thereof or refilled more than 5 times unless renewed, in writing, by the prescriber. A pharmacy shall maintain a policy regarding the type of identification necessary, if any, to receive a prescription in accordance with State and federal law. The pharmacy must post such information where prescriptions are filled. (a-5) Physicians may issue multiple prescriptions (3 sequential 30-day supplies) for the same Schedule II controlled substance, authorizing up to a 90-day supply. Before authorizing a 90-day supply of a Schedule II controlled substance, the physician must meet the following conditions:

(1) Each separate prescription must be issued for a legitimate medical purpose by an individual physician acting in the usual course of professional practice.

(2) The individual physician must provide written instructions on each prescription (other than the first prescription, if the prescribing physician intends for the prescription to be filled immediately) indicating the earliest date on which a pharmacy may fill that prescription.

(3) The physician shall document in the medical record of a patient the medical necessity for the amount and duration of the 3 sequential 30-day prescriptions for Schedule II narcotics. (a-10) Prescribers who issue a prescription for an opioid shall inform the patient that opioids are addictive and that opioid antagonists are available by prescription or from a pharmacy.

(b) In lieu of a written prescription required by this Section, a pharmacist, in good faith, may dispense Schedule III, IV, or V substances to any person either upon receiving a facsimile of a written, signed prescription transmitted by the prescriber or the prescriber's agent or upon a lawful oral prescription of a prescriber which oral prescription shall be reduced promptly to writing by the pharmacist and such written memorandum thereof shall be dated on the day when

such oral prescription is received by the pharmacist and shall bear the full name and address of the ultimate user for whom, or of the owner of the animal for which the controlled substance is dispensed, and the full name, address, and registry number under the law of the United States relating to controlled substances of the prescriber prescribing if he or she is required by those laws to be so registered, and the pharmacist filling such oral prescription shall write the date of filling and his or her own signature on the face of such written memorandum thereof. The facsimile copy of the prescription or written memorandum of the oral prescription shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of not less than two years, so as to be readily accessible for inspection by any officer or employee engaged in the enforcement of this Act in the same manner as a written prescription. The facsimile copy of the prescription or oral prescription and the written memorandum thereof shall not be filled or refilled more than 6 months after the date thereof or be refilled more than 5 times, unless renewed, in writing, by the prescriber.

(c) Except for any non-prescription targeted methamphetamine precursor regulated by the Methamphetamine Precursor Control Act, a controlled substance included in Schedule V shall not be distributed or dispensed other than for a medical purpose and not for the purpose of evading this Act, and then:

(1) only personally by a person registered to dispense a Schedule V controlled substance and then only to his or her patients, or

(2) only personally by a pharmacist, and then only to a person over 21 years of age who has identified himself or herself to the pharmacist by means of 2 positive documents of identification. The dispenser shall record the name and address of the purchaser, the name and quantity of the product, the date and time of the sale, and the dispenser's signature. No person shall purchase or be dispensed more than 120 milliliters or more than 120 grams of any Schedule V substance which contains codeine, dihydrocodeine, or any salts thereof, or ethylmorphine, or any salts thereof, in any 96-hour period. The purchaser shall sign a form, approved by the Department of Financial and Professional Regulation, attesting that he or she has not purchased any Schedule V controlled substances within the immediately preceding 96 hours. All records of purchases and sales shall be maintained for not less than 2 years. No person shall obtain or attempt to obtain within any consecutive 96-hour period any Schedule V substances of more than 120 milliliters or more than 120 grams containing codeine, dihydrocodeine or any of its salts, or ethylmorphine or any of its salts. Any person obtaining any such preparations or combination of preparations in excess of this limitation shall be in unlawful possession of such controlled substance. A person qualified to dispense controlled substances under this Act and registered thereunder shall at no time maintain or keep in stock a quantity of Schedule V controlled substances in excess of 4.5 liters for each substance; a pharmacy shall at no time maintain or keep in stock a quantity of Schedule V controlled substances as defined in excess of 4.5 liters for each substance, plus the additional quantity of controlled substances necessary to fill the largest number of prescription orders filled by that pharmacy for such controlled substances in any one week in the previous year. These limitations shall not apply to Schedule V controlled substances which Federal law prohibits from being dispensed without a prescription. No person shall distribute or dispense butyl nitrite for inhalation or other introduction into the human body for euphoric or physical effect.

(d) Every practitioner shall keep a record or log of controlled substances received by him or her and a record of all such controlled substances administered, dispensed or professionally used by him or her otherwise than by prescription. It shall, however, be sufficient compliance with this paragraph if any practitioner utilizing controlled substances listed in Schedules III, IV and V shall keep a record of all those substances dispensed and distributed by him or her other than those controlled substances which are administered by the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means to the body of a patient or research subject. A practitioner who dispenses, other than by administering, a controlled substance in Schedule II, which is a narcotic drug listed in Section 206 of this Act, or which contains any quantity of amphetamine or methamphetamine, their salts, optical isomers or salts of optical isomers, pentazocine, or methaqualone shall do so only upon the issuance of a written prescription blank or electronic prescription issued by a prescriber.

(e) Whenever a manufacturer distributes a controlled substance in a package prepared by him or her, and whenever a wholesale distributor distributes a controlled substance in a package prepared by him or her or the manufacturer, he or she shall securely affix to each package in which that substance is contained a label showing in legible English the name and address of the manufacturer, the distributor and the quantity, kind and form of controlled substance contained therein. No person except a pharmacist and only for the purposes of filling a prescription under this Act, shall alter, deface or remove any label so affixed.

(f) Whenever a practitioner dispenses any controlled substance except a non-prescription Schedule V product or a non-prescription targeted methamphetamine precursor regulated by the Methamphetamine Precursor Control Act, he or she shall affix to the container in which such substance is sold or dispensed, a label indicating the date of initial filling, the practitioner's name and address, the name of the patient, the name of the prescriber, the directions for use and cautionary statements, if any, contained in any prescription or required by law, the proprietary name or names or the established name of the controlled substance, and the dosage and quantity, except as otherwise authorized by regulation by the Department of Financial and Professional Regulation. No person shall alter, deface or remove any label so affixed as long as the specific medication remains in the container.

(g) A person to whom or for whose use any controlled substance has been prescribed or dispensed by a practitioner, or other persons authorized under this Act, and the owner of any animal for which such substance has been prescribed or dispensed by a veterinarian, may lawfully possess such substance only in the container in which it was delivered to him or her by the person dispensing such substance.

(h) The responsibility for the proper prescribing or dispensing of controlled substances that are under the prescriber's direct control is upon the prescriber. The responsibility for the proper filling of a prescription for controlled substance drugs rests with the pharmacist. An order purporting to be a prescription issued to any individual, which is not in the regular course of professional treatment nor part of an authorized methadone maintenance program, nor in legitimate and authorized research instituted by any accredited hospital, educational institution, charitable foundation, or federal, state or local governmental agency, and which is intended to provide that individual with controlled substances sufficient to maintain that individual's or any other individual's, habitual or customary use, dependence, or diversion of that controlled substance is not a prescription within the meaning and intent of this Act; and the person issuing it, shall be subject to the penalties provided for violations of the law relating to controlled substances.

(i) A prescriber shall not pre-print or cause to be pre-printed a prescription for any controlled substance; nor shall any practitioner issue, fill or cause to be issued or filled, a pre-printed prescription for any controlled substance. (i-5) A prescriber may use a machine or electronic device to individually generate a printed prescription, but the prescriber is still required to affix his or her manual signature.

(j) No person shall manufacture, dispense, deliver, possess with intent to deliver, prescribe, or administer or cause to be administered under his or her direction any anabolic steroid, for any use in humans other than the treatment of disease in accordance with the order of a physician licensed to practice medicine in all its branches for a valid medical purpose in the course of professional practice. The use of anabolic steroids for the purpose of hormonal manipulation that is intended to increase muscle mass, strength or weight without a medical necessity to do so, or for the intended purpose of improving physical appearance or performance in any form of exercise, sport, or game, is not a valid medical purpose or in the course of professional practice.

(k) Controlled substances may be mailed if all of the following conditions are met:

(1) The controlled substances are not outwardly dangerous and are not likely, of their own force, to cause injury to a person's life or health.

(2) The inner container of a parcel containing controlled substances must be marked and sealed as required under this Act and its rules, and be placed in a plain outer container or securely wrapped in plain paper.

(3) If the controlled substances consist of prescription medicines, the inner container must be labeled to show the name and address of the pharmacy or practitioner dispensing the prescription.

(4) The outside wrapper or container must be free of markings that would indicate the nature of the contents.

(l) Notwithstanding any other provision of this Act to the contrary, emergency medical services personnel may administer Schedule II, III, IV, or V controlled substances to a person in the scope of their employment without a written, electronic, or oral prescription of a prescriber.

720 ILCS 570/313

Sec. 313.

(a) Controlled substances which are lawfully administered in hospitals or institutions licensed under the Hospital Licensing Act shall be exempt from the requirements of Sections 312, 315.6, and 316, except that the prescription for the controlled substance shall be in writing on the patient's record, signed by the prescriber, and dated, and shall state the name and quantity of controlled substances ordered and the quantity actually administered. The records of such prescriptions shall

be maintained for two years and shall be available for inspection by officers and employees of the Illinois State Police and the Department of Financial and Professional Regulation. The exemption under this subsection

(a) does not apply to a prescription (including an outpatient prescription from an emergency department or outpatient clinic) for more than a 72-hour supply of a discharge medication to be consumed outside of the hospital or institution.

(b) Controlled substances that can lawfully be administered or dispensed directly to a patient in a long-term care facility licensed by the Department of Public Health as a skilled nursing facility, intermediate care facility, or long-term care facility for residents under 22 years of age, are exempt from the requirements of Section 312 except that a prescription for a Schedule II controlled substance must be either a prescription signed by the prescriber or a prescription transmitted by the prescriber or prescriber's agent to the dispensing pharmacy by facsimile. The facsimile serves as the original prescription and must be maintained for 2 years from the date of issue in the same manner as a written prescription signed by the prescriber.

(c) A prescription that is generated for a Schedule II controlled substance to be compounded for direct administration to a patient in a private residence, long-term care facility, or hospice program may be transmitted by facsimile by the prescriber or the prescriber's agent to the pharmacy providing the home infusion services. The facsimile serves as the original prescription for purposes of this paragraph

(c) and it shall be maintained in the same manner as the original prescription. (c-1) A prescription generated for a Schedule II controlled substance for a patient residing in a hospice certified by Medicare under Title XVIII of the Social Security Act or licensed by the State may be transmitted by the practitioner or the practitioner's agent to the dispensing pharmacy by facsimile or electronically as provided in Section 311.5. The practitioner or practitioner's agent must note on the prescription that the patient is a hospice patient. The facsimile or electronic record serves as the original prescription for purposes of this paragraph (c-1) and it shall be maintained in the same manner as the original prescription.

(d) Controlled substances which are lawfully administered and/or dispensed in substance use disorder treatment programs licensed by the Department shall be exempt from the requirements of Sections 312 and 316, except that the prescription for such controlled substances shall be issued and authenticated on official prescription logs prepared and maintained in accordance with 77 Ill. Adm. Code 2060: Alcoholism and Substance Abuse Treatment and Intervention Licenses, and in compliance with other applicable State and federal laws. The Department-licensed drug treatment program shall report applicable prescriptions via electronic record keeping software approved by the Department. This software must be compatible with the specifications of the Department. Substance use disorder treatment programs shall report to the Department methadone prescriptions or medications dispensed through the use of Department-approved File Transfer Protocols (FTPs). Methadone prescription records must be maintained in accordance with the applicable requirements as set forth by the Department in accordance with 77 Ill. Adm. Code 2060: Alcoholism and Substance Abuse Treatment and Intervention Licenses, and in compliance with other applicable State and federal laws.

(e) Nothing in this Act shall be construed to limit the authority of a hospital pursuant to Section 65-45 of the Nurse Practice Act to grant hospital clinical privileges to an individual advanced practice registered nurse to select, order or administer medications, including controlled substances to provide services within a hospital. Nothing in this Act shall be construed to limit the authority of an ambulatory surgical treatment center pursuant to Section 65-45 of the Nurse Practice Act to grant ambulatory surgical treatment center clinical privileges to an individual advanced practice registered nurse to select, order or administer medications, including controlled substances to provide services within an ambulatory surgical treatment center.

720 ILCS 570/314

Sec. 314. (Repealed).

720 ILCS 570/314.5 — Medication shopping; pharmacy shopping

Sec. 314.5. Medication shopping; pharmacy shopping.

(a) It shall be unlawful for any person knowingly or intentionally to fraudulently obtain or fraudulently seek to obtain any controlled substance or prescription for a controlled substance from a prescriber or dispenser while being supplied with any controlled substance or prescription for a controlled substance by another prescriber or dispenser, without disclosing the fact of the existing controlled substance or prescription for a controlled substance to the prescriber or dispenser from whom the subsequent controlled substance or prescription for a controlled substance is sought.

(b) It shall be unlawful for a person knowingly or intentionally to fraudulently obtain or fraudulently seek to obtain any controlled substance from a pharmacy while being supplied with any controlled substance by another pharmacy, without disclosing the fact of the existing controlled substance to the pharmacy from which the subsequent controlled substance is sought.

(c) A person may be in violation of Section 3.23 of the Illinois Food, Drug and Cosmetic Act or Section 406 of this Act when medication shopping or pharmacy shopping, or both. (c-5) Effective January 1, 2018, each prescriber possessing an Illinois controlled substances license shall register with the Prescription Monitoring Program. Notwithstanding any provision of this Act to the contrary, beginning on and after the effective date of this amendatory Act of the 101st General Assembly, a licensed veterinarian shall be exempt from registration and prohibited from accessing patient information in the Prescription Monitoring Program. Licensed veterinarians that are existing registrants shall be removed from the Prescription Monitoring Program. Each prescriber or his or her designee shall also document an attempt to access patient information in the Prescription Monitoring Program to assess patient access to controlled substances when providing an initial prescription for Schedule II narcotics such as opioids, except for prescriptions for oncology treatment or palliative care, or a 7-day or less supply provided by a hospital emergency department when treating an acute, traumatic medical condition. This attempt to access shall be documented in the patient's medical record. The hospital shall facilitate the designation of a prescriber's designee for the purpose of accessing the Prescription Monitoring Program for services provided at the hospital.

(d) When a person has been identified as having 5 or more prescribers or 5 or more pharmacies, or both, that do not utilize a common electronic file as specified in Section 20 of the Pharmacy Practice Act for controlled substances within the course of a 6-month period, the Prescription Monitoring Program may issue an unsolicited report to the prescribers, dispensers, and their designees informing them of the potential medication shopping. If an unsolicited report is issued to a prescriber or prescribers, then the report must also be sent to the applicable dispensing pharmacy.

(e) Nothing in this Section shall be construed to create a requirement that any prescriber, dispenser, or pharmacist request any patient medication disclosure, report any patient activity, or prescribe or refuse to prescribe or dispense any medications.

(f) This Section shall not be construed to apply to inpatients or residents at hospitals or other institutions or to institutional pharmacies.

(g) Any patient feedback, including grades, ratings, or written or verbal statements, in opposition to a clinical decision that the prescription of a controlled substance is not medically necessary shall not be the basis of any adverse action, evaluation, or any other type of negative credentialing, contracting, licensure, or employment action taken against a prescriber or dispenser.

720 ILCS 570/315

Sec. 315. (Repealed).

720 ILCS 570/315.5 — Opioid education for prescribers

Sec. 315.5. Opioid education for prescribers. In accordance with the requirement for prescribers of controlled substances to undergo training under Section 1263 of the Consolidated Appropriations Act, 2023 (Public Law 117-328), every prescriber who is licensed to prescribe controlled substances shall, during the pre-renewal period, complete one hour of continuing education on safe opioid prescribing practices offered or accredited by a professional association, State government agency, or federal government agency. Notwithstanding any individual licensing Act or administrative rule, a prescriber may count this hour toward the total continuing education hours required for renewal of a professional license. Continuing education on safe opioid prescribing practices applied to meet any other State licensure requirement or professional accreditation or certification requirement may be used toward the requirement under this Section. The Department of Financial and Professional Regulation may adopt rules for the administration of this Section.

720 ILCS 570/315.6 — Risks of dependence on opioids

Sec. 315.6. Risks of dependence on opioids.

(a) Definitions. As used in this Section:

(1) "Opioid" means a narcotic drug or substance that is a Schedule II controlled substance under paragraph (1), (2), (3), or

(5) of subsection

(b) or under subsection

(c) of Section 206 of this Act.

(2) "Department" means the Department of Human Services.

(b) The Department shall develop and make available on its website information on the risks of developing a physical or psychological dependence on opioids and any alternative treatments, including the Opioid Alternative Pilot Program.

(c) The Department shall develop and make available upon request to all prescribers, pharmacists, and patients in the State a pamphlet which explains the risks of developing a physical or psychological dependence on opioids. This pamphlet may contain any information which the Secretary of the Department deems necessary and may be revised by the Department whenever new information becomes available. The pamphlet shall be downloadable from the Department's website.

(d) A pharmacist shall, prior to dispensing an opioid that is a Schedule II controlled substance, furnish the pamphlet or information therein developed by the Department and discuss the risks of developing a physical or psychological dependence on opioids.

720 ILCS 570/315.7 — Chronic pain treatment

Sec. 315.7. Chronic pain treatment.

(a) In this Section: "Chronic pain" means a state in which pain persists beyond the usual course of an acute disease or healing of an injury, or which may or may not be associated with an acute or chronic pathologic process that causes continuous or intermittent pain over months or years. "Chronic pain" is considered to be pain that persists for more than 12 weeks and is adversely affecting the function or well-being of the individual. "Opioid" means a narcotic drug or substance that is a Schedule II controlled substance under paragraph (1), (2), (3), or

(5) of subsection

(b) or under subsection

(c) of Section 206.

(b) Decisions regarding the treatment of patients experiencing chronic pain shall be made by the prescriber with dispensing by the pharmacist in accordance with the corresponding responsibility as described in 21 CFR 1306.04(a) and 77 Ill. Adm. Code 3100.380(a).

(c) Ordering, prescribing, dispensing, administering, or paying for controlled substances, including opioids, shall not in any way be predetermined by specific morphine milligram equivalent guidelines except as provided under federal law.

(d) Nothing in this Section shall interfere with the review of prescriptions by the Prescription Monitoring Program's Peer Review Committee. In reviewing prescriptions for chronic pain, the peer review committee members shall review the most updated clinical guidelines on treating chronic pain for the period the prescriptions were written.

720 ILCS 570/316 — Prescription Monitoring Program

Sec. 316. Prescription Monitoring Program.

(a) The Department must provide for a Prescription Monitoring Program for Schedule II, III, IV, and V controlled substances that includes the following components and requirements:

(1) The dispenser must transmit to the central repository, in a form and manner specified by the Department, the following information: (A) The recipient's name and address. (B) The recipient's date of birth and gender. (C) The national drug code number of the controlled substance dispensed. (D) (Blank). (E) The quantity of the controlled substance dispensed and days supply. (F) The dispenser's United States Drug Enforcement Administration registration number. (G) The prescriber's United States Drug Enforcement Administration registration number. (H) The dates the controlled substance prescription is filled. (I) The payment type used to purchase the controlled substance (i.e. Medicaid, cash, third party insurance). (J) The patient location code (i.e. home, nursing home, outpatient, etc.) for the controlled substances other than those filled at a retail pharmacy. (K) Any additional information that may be required by the department by administrative rule, including but not limited to information required for compliance with the criteria for electronic reporting of the American Society for Automation and Pharmacy or its successor.

(2) The information required to be transmitted under this Section must be transmitted not later than the end of the business day on which a controlled substance is dispensed, or at such other time as may be required by the Department by administrative rule.

(3) A dispenser must transmit electronically, as provided by Department rule, the information required to be transmitted under this Section. (3.5) The requirements of paragraphs (1), (2), and

(3) of this subsection also apply to opioid treatment programs that are licensed or certified by the Department of Human Services' Division of Substance Use Prevention and Recovery and are authorized by the federal Drug Enforcement Administration to prescribe Schedule II, III, IV, or V controlled substances for the treatment of opioid use disorders. Opioid treatment programs shall attempt to obtain written patient consent, shall document attempts to obtain the written consent, and shall not transmit information without patient consent. Documentation obtained under this paragraph shall not be utilized for law enforcement purposes, as proscribed under 42 CFR 2, as amended by 42 U.S.C. 290dd-2. Treatment of a patient shall not be conditioned upon his or her written consent.

(4) The Department may impose a civil fine of up to \$100 per day for willful failure to report controlled substance dispensing to the Prescription Monitoring Program. The fine shall be calculated on no more than the number of days from the time the report was required to be made until the time the problem was resolved, and shall be payable to the Prescription Monitoring Program. (a-5) Notwithstanding subsection (a), a licensed veterinarian is exempt from the reporting requirements of this Section. If a person who is presenting an animal for treatment is suspected of fraudulently obtaining any controlled substance or prescription for a controlled substance, the licensed veterinarian shall report that information to the local law enforcement agency.

(b) The Department, by rule, may include in the Prescription Monitoring Program certain other select drugs that are not included in Schedule II, III, IV, or V. The Prescription Monitoring Program does not apply to controlled substance prescriptions as exempted under Section 313.

(c) The collection of data on select drugs and scheduled substances by the Prescription Monitoring Program may be used as a tool for addressing oversight requirements of long-term care institutions as set forth by Public Act 96-1372. Long-term care pharmacies shall transmit patient medication profiles to the Prescription Monitoring Program monthly or more frequently as established by administrative rule.

(d) The Department of Human Services shall appoint a full-time Clinical Director of the Prescription Monitoring Program.

(e) (Blank).

(f) It is the responsibility of any new, ceased, or unconnected healthcare facility and its selected Electronic Health Records System or Pharmacy Management System to make contact with and ensure integration with the Prescription Monitoring Program. As soon as practicable after the effective date of this amendatory Act of the 103rd General Assembly, the Department shall adopt rules requiring Electronic Health Records Systems and Pharmacy Management Systems to interface, by January 1, 2024, with the Prescription Monitoring Program to ensure that providers have access to specific patient records during the treatment of their patients. The Department shall identify actions to be taken if a prescriber's Electronic Health Records System and Pharmacy Management Systems does not effectively interface with the Prescription Monitoring Program once the Prescription Monitoring Program is aware of the non-integrated connection.

(g) The Department, in consultation with the Prescription Monitoring Program Advisory Committee, shall adopt rules allowing licensed prescribers or pharmacists who have registered to access the Prescription Monitoring Program to authorize a licensed or non-licensed designee employed in that licensed prescriber's office or a licensed designee in a licensed pharmacist's pharmacy who has received training in the federal Health Insurance Portability and Accountability Act and 42 CFR 2 to consult the Prescription Monitoring Program on their behalf. The rules shall include reasonable parameters concerning a practitioner's authority to authorize a designee, and the eligibility of a person to be selected as a designee. In this subsection (g), "pharmacist" shall include a clinical pharmacist employed by and designated by a Medicaid Managed Care Organization providing services under Article V of the Illinois Public Aid Code under a contract with the Department of Healthcare and Family Services for the sole purpose of clinical review of services provided to persons covered by the entity under the contract to determine compliance with subsections

(a) and

(b) of Section 314.5 of this Act. A managed care entity pharmacist shall notify prescribers of review activities.

720 ILCS 570/316.1 — Access to the integration of pharmacy records with the Prescription Monitoring Program

Sec. 316.1. Access to the integration of pharmacy records with the Prescription Monitoring Program.

(a) Subject to the requirements and limitations set out in this Section and in administrative rule, the Department shall not require, either expressly or effectively, Electronic Health Records Systems, pharmacies, or other providers to utilize a particular entity or system for access to the integration of pharmacy records with the Prescription Monitoring Program.

(1) Any entity or system for integration (transmitting the data maintained by the Prescription Monitoring Program) into an Electronic Health Records System, Certified Health IT Module, Pharmacy Dispensing System, or Pharmacy Management System must meet applicable requirements outlined in administrative rule, including, but not limited to, the following: (A) enter into a data sharing agreement with the Department of Human Services, Prescription Monitoring Program; (B) all security requirements noted within this Section, administrative rule, and all other applicable State and federal security and privacy requirements; (C) the Prescription Monitoring Program shall have administrative control over the approval of each site and individual integration point and the Prescription Monitoring Program shall have the ability to disable individual integration points, at no additional cost to the State; (D) interstate data sharing shall be completed with written authorization from the Prescription Monitoring Program; (E) data available from the Prescription Monitoring Program shall not be stored, cached, or sold and the State may inspect and review an entity or system for integration to assure and confirm the same, subject to a reasonable non-disclosure agreement, as permitted by State law, to protect the entity's or system's trade secrets or other proprietary information; (F) analysis of data shall only be allowed with express written permission from the Prescription Monitoring Program; and (G) access to audit data, shall be available in hourly to real-time increments at no cost to the State.

(2) Electronic Health Record Systems, Certified Health IT Modules, Pharmacy Management Systems, and Pharmacy Dispensing Systems integrated with the Prescription Monitoring Program must meet applicable requirements outlined in rule, including, but not limited to, the following: (A) provide their customers (healthcare entity, pharmacy, provider, prescriber, dispenser, etc.) the choice of approved integration vendor, meeting the requirements of this Section and administrative rule, or direct connect to the Illinois Prescription Monitoring Program; (B) provide their customers with access to the data provided by the customer's chosen integration vendor as allowed under State and federal statute; and (C) follow all State and federal security and privacy standards.

(3) Customers required to integrate under State or federal law must meet the requirements outlined in administrative rule, including, but not limited to, the following: (A) the customer retains the choice of which integration vendor or direct connect is utilized to connect to the Illinois Prescription Monitoring Program; and (B) customers seeking to contract with a new integration vendor, shall enter into a memorandum of understanding with the Prescription Monitoring Program.

(b) The Illinois Prescription Monitoring Program may exercise the power, by rule, to require Memoranda of Understanding with all customers. The general contents of the memorandum of understanding shall be set out in rule and shall include, but not be limited to:

(1) the acknowledgment and choice of the customer of the method of integration with the Prescription Monitoring Program and

(2) the data use and other requirements on the customer in accessing and using the Prescription Monitoring Program. A fee cannot be levied as part of a memorandum of understanding required by the Department under this Section.

(c) Non-compliance by the Integration Vendor, Electronic Health Record System, Certified Health IT Module, Pharmacy Management System or Pharmacy Dispensing System, customer, or any parties required to comply with this Section may result in the party being prohibited from serving as entity or system for integration with the Prescription Monitoring Program, termination of contracts, agreements, or other business relationships. The Department shall institute appropriate cure notices, as necessary to remedy non-compliance.

720 ILCS 570/317 — Central repository for collection of information

Sec. 317. Central repository for collection of information.

(a) The Department must designate a central repository for the collection of information transmitted under Section 316 and former Section 321.

(b) The central repository must do the following:

(1) Create a database for information required to be transmitted under Section 316 in the form required under rules adopted by the Department, including search capability for the following: (A) A recipient's name and address. (B) A recipient's date of birth and gender. (C) The national drug code number of a controlled substance dispensed. (D) (Blank). (E) The quantities and days supply of a controlled substance dispensed. (F) A dispenser's Administration registration number. (G) A prescriber's Administration registration number. (H) The dates the controlled substance prescription is filled. (I) The payment type used to purchase the controlled substance (i.e. Medicaid, cash, third party insurance). (J) The patient location code (i.e. home, nursing home, outpatient, etc.) for controlled substance prescriptions other than those filled at a retail pharmacy.

(2) Provide the Department with a database maintained by the central repository. The Department of Financial and Professional Regulation must provide the Department with electronic access to the license information of a prescriber or dispenser.

(3) Secure the information collected by the central repository and the database maintained by the central repository against access by unauthorized persons. All prescribers shall designate one or more medical specialties or fields of medical care and treatment for which the prescriber prescribes controlled substances when registering with the Prescription Monitoring Program. No fee shall be charged for access by a prescriber or dispenser.

720 ILCS 570/318 — Confidentiality of information

Sec. 318. Confidentiality of information.

(a) Information received by the central repository under Section 316 and former Section 321 is confidential. (a-1) To ensure the federal Health Insurance Portability and Accountability Act and confidentiality of substance use disorder patient records rules that mandate the privacy of an individual's prescription data reported to the Prescription Monitoring Program received from a retail dispenser under this Act, and in order to execute the duties and responsibilities under Section 316 of this Act and rules for disclosure under this Section, the Clinical Director of the Prescription Monitoring Program or his or her designee shall maintain direct access to all Prescription Monitoring Program data. Any request for Prescription Monitoring Program data from any other department or agency must be approved in writing by the Clinical Director of the Prescription Monitoring Program or his or her designee unless otherwise permitted by law. Prescription Monitoring Program data shall only be disclosed as permitted by law. Confidential information received from opioid treatment programs or confidential information otherwise protected under federal confidentiality of substance use disorder patient records regulations under 42 CFR Part 2 shall not be included in the information shared. (a-2) As an active step to address the current opioid crisis in this State and to prevent and reduce substance use disorders resulting from a sports injury or an accident, the Prescription Monitoring Program and the Department of Public Health shall coordinate a continuous review of the Prescription Monitoring Program and the Department of Public Health data to determine if a patient may be at risk of opioid use disorder. Each patient discharged from any medical facility with an International Classification of Disease, 10th edition code related to a sport or accident injury shall be subject to the data review. If the discharged patient is dispensed a controlled substance, the Prescription Monitoring Program shall alert the patient's prescriber as to the risk of developing a substance use disorder and urge each to follow the Centers for Disease Control and Prevention guidelines or his or her respective profession's treatment guidelines related to the patient's injury. This subsection (a-2), other than this sentence, is inoperative on or after January 1, 2024.

(b) The Department must carry out a program to protect the confidentiality of the information described in subsection (a). The Department may disclose the information to another person only under subsection (c), (d), or

(f) and may charge a fee not to exceed the actual cost of furnishing the information.

(c) The Department may disclose confidential information described in subsection

(a) to any person who is engaged in receiving, processing, or storing the information.

(d) The Department may release confidential information described in subsection

(a) to the following persons:

(1) A governing body that licenses practitioners and is engaged in an investigation, an adjudication, or a prosecution of a violation under any State or federal law that involves a controlled substance.

(2) An investigator for the Consumer Protection Division of the office of the Attorney General, a prosecuting attorney, the Attorney General, a deputy Attorney General, or an investigator from the office of the Attorney General, who is engaged in any of the following activities involving controlled substances: (A) an investigation; (B) an adjudication; or (C) a

prosecution of a violation under any State or federal law that involves a controlled substance.

(3) A law enforcement officer who is: (A) authorized by the Illinois State Police or the office of a county sheriff or State's Attorney or municipal police department of Illinois to receive information of the type requested for the purpose of investigations involving controlled substances; or (B) approved by the Department to receive information of the type requested for the purpose of investigations involving controlled substances; and (C) engaged in the investigation or prosecution of a violation under any State or federal law that involves a controlled substance.

(4) Select representatives of the Department of Children and Family Services through the indirect online request process. Access shall be established by an intergovernmental agreement between the Department of Children and Family Services and the Department of Human Services.

(e) Before the Department releases confidential information under subsection (d), all of the following must be demonstrated in writing to the Department by the applicant:

(1) the applicant has reason to believe that a violation under any State or federal law that involves a controlled substance has occurred;

(2) the requested information is reasonably related to the investigation, adjudication, or prosecution of the violation described in subdivision (1); and

(3) the applicant has a valid court order or subpoena, or an administrative subpoena issued by the Department of Financial and Professional Regulation, for the confidential information requested.

(f) The Department may receive and release confidential prescription record information collected under Sections 316 and 321 (now repealed) that identifies vendors or practitioners, or both, who are prescribing or dispensing large quantities of Schedule II, III, IV, or V controlled substances outside the scope of their practice, pharmacy, or business, as determined by the Advisory Committee created by Section 320, to:

(1) a governing body that licenses practitioners;

(2) an investigator for the Consumer Protection Division of the office of the Attorney General, a prosecuting attorney, the Attorney General, a deputy Attorney General, or an investigator from the office of the Attorney General;

(3) any Illinois law enforcement officer who is: (A) authorized to receive the type of information released; and (B) approved by the Department to receive the type of information released; or

(4) prescription monitoring entities in other states per the provisions outlined in subsection

(g) and

(h) below. (f-5) In accordance with a confidentiality agreement entered into with the Department, a medical director, or a public health administrator and their delegated analysts, of a county or municipal health department or the Department of Public Health shall have access to data from the system for any of the following purposes:

(1) developing education programs or public health interventions relating to prescribing trends and controlled substance use; or

(2) conducting analyses and publish reports on prescribing trends in their respective jurisdictions. At a minimum, the confidentiality agreement entered into with the Department shall:

(i) prohibit analysis and reports produced under subparagraph

(2) from including information that identifies, by name, license, or address, any practitioner, dispenser, ultimate user, or other person administering a controlled substance; and (ii) specify the appropriate technical and physical safeguards that the county or municipal health department must implement to ensure the privacy and security of data obtained from the system. The data from the system shall not be admissible as evidence, nor discoverable in any action of any kind in any court or before any tribunal, board, agency, or person. The disclosure of any such information or data, whether proper or improper, shall not waive or have any effect upon its confidentiality, non-discoverability, or non-admissibility.

(g) The information described in subsection

(f) may not be released until it has been reviewed by an employee of the Department who is licensed as a prescriber or a dispenser and until that employee has certified that further investigation is warranted. Upon review and approval by a licensed prescriber or dispenser, or trained designee, the Prescription Monitoring Program may release information described in subsection (f). However, failure to comply with this subsection

(g) does not invalidate the use of any evidence that is otherwise admissible in a proceeding described in subsection (h).

- (h) An investigator or a law enforcement officer receiving confidential information under subsection (c), (d), or
- (f) may disclose the information to a law enforcement officer or an attorney for the office of the Attorney General for use as evidence in the following:
- (1) A proceeding under any State or federal law that involves a controlled substance.
 - (2) A criminal proceeding or a proceeding in juvenile court that involves a controlled substance.
- (i) The Department may compile statistical reports from the information described in subsection (a). The reports must not include information that identifies, by name, license or address, any practitioner, dispenser, ultimate user, or other person administering a controlled substance.
- (j) Based upon federal, initial and maintenance funding, a prescriber and dispenser inquiry system shall be developed to assist the health care community in its goal of effective clinical practice and to prevent patients from diverting or abusing medications.
- (1) An inquirer shall have read-only access to a stand-alone database which shall contain records for the previous 12 months.
 - (2) Dispensers may, upon positive and secure identification, make an inquiry on a patient or customer solely for a medical purpose as delineated within the federal HIPAA law.
 - (3) The Department shall provide a one-to-one secure link and encrypted software necessary to establish the link between an inquirer and the Department. Technical assistance shall also be provided.
 - (4) Written inquiries are acceptable but must include the fee and the requester's Drug Enforcement Administration license number and submitted upon the requester's business stationery.
 - (5) As directed by the Prescription Monitoring Program Advisory Committee and the Clinical Director for the Prescription Monitoring Program, aggregate data that does not indicate any prescriber, practitioner, dispenser, or patient may be used for clinical studies.
 - (6) Tracking analysis shall be established and used per administrative rule.
 - (7) Nothing in this Act or Illinois law shall be construed to require a prescriber or dispenser to make use of this inquiry system.
 - (8) If there is an adverse outcome because of a prescriber or dispenser making an inquiry, which is initiated in good faith, the prescriber or dispenser shall be held harmless from any civil liability.
- (k) The Department shall establish, by rule, the process by which to evaluate possible erroneous association of prescriptions to any licensed prescriber or end user of the Illinois Prescription Information Library (PIL).
- (l) The Prescription Monitoring Program Advisory Committee is authorized to evaluate the need for and method of establishing a patient specific identifier.
- (m) Patients who identify prescriptions attributed to them that were not obtained by them shall be given access to their personal prescription history pursuant to the validation process as set forth by administrative rule.
- (n) The Prescription Monitoring Program is authorized to develop operational push reports to entities with compatible electronic medical records. The process shall be covered within administrative rule established by the Department.
- (o) Hospital emergency departments and freestanding healthcare facilities providing healthcare to walk-in patients may obtain, for the purpose of improving patient care, a unique identifier for each shift to utilize the PIL system.
- (p) The Prescription Monitoring Program shall automatically create a log-in to the inquiry system when a prescriber or dispenser obtains or renews his or her controlled substance license. The Department of Financial and Professional Regulation must provide the Prescription Monitoring Program with electronic access to the license information of a prescriber or dispenser to facilitate the creation of this profile. The Prescription Monitoring Program shall send the prescriber or dispenser information regarding the inquiry system, including instructions on how to log into the system, instructions on how to use the system to promote effective clinical practice, and opportunities for continuing education for the prescribing of controlled substances. The Prescription Monitoring Program shall also send to all enrolled prescribers, dispensers, and designees information regarding the unsolicited reports produced pursuant to Section 314.5 of this Act.
- (q) A prescriber or dispenser may authorize a designee to consult the inquiry system established by the Department under this subsection on his or her behalf, provided that all the following conditions are met:

- (1) the designee so authorized is employed by the same hospital or health care system; is employed by the same professional practice; or is under contract with such practice, hospital, or health care system;
 - (2) the prescriber or dispenser takes reasonable steps to ensure that such designee is sufficiently competent in the use of the inquiry system;
 - (3) the prescriber or dispenser remains responsible for ensuring that access to the inquiry system by the designee is limited to authorized purposes and occurs in a manner that protects the confidentiality of the information obtained from the inquiry system, and remains responsible for any breach of confidentiality; and
 - (4) the ultimate decision as to whether or not to prescribe or dispense a controlled substance remains with the prescriber or dispenser. The Prescription Monitoring Program shall send to registered designees information regarding the inquiry system, including instructions on how to log onto the system.
- (r) The Prescription Monitoring Program shall maintain an Internet website in conjunction with its prescriber and dispenser inquiry system. This website shall include, at a minimum, the following information:
- (1) current clinical guidelines developed by health care professional organizations on the prescribing of opioids or other controlled substances as determined by the Advisory Committee;
 - (2) accredited continuing education programs related to prescribing of controlled substances;
 - (3) programs or information developed by health care professionals that may be used to assess patients or help ensure compliance with prescriptions;
 - (4) updates from the Food and Drug Administration, the Centers for Disease Control and Prevention, and other public and private organizations which are relevant to prescribing;
 - (5) relevant medical studies related to prescribing;
 - (6) other information regarding the prescription of controlled substances; and
 - (7) information regarding prescription drug disposal events, including take-back programs or other disposal options or events. The content of the Internet website shall be periodically reviewed by the Prescription Monitoring Program Advisory Committee as set forth in Section 320 and updated in accordance with the recommendation of the advisory committee.
- (s) The Prescription Monitoring Program shall regularly send electronic updates to the registered users of the Program. The Prescription Monitoring Program Advisory Committee shall review any communications sent to registered users and also make recommendations for communications as set forth in Section 320. These updates shall include the following information:
- (1) opportunities for accredited continuing education programs related to prescribing of controlled substances;
 - (2) current clinical guidelines developed by health care professional organizations on the prescribing of opioids or other drugs as determined by the Advisory Committee;
 - (3) programs or information developed by health care professionals that may be used to assess patients or help ensure compliance with prescriptions;
 - (4) updates from the Food and Drug Administration, the Centers for Disease Control and Prevention, and other public and private organizations which are relevant to prescribing;
 - (5) relevant medical studies related to prescribing;
 - (6) other information regarding prescribing of controlled substances;
 - (7) information regarding prescription drug disposal events, including take-back programs or other disposal options or events; and
 - (8) reminders that the Prescription Monitoring Program is a useful clinical tool.
- (t) Notwithstanding any other provision of this Act, neither the Prescription Monitoring Program nor any other person shall disclose any information in violation of the restrictions and requirements of paragraph (3.5) of subsection (a) of Section 316 as implemented under Public Act 102-527.

720 ILCS 570/319 — Rules

Sec. 319. Rules. The Department shall adopt rules under the Illinois Administrative Procedure Act to implement Sections 316 through 321, including the following:

- (1) Information collection and retrieval procedures for the central repository, including the controlled substances to be included in the program required under Section 316 and Section 321 (now repealed).
- (2) Design for the creation of the database required under Section 317.
- (3) Requirements for the development and installation of on-line electronic access by the Department to information collected by the central repository.

720 ILCS 570/320 — Advisory committee

Sec. 320. Advisory committee.

(a) There is created a Prescription Monitoring Program Advisory Committee to assist the Department of Human Services and Department of Public Health in implementing the Prescription Monitoring Program created by this Article and to advise the Department on the professional performance of prescribers and dispensers and other matters germane to the advisory committee's field of competence.

(b) The Prescription Monitoring Program Advisory Committee shall consist of 15 members appointed by the Clinical Director of the Prescription Monitoring Program composed of prescribers and dispensers licensed to practice medicine in his or her respective profession as follows: one family or primary care physician; one pain specialist physician; 4 other physicians, one of whom may be an ophthalmologist; 2 advanced practice registered nurses; one physician assistant; one optometrist; one dentist; one clinical representative from a statewide organization representing hospitals; and 3 pharmacists. The Advisory Committee members serving on August 26, 2018 (the effective date of Public Act 100-1093) shall continue to serve until January 1, 2019. Prescriber and dispenser nominations for membership on the Committee shall be submitted by their respective professional associations. If there are more nominees than membership positions for a prescriber or dispenser category, as provided in this subsection (b), the Clinical Director of the Prescription Monitoring Program shall appoint a member or members for each profession as provided in this subsection (b), from the nominations to serve on the advisory committee. At the first meeting of the Committee in 2019 members shall draw lots for initial terms and 6 members shall serve 3 years, 5 members shall serve 2 years, and 5 members shall serve one year. Thereafter, members shall serve 3-year terms. Members may serve more than one term but no more than 3 terms. The Clinical Director of the Prescription Monitoring Program may appoint a representative of an organization representing a profession required to be appointed. The Clinical Director of the Prescription Monitoring Program shall serve as the Secretary of the committee.

(c) The advisory committee may appoint a chairperson and other officers as it deems appropriate.

(d) The members of the advisory committee shall receive no compensation for their services as members of the advisory committee, unless appropriated by the General Assembly, but may be reimbursed for their actual expenses incurred in serving on the advisory committee.

(e) The advisory committee shall:

- (1) provide a uniform approach to reviewing this Act in order to determine whether changes should be recommended to the General Assembly;
- (2) review current drug schedules in order to manage changes to the administrative rules pertaining to the utilization of this Act;
- (3) review the following: current clinical guidelines developed by health care professional organizations on the prescribing of opioids or other controlled substances; accredited continuing education programs related to prescribing and dispensing; programs or information developed by health care professional organizations that may be used to assess patients or help ensure compliance with prescriptions; updates from the Food and Drug Administration, the Centers for Disease Control and Prevention, and other public and private organizations which are relevant to prescribing and dispensing; relevant medical studies; and other publications which involve the prescription of controlled substances;
- (4) make recommendations for inclusion of these materials or other studies which may be effective resources for prescribers and dispensers on the Internet website of the inquiry system established under Section 318;
- (5) semi-annually review the content of the Internet website of the inquiry system established pursuant to Section 318 to ensure this Internet website has the most current available information;

(6) semi-annually review opportunities for federal grants and other forms of funding to support projects which will increase the number of pilot programs which integrate the inquiry system with electronic health records; and

(7) semi-annually review communication to be sent to all registered users of the inquiry system established pursuant to Section 318, including recommendations for relevant accredited continuing education and information regarding prescribing and dispensing.

(f) The Advisory Committee shall select from its members 10 members of the Peer Review Committee composed of:

(1) 3 physicians;

(2) 3 pharmacists;

(3) one dentist;

(4) one advanced practice registered nurse; (4.5) (blank);

(5) one physician assistant; and

(6) one optometrist. The purpose of the Peer Review Committee is to establish a formal peer review of professional performance of prescribers and dispensers. The deliberations, information, and communications of the Peer Review Committee are privileged and confidential and shall not be disclosed in any manner except in accordance with current law.

(1) The Peer Review Committee shall periodically review the data contained within the prescription monitoring program to identify those prescribers or dispensers who may be prescribing or dispensing outside the currently accepted standard and practice of their profession. The Peer Review Committee member, whose profession is the same as the prescriber or dispenser being reviewed, shall prepare a preliminary report and recommendation for any non-action or action. The Prescription Monitoring Program Clinical Director and staff shall provide the necessary assistance and data as required.

(2) The Peer Review Committee may identify prescribers or dispensers who may be prescribing outside the currently accepted medical standards in the course of their professional practice and send the identified prescriber or dispenser a request for information regarding their prescribing or dispensing practices. This request for information shall be sent via certified mail, return receipt requested. A prescriber or dispenser shall have 30 days to respond to the request for information.

(3) The Peer Review Committee shall refer a prescriber or a dispenser to the Department of Financial and Professional Regulation in the following situations:

(i) if a prescriber or dispenser does not respond to three successive requests for information; (ii) in the opinion of a majority of members of the Peer Review Committee, the prescriber or dispenser does not have a satisfactory explanation for the practices identified by the Peer Review Committee in its request for information; or (iii) following communications with the Peer Review Committee, the prescriber or dispenser does not sufficiently rectify the practices identified in the request for information in the opinion of a majority of the members of the Peer Review Committee.

(4) The Department of Financial and Professional Regulation may initiate an investigation and discipline in accordance with current laws and rules for any prescriber or dispenser referred by the Peer Review Committee.

(5) The Peer Review Committee shall prepare an annual report starting on July 1, 2017. This report shall contain the following information: the number of times the Peer Review Committee was convened; the number of prescribers or dispensers who were reviewed by the Peer Review Committee; the number of requests for information sent out by the Peer Review Committee; and the number of prescribers or dispensers referred to the Department of Financial and Professional Regulation. The annual report shall be delivered electronically to the Department and to the General Assembly. The report to the General Assembly shall be filed with the Clerk of the House of Representatives and the Secretary of the Senate in electronic form only, in the manner that the Clerk and the Secretary shall direct. The report prepared by the Peer Review Committee shall not identify any prescriber, dispenser, or patient.

720 ILCS 570/321

Sec. 321. (Repealed).

720 ILCS 570/401

Sec. 401. Manufacture or delivery, or possession with intent to manufacture or deliver, a controlled substance, a counterfeit substance, or controlled substance analog. Except as authorized by this Act, it is unlawful for any person

knowingly to manufacture or deliver, or possess with intent to manufacture or deliver, a controlled substance other than methamphetamine and other than bath salts as defined in the Bath Salts Prohibition Act sold or offered for sale in a retail mercantile establishment as defined in Section 16-0.1 of the Criminal Code of 2012, a counterfeit substance, or a controlled substance analog. A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. For purposes of this Section, "controlled substance analog" or "analog" means a substance, other than a controlled substance, which is not approved by the United States Food and Drug Administration or, if approved, is not dispensed or possessed in accordance with State or federal law, and that has a chemical structure substantially similar to that of a controlled substance in Schedule I or II, or that was specifically designed to produce an effect substantially similar to that of a controlled substance in Schedule I or II. Examples of chemical classes in which controlled substance analogs are found include, but are not limited to, the following: phenethylamines, N-substituted piperidines, morphinans, ecgonines, quinazolinones, substituted indoles, and arylcycloalkylamines. For purposes of this Act, a controlled substance analog shall be treated in the same manner as the controlled substance to which it is substantially similar.

(a) Any person who violates this Section with respect to the following amounts of controlled or counterfeit substances or controlled substance analogs, notwithstanding any of the provisions of subsections (c), (d), (e), (f),

(g) or

(h) to the contrary, is guilty of a Class X felony and shall be sentenced to a term of imprisonment as provided in this subsection

(a) and fined as provided in subsection (b): (1)(A) not less than 6 years and not more than 30 years with respect to 15 grams or more but less than 100 grams of a substance containing heroin, or an analog thereof; (B) not less than 9 years and not more than 40 years with respect to 100 grams or more but less than 400 grams of a substance containing heroin, or an analog thereof; (C) not less than 12 years and not more than 50 years with respect to 400 grams or more but less than 900 grams of a substance containing heroin, or an analog thereof; (D) not less than 15 years and not more than 60 years with respect to 900 grams or more of any substance containing heroin, or an analog thereof; (1.5)(A) not less than 6 years and not more than 30 years with respect to 15 grams or more but less than 100 grams of a substance containing fentanyl, or an analog thereof; (B) not less than 9 years and not more than 40 years with respect to 100 grams or more but less than 400 grams of a substance containing fentanyl, or an analog thereof; (C) not less than 12 years and not more than 50 years with respect to 400 grams or more but less than 900 grams of a substance containing fentanyl, or an analog thereof; (D) not less than 15 years and not more than 60 years with respect to 900 grams or more of a substance containing fentanyl, or an analog thereof; (2)(A) not less than 6 years and not more than 30 years with respect to 15 grams or more but less than 100 grams of a substance containing cocaine, or an analog thereof; (B) not less than 9 years and not more than 40 years with respect to 100 grams or more but less than 400 grams of a substance containing cocaine, or an analog thereof; (C) not less than 12 years and not more than 50 years with respect to 400 grams or more but less than 900 grams of a substance containing cocaine, or an analog thereof; (D) not less than 15 years and not more than 60 years with respect to 900 grams or more of any substance containing cocaine, or an analog thereof; (3)(A) not less than 6 years and not more than 30 years with respect to 15 grams or more but less than 100 grams of a substance containing morphine, or an analog thereof; (B) not less than 9 years and not more than 40 years with respect to 100 grams or more but less than 400 grams of a substance containing morphine, or an analog thereof; (C) not less than 12 years and not more than 50 years with respect to 400 grams or more but less than 900 grams of a substance containing morphine, or an analog thereof; (D) not less than 15 years and not more than 60 years with respect to 900 grams or more of a substance containing morphine, or an analog thereof;

(4) 200 grams or more of any substance containing peyote, or an analog thereof;

(5) 200 grams or more of any substance containing a derivative of barbituric acid or any of the salts of a derivative of barbituric acid, or an analog thereof;

(6) 200 grams or more of any substance containing amphetamine or any salt of an optical isomer of amphetamine, or an analog thereof; (6.5) (blank); (6.6) (blank); (7)(A) not less than 6 years and not more than 30 years with respect to:

(i) 15 grams or more but less than 100 grams of a substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) 15 or more objects or 15 or more segregated parts of an object or objects but less than 200 objects or 200 segregated parts of an object or objects containing in them or having upon them any amounts of any substance containing lysergic acid diethylamide (LSD), or an analog thereof; (B) not less than 9 years and not more than 40 years with respect to:

(i) 100 grams or more but less than 400 grams of a substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) 200 or more objects or 200 or more segregated parts of an object or objects but less than 600 objects or less than 600 segregated parts of an object or objects containing in them or having upon them any amount of any substance containing lysergic acid diethylamide (LSD), or an analog thereof; (C) not less than 12 years and not more than 50 years with respect to:

(i) 400 grams or more but less than 900 grams of a substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) 600 or more objects or 600 or more segregated parts of an object or objects but less than 1500 objects or 1500 segregated parts of an object or objects containing in them or having upon them any amount of any substance containing lysergic acid diethylamide (LSD), or an analog thereof; (D) not less than 15 years and not more than 60 years with respect to:

(i) 900 grams or more of any substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) 1500 or more objects or 1500 or more segregated parts of an object or objects containing in them or having upon them any amount of a substance containing lysergic acid diethylamide (LSD), or an analog thereof; (7.5)(A) not less than 6 years and not more than 30 years with respect to:

(i) 15 grams or more but less than 100 grams of a substance listed in paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or

(26) of subsection

(d) of Section 204, or an analog or derivative thereof, or (ii) 15 or more pills, tablets, caplets, capsules, or objects but less than 200 pills, tablets, caplets, capsules, or objects containing in them or having upon them any amounts of any substance listed in paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or

(26) of subsection

(d) of Section 204, or an analog or derivative thereof; (B) not less than 9 years and not more than 40 years with respect to:

(i) 100 grams or more but less than 400 grams of a substance listed in paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or

(26) of subsection

(d) of Section 204, or an analog or derivative thereof, or (ii) 200 or more pills, tablets, caplets, capsules, or objects but less than 600 pills, tablets, caplets, capsules, or objects containing in them or having upon them any amount of any substance listed in paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or

(26) of subsection

(d) of Section 204, or an analog or derivative thereof; (C) not less than 12 years and not more than 50 years with respect to:

(i) 400 grams or more but less than 900 grams of a substance listed in paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or

(26) of subsection

(d) of Section 204, or an analog or derivative thereof, or (ii) 600 or more pills, tablets, caplets, capsules, or objects but less than 1,500 pills, tablets, caplets, capsules, or objects containing in them or having upon them any amount of any substance listed in paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or

(26) of subsection

(d) of Section 204, or an analog or derivative thereof; (D) not less than 15 years and not more than 60 years with respect to:

(i) 900 grams or more of any substance listed in paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection

(d) of Section 204, or an analog or derivative thereof, or (ii) 1,500 or more pills, tablets, caplets, capsules, or objects containing in them or having upon them any amount of a substance listed in paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or

(26) of subsection

(d) of Section 204, or an analog or derivative thereof;

(8) 30 grams or more of any substance containing pentazocine or any of the salts, isomers and salts of isomers of pentazocine, or an analog thereof;

(9) 30 grams or more of any substance containing methaqualone or any of the salts, isomers and salts of isomers of methaqualone, or an analog thereof;

(10) 30 grams or more of any substance containing phencyclidine or any of the salts, isomers and salts of isomers of phencyclidine (PCP), or an analog thereof; (10.5) 30 grams or more of any substance containing ketamine or any of the salts, isomers and salts of isomers of ketamine, or an analog thereof; (10.6) 100 grams or more of any substance containing hydrocodone, or any of the salts, isomers and salts of isomers of hydrocodone, or an analog thereof; (10.7) (blank); (10.8) 100 grams or more of any substance containing dihydrocodeine, or any of the salts, isomers and salts of isomers of dihydrocodeine, or an analog thereof; (10.9) 100 grams or more of any substance containing oxycodone, or any of the salts, isomers and salts of isomers of oxycodone, or an analog thereof;

(11) 200 grams or more of any substance containing any other controlled substance classified in Schedules I or II, or an analog thereof, which is not otherwise included in this subsection.

(b) Any person sentenced with respect to violations of paragraph (1), (2), (3), (7), or (7.5) of subsection

(a) involving 100 grams or more of the controlled substance named therein, may in addition to the penalties provided therein, be fined an amount not more than \$500,000 or the full street value of the controlled or counterfeit substance or controlled substance analog, whichever is greater. The term "street value" shall have the meaning ascribed in Section 110-5 of the Code of Criminal Procedure of 1963. Any person sentenced with respect to any other provision of subsection (a), may in addition to the penalties provided therein, be fined an amount not to exceed \$500,000. (b-1) Excluding violations of this Act when the controlled substance is fentanyl, any person sentenced to a term of imprisonment with respect to violations of Section 401, 401.1, 405, 405.1, 405.2, or 407, when the substance containing the controlled substance contains any amount of fentanyl, 3 years shall be added to the term of imprisonment imposed by the court, and the maximum sentence for the offense shall be increased by 3 years.

(c) Any person who violates this Section with regard to the following amounts of controlled or counterfeit substances or controlled substance analogs, notwithstanding any of the provisions of subsections (a), (b), (d), (e), (f),

(g) or

(h) to the contrary, is guilty of a Class 1 felony. The fine for violation of this subsection

(c) shall not be more than \$250,000:

(1) 1 gram or more but less than 15 grams of any substance containing heroin, or an analog thereof; (1.5) 1 gram or more but less than 15 grams of any substance containing fentanyl, or an analog thereof;

(2) 1 gram or more but less than 15 grams of any substance containing cocaine, or an analog thereof;

(3) 10 grams or more but less than 15 grams of any substance containing morphine, or an analog thereof;

(4) 50 grams or more but less than 200 grams of any substance containing peyote, or an analog thereof;

(5) 50 grams or more but less than 200 grams of any substance containing a derivative of barbituric acid or any of the salts of a derivative of barbituric acid, or an analog thereof;

(6) 50 grams or more but less than 200 grams of any substance containing amphetamine or any salt of an optical isomer of amphetamine, or an analog thereof; (6.5) (blank); (7)(i) 5 grams or more but less than 15 grams of any substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) more than 10 objects or more than 10 segregated parts of an object or objects but less than 15 objects or less than 15 segregated parts of an object containing in them or having upon them any amount of any substance containing lysergic acid diethylamide (LSD), or an analog thereof; (7.5)(i) 5 grams or more but less than 15 grams of any substance listed in paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or

(26) of subsection

(d) of Section 204, or an analog or derivative thereof, or (ii) more than 10 pills, tablets, caplets, capsules, or objects but less than 15 pills, tablets, caplets, capsules, or objects containing in them or having upon them any amount of any substance listed in paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or

(26) of subsection

(d) of Section 204, or an analog or derivative thereof;

(8) 10 grams or more but less than 30 grams of any substance containing pentazocine or any of the salts, isomers and salts of isomers of pentazocine, or an analog thereof;

(9) 10 grams or more but less than 30 grams of any substance containing methaqualone or any of the salts, isomers and salts of isomers of methaqualone, or an analog thereof;

(10) 10 grams or more but less than 30 grams of any substance containing phencyclidine or any of the salts, isomers and salts of isomers of phencyclidine (PCP), or an analog thereof; (10.5) 10 grams or more but less than 30 grams of any substance containing ketamine or any of the salts, isomers and salts of isomers of ketamine, or an analog thereof; (10.6) 50 grams or more but less than 100 grams of any substance containing hydrocodone, or any of the salts, isomers and salts of isomers of hydrocodone, or an analog thereof; (10.7) (blank); (10.8) 50 grams or more but less than 100 grams of any substance containing dihydrocodeine, or any of the salts, isomers and salts of isomers of dihydrocodeine, or an analog thereof; (10.9) 50 grams or more but less than 100 grams of any substance containing oxycodone, or any of the salts, isomers and salts of isomers of oxycodone, or an analog thereof;

(11) 50 grams or more but less than 200 grams of any substance containing a substance classified in Schedules I or II, or an analog thereof, which is not otherwise included in this subsection. (c-5) (Blank).

(d) Any person who violates this Section with regard to any other amount of a controlled or counterfeit substance containing dihydrocodeine or classified in Schedules I or II, or an analog thereof, which is

(i) a narcotic drug, (ii) lysergic acid diethylamide (LSD) or an analog thereof, (iii) any substance containing amphetamine or fentanyl or any salt or optical isomer of amphetamine or fentanyl, or an analog thereof, or (iv) any substance containing N-Benzylpiperazine (BZP) or any salt or optical isomer of N-Benzylpiperazine (BZP), or an analog thereof, is guilty of a Class 2 felony. The fine for violation of this subsection

(d) shall not be more than \$200,000. (d-5) (Blank).

(e) Any person who violates this Section with regard to any other amount of a controlled substance other than methamphetamine or counterfeit substance classified in Schedule I or II, or an analog thereof, which substance is not included under subsection

(d) of this Section, is guilty of a Class 3 felony. The fine for violation of this subsection

(e) shall not be more than \$150,000.

(f) Any person who violates this Section with regard to any other amount of a controlled or counterfeit substance classified in Schedule III is guilty of a Class 3 felony. The fine for violation of this subsection

(f) shall not be more than \$125,000.

(g) Any person who violates this Section with regard to any other amount of a controlled or counterfeit substance classified in Schedule IV is guilty of a Class 3 felony. The fine for violation of this subsection

(g) shall not be more than \$100,000.

(h) Any person who violates this Section with regard to any other amount of a controlled or counterfeit substance classified in Schedule V is guilty of a Class 3 felony. The fine for violation of this subsection

(h) shall not be more than \$75,000.

(i) This Section does not apply to the manufacture, possession or distribution of a substance in conformance with the provisions of an approved new drug application or an exemption for investigational use within the meaning of Section 505 of the Federal Food, Drug and Cosmetic Act.

(j) (Blank).

720 ILCS 570/401.1 — Controlled Substance Trafficking

Sec. 401.1. Controlled Substance Trafficking.

(a) Except for purposes as authorized by this Act, any person who knowingly brings or causes to be brought into this State for the purpose of manufacture or delivery or with the intent to manufacture or deliver a controlled substance other than methamphetamine or counterfeit substance in this or any other state or country is guilty of controlled substance trafficking.

(b) A person convicted of controlled substance trafficking shall be sentenced to a term of imprisonment not less than twice the minimum term and fined an amount as authorized by Section 401 of this Act, based upon the amount of controlled or counterfeit substance brought or caused to be brought into this State, and not more than twice the maximum term of imprisonment and fined twice the amount as authorized by Section 401 of this Act, based upon the amount of controlled or counterfeit substance brought or caused to be brought into this State.

(c) It shall be a Class 2 felony for which a fine not to exceed \$100,000 may be imposed for any person to knowingly use a cellular radio telecommunication device in the furtherance of controlled substance trafficking. This penalty shall be in addition to any other penalties imposed by law.

720 ILCS 570/401.5 — Chemical breakdown of illicit controlled substance

Sec. 401.5. Chemical breakdown of illicit controlled substance.

(a) It is unlawful for any person to manufacture a controlled substance other than methamphetamine prohibited by this Act by chemically deriving the controlled substance from one or more other controlled substances prohibited by this Act. (a-5) It is unlawful for any person to possess any substance with the intent to use the substance to facilitate the manufacture of any controlled substance other than methamphetamine, any counterfeit substance, or any controlled substance analog other than as authorized by this Act.

(b) A violation of this Section is a Class 4 felony.

(c) (Blank).

720 ILCS 570/402

Sec. 402. Except as otherwise authorized by this Act, it is unlawful for any person knowingly to possess a controlled or counterfeit substance or controlled substance analog. A violation of this Act with respect to each of the controlled substances listed herein constitutes a single and separate violation of this Act. For purposes of this Section, "controlled substance analog" or "analog" means a substance, other than a controlled substance, which is not approved by the United States Food and Drug Administration or, if approved, is not dispensed or possessed in accordance with State or federal law, and that has a chemical structure substantially similar to that of a controlled substance in Schedule I or II, or that was specifically designed to produce an effect substantially similar to that of a controlled substance in Schedule I or II. Examples of chemical classes in which controlled substance analogs are found include, but are not limited to, the following: phenethylamines, N-substituted piperidines, morphinans, ecgonines, quinazolinones, substituted indoles, and arylcycloalkylamines. For purposes of this Act, a controlled substance analog shall be treated in the same manner as the controlled substance to which it is substantially similar.

(a) Any person who violates this Section with respect to the following controlled or counterfeit substances and amounts, notwithstanding any of the provisions of subsections

(c) and

(d) to the contrary, is guilty of a Class 1 felony and shall, if sentenced to a term of imprisonment, be sentenced as provided in this subsection

(a) and fined as provided in subsection (b):

(1) (A) not less than 4 years and not more than 15 years with respect to 15 grams or more but less than 100 grams of a substance containing heroin; (B) not less than 6 years and not more than 30 years with respect to 100 grams or more but less than 400 grams of a substance containing heroin; (C) not less than 8 years and not more than 40 years with respect to 400 grams or more but less than 900 grams of any substance containing heroin; (D) not less than 10 years and not more than 50 years with respect to 900 grams or more of any substance containing heroin;

(2) (A) not less than 4 years and not more than 15 years with respect to 15 grams or more but less than 100 grams of any substance containing cocaine; (B) not less than 6 years and not more than 30 years with respect to 100 grams or more but less than 400 grams of any substance containing cocaine; (C) not less than 8 years and not more than 40 years with respect to 400 grams or more but less than 900 grams of any substance containing cocaine; (D) not less than 10 years and not more than 50 years with respect to 900 grams or more of any substance containing cocaine;

(3) (A) not less than 4 years and not more than 15 years with respect to 15 grams or more but less than 100 grams of any substance containing morphine; (B) not less than 6 years and not more than 30 years with respect to 100 grams or more but less than 400 grams of any substance containing morphine; (C) not less than 6 years and not more than 40 years with

respect to 400 grams or more but less than 900 grams of any substance containing morphine; (D) not less than 10 years and not more than 50 years with respect to 900 grams or more of any substance containing morphine;

(4) 200 grams or more of any substance containing peyote;

(5) 200 grams or more of any substance containing a derivative of barbituric acid or any of the salts of a derivative of barbituric acid;

(6) 200 grams or more of any substance containing amphetamine or any salt of an optical isomer of amphetamine; (6.5) (blank);

(7) (A) not less than 4 years and not more than 15 years with respect to:

(i) 15 grams or more but less than 100 grams of any substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) 15 or more objects or 15 or more segregated parts of an object or objects but less than 200 objects or 200 segregated parts of an object or objects containing in them or having upon them any amount of any substance containing lysergic acid diethylamide (LSD), or an analog thereof; (B) not less than 6 years and not more than 30 years with respect to:

(i) 100 grams or more but less than 400 grams of any substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) 200 or more objects or 200 or more segregated parts of an object or objects but less than 600 objects or less than 600 segregated parts of an object or objects containing in them or having upon them any amount of any substance containing lysergic acid diethylamide (LSD), or an analog thereof; (C) not less than 8 years and not more than 40 years with respect to:

(i) 400 grams or more but less than 900 grams of any substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) 600 or more objects or 600 or more segregated parts of an object or objects but less than 1500 objects or 1500 segregated parts of an object or objects containing in them or having upon them any amount of any substance containing lysergic acid diethylamide (LSD), or an analog thereof; (D) not less than 10 years and not more than 50 years with respect to:

(i) 900 grams or more of any substance containing lysergic acid diethylamide (LSD), or an analog thereof, or (ii) 1500 or more objects or 1500 or more segregated parts of an object or objects containing in them or having upon them any amount of a substance containing lysergic acid diethylamide (LSD), or an analog thereof; (7.5) (A) not less than 4 years and not more than 15 years with respect to:

(i) 15 grams or more but less than 100 grams of any substance listed in paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or

(26) of subsection

(d) of Section 204, or an analog or derivative thereof, or (ii) 15 or more pills, tablets, caplets, capsules, or objects but less than 200 pills, tablets, caplets, capsules, or objects containing in them or having upon them any amount of any substance listed in paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or

(26) of subsection

(d) of Section 204, or an analog or derivative thereof; (B) not less than 6 years and not more than 30 years with respect to:

(i) 100 grams or more but less than 400 grams of any substance listed in paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or

(26) of subsection

(d) of Section 204, or an analog or derivative thereof, or (ii) 200 or more pills, tablets, caplets, capsules, or objects but less than 600 pills, tablets, caplets, capsules, or objects containing in them or having upon them any amount of any substance listed in paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or

(26) of subsection

(d) of Section 204, or an analog or derivative thereof; (C) not less than 8 years and not more than 40 years with respect to:

(i) 400 grams or more but less than 900 grams of any substance listed in paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or

(26) of subsection

(d) of Section 204, or an analog or derivative thereof, or (ii) 600 or more pills, tablets, caplets, capsules, or objects but less than 1,500 pills, tablets, caplets, capsules, or objects containing in them or having upon them any amount of any substance listed in paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or

(26) of subsection

(d) of Section 204, or an analog or derivative thereof; (D) not less than 10 years and not more than 50 years with respect to:

(i) 900 grams or more of any substance listed in paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of subsection

(d) of Section 204, or an analog or derivative thereof, or (ii) 1,500 or more pills, tablets, caplets, capsules, or objects containing in them or having upon them any amount of a substance listed in paragraph (1), (2), (2.1), (2.2), (3), (14.1), (19), (20), (20.1), (21), (25), or

(26) of subsection

(d) of Section 204, or an analog or derivative thereof;

(8) 30 grams or more of any substance containing pentazocine or any of the salts, isomers and salts of isomers of pentazocine, or an analog thereof;

(9) 30 grams or more of any substance containing methaqualone or any of the salts, isomers and salts of isomers of methaqualone;

(10) 30 grams or more of any substance containing phencyclidine or any of the salts, isomers and salts of isomers of phencyclidine (PCP); (10.5) 30 grams or more of any substance containing ketamine or any of the salts, isomers and salts of isomers of ketamine;

(11) 200 grams or more of any substance containing any substance classified as a narcotic drug in Schedules I or II, or an analog thereof, which is not otherwise included in this subsection.

(b) Any person sentenced with respect to violations of paragraph (1), (2), (3), (7), or (7.5) of subsection

(a) involving 100 grams or more of the controlled substance named therein, may in addition to the penalties provided therein, be fined an amount not to exceed \$200,000 or the full street value of the controlled or counterfeit substances, whichever is greater. The term "street value" shall have the meaning ascribed in Section 110-5 of the Code of Criminal Procedure of 1963. Any person sentenced with respect to any other provision of subsection (a), may in addition to the penalties provided therein, be fined an amount not to exceed \$200,000.

(c) Any person who violates this Section with regard to an amount of a controlled substance other than methamphetamine or counterfeit substance not set forth in subsection

(a) or

(d) is guilty of a Class 4 felony. The fine for a violation punishable under this subsection

(c) shall not be more than \$25,000.

(d) Any person who violates this Section with regard to any amount of anabolic steroid is guilty of a Class C misdemeanor for the first offense and a Class B misdemeanor for a subsequent offense committed within 2 years of a prior conviction.

720 ILCS 570/404

Sec. 404.

(a) For the purposes of this Section:

(1) "Advertise" means the attempt, by publication, dissemination, solicitation or circulation, to induce directly or indirectly any person to acquire, or enter into an obligation to acquire, any substance within the scope of this Section.

(2) "Distribute" has the meaning ascribed to it in subsection

(s) of Section 102 of this Act but as relates to look-alike substances.

(3) "Manufacture" means the producing, preparing, compounding, processing, encapsulating, packaging, repackaging, labeling or relabeling of a look-alike substance.

(b) It is unlawful for any person knowingly to manufacture, distribute, advertise, or possess with intent to manufacture or distribute a look-alike substance. Any person who violates this subsection

- (b) shall be guilty of a Class 3 felony, the fine for which shall not exceed \$150,000.
- (c) It is unlawful for any person knowingly to possess a look-alike substance. Any person who violates this subsection
- (c) is guilty of a petty offense. Any person convicted of a subsequent offense under this subsection
- (c) shall be guilty of a Class C misdemeanor.
- (d) In any prosecution brought under this Section, it is not a defense to a violation of this Section that the defendant believed the look-alike substance actually to be a controlled substance.
- (e) Nothing in this Section applies to:
 - (1) The manufacture, processing, packaging, distribution or sale of noncontrolled substances to licensed medical practitioners for use as placebos in professional practice or research.
 - (2) Persons acting in the course and legitimate scope of their employment as law enforcement officers.
 - (3) The retention of production samples of noncontrolled substances produced prior to the effective date of this amendatory Act of 1982, where such samples are required by federal law.
- (f) Nothing in this Section or in this Act applies to the lawful manufacture, processing, packaging, advertising or distribution of a drug or drugs by any person registered pursuant to Section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360).

720 ILCS 570/405

Sec. 405.

- (a) Any person who engages in a calculated criminal drug conspiracy, as defined in subsection (b), is guilty of a Class X felony. The fine for violation of this Section shall not be more than \$500,000, and the offender shall be subject to the forfeitures prescribed in subsection (c).
- (b) For purposes of this section, a person engages in a calculated criminal drug conspiracy when:
 - (1) he or she violates any of the provisions of subsection
 - (a) or
 - (c) of Section 401 or subsection
 - (a) of Section 402; and
 - (2) such violation is a part of a conspiracy undertaken or carried on with two or more other persons; and
 - (3) he or she obtains anything of value greater than \$500 from, or organizes, directs or finances such violation or conspiracy.
- (c) Any person who is convicted under this section of engaging in a calculated criminal drug conspiracy shall forfeit to the State of Illinois:
 - (1) the receipts obtained by him or her in such conspiracy; and
 - (2) any of his or her interests in, claims against, receipts from, or property or rights of any kind affording a source of influence over, such conspiracy.
- (d) The circuit court may enter such injunctions, restraining orders, directions or prohibitions, or to take such other actions, including the acceptance of satisfactory performance bonds, in connection with any property, claim, receipt, right or other interest subject to forfeiture under this Section, as it deems proper.

720 ILCS 570/405.1

Sec. 405.1.

- (a) Elements of the offense. A person commits criminal drug conspiracy when, with the intent that an offense set forth in Section 401, Section 402, or Section 407 of this Act be committed, he or she agrees with another to the commission of that offense. No person may be convicted of conspiracy to commit such an offense unless an act in furtherance of such agreement is alleged and proved to have been committed by him or her or by a co-conspirator.
- (b) Co-conspirators. It shall not be a defense to conspiracy that the person or persons with whom the accused is alleged to have conspired:
 - (1) Has not been prosecuted or convicted, or

(2) Has been convicted of a different offense, or

(3) Is not amenable to justice, or

(4) Has been acquitted, or

(5) Lacked the capacity to commit an offense.

(c) Sentence. A person convicted of criminal drug conspiracy may be fined or imprisoned or both, but any term of imprisonment imposed shall be not less than the minimum nor more than the maximum provided for the offense which is the object of the conspiracy.

720 ILCS 570/405.2 — Streetgang criminal drug conspiracy

Sec. 405.2. Streetgang criminal drug conspiracy.

(a) Any person who engages in a streetgang criminal drug conspiracy, as defined in this Section, is guilty of a Class X felony for which the offender shall be sentenced to a term of imprisonment as follows:

(1) not less than 15 years and not more than 60 years for a violation of subsection

(a) of Section 401;

(2) not less than 10 years and not more than 30 years for a violation of subsection

(c) of Section 401. For the purposes of this Section, a person engages in a streetgang criminal drug conspiracy when:

(i) he or she violates any of the provisions of subsection

(a) or

(c) of Section 401 of this Act or any provision of the Methamphetamine Control and Community Protection Act; and (ii) such violation is part of a conspiracy undertaken or carried out with 2 or more other persons; and (iii) such conspiracy is in furtherance of the activities of an organized gang as defined in the Illinois Streetgang Terrorism Omnibus Prevention Act; and (iv) he or she occupies a position of organizer, a supervising person, or any other position of management with those persons identified in clause (ii) of this subsection (a). The fine for a violation of this Section shall not be more than \$500,000, and the offender shall be subject to the forfeitures prescribed in subsection (b).

(b) Subject to the provisions of Section 8 of the Drug Asset Forfeiture Procedure Act, any person who is convicted under this Section of engaging in a streetgang criminal drug conspiracy shall forfeit to the State of Illinois:

(1) the receipts obtained by him or her in such conspiracy; and

(2) any of his or her interests in, claims against, receipts from, or property or rights of any kind affording a source of influence over, such conspiracy.

(c) The circuit court may enter such injunctions, restraining orders, directions or prohibitions, or may take such other actions, including the acceptance of satisfactory performance bonds, in connection with any property, claim, receipt, right or other interest subject to forfeiture under this Section, as it deems proper.

720 ILCS 570/405.3

Sec. 405.3. (Repealed).

720 ILCS 570/406

Sec. 406.

(a) It is unlawful for any person:

(1) who is subject to Article III knowingly to distribute or dispense a controlled substance in violation of Sections 308 through 314.5 of this Act; or

(2) who is a registrant, to manufacture a controlled substance not authorized by his or her registration, or to distribute or dispense a controlled substance not authorized by his or her registration to another registrant or other authorized person; or

(3) to refuse or fail to make, keep or furnish any record, notification, order form, statement, invoice or information required under this Act; or

(4) to refuse an entry into any premises for any inspection authorized by this Act; or

(5) knowingly to keep or maintain any store, shop, warehouse, dwelling, building, vehicle, boat, aircraft, or other structure or place, which is resorted to by a person unlawfully possessing controlled substances, or which is used for possessing, manufacturing, dispensing or distributing controlled substances in violation of this Act. Any person who violates this subsection

(a) is guilty of a Class A misdemeanor for the first offense and a Class 4 felony for each subsequent offense. The fine for each subsequent offense shall not be more than \$100,000. In addition, any practitioner who is found guilty of violating this subsection

(a) is subject to suspension and revocation of his or her professional license, in accordance with such procedures as are provided by law for the taking of disciplinary action with regard to the license of said practitioner's profession.

(b) It is unlawful for any person knowingly:

(1) to distribute, as a registrant, a controlled substance classified in Schedule I or II, except pursuant to an order form as required by Section 307 of this Act; or

(2) to use, in the course of the manufacture or distribution of a controlled substance, a registration number which is fictitious, revoked, suspended, or issued to another person; or

(3) to acquire or obtain, or attempt to acquire or obtain, possession of a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge; or (3.1) to withhold information requested from a practitioner, with the intent to obtain a controlled substance that has not been prescribed, by misrepresentation, fraud, forgery, deception, subterfuge, or concealment of a material fact; or

(4) to furnish false or fraudulent material information in, or omit any material information from, any application, report or other document required to be kept or filed under this Act, or any record required to be kept by this Act; or

(5) to make, distribute or possess any punch, die, plate, stone or other thing designed to print, imprint or reproduce the trademark, trade name or other identifying mark, imprint or device of another, or any likeness of any of the foregoing, upon any controlled substance or container or labeling thereof so as to render the drug a counterfeit substance; or

(6) (blank); or

(7) (blank). Any person who violates this subsection

(b) is guilty of a Class 4 felony for the first offense and a Class 3 felony for each subsequent offense. The fine for the first offense shall be not more than \$100,000. The fine for each subsequent offense shall not be more than \$200,000.

(c) A person who knowingly or intentionally violates Section 316, 317, 318, or 319 is guilty of a Class A misdemeanor.

720 ILCS 570/406.1

Sec. 406.1.

(a) Any person who controls any building and who performs the following act commits the offense of permitting unlawful use of a building: Knowingly grants, permits or makes the building available for use for the purpose of unlawfully manufacturing or delivering a controlled substance other than methamphetamine.

(b) Permitting unlawful use of a building is a Class 4 felony.

720 ILCS 570/406.2 — Unauthorized possession of prescription form

Sec. 406.2. Unauthorized possession of prescription form.

(a) A person commits the offense of unauthorized possession of prescription form when he or she knowingly:

(1) alters a properly issued prescription form;

(2) possesses without authorization a blank prescription form or counterfeit prescription form; or

(3) possesses a prescription form not issued by a licensed prescriber.

(b) Knowledge shall be determined by an evaluation of all circumstances surrounding possession of a blank prescription or possession of a prescription altered or not issued by a licensed prescriber.

(c) Sentence. Any person who violates subsection

(a) is guilty of a Class 4 felony for the first offense and a Class 3 felony for each subsequent offense. The fine for the first offense shall be not more than \$100,000. The fine for each subsequent offense shall not be more than \$200,000.

(d) For the purposes of this Section, "licensed prescriber" means a prescriber as defined in this Act or an optometrist licensed under the Illinois Optometric Practice Act of 1987.

720 ILCS 570/407

Sec. 407. (a)(1)(A) Any person 18 years of age or over who violates any subsection of Section 401 or subsection (b) of Section 404 by delivering a controlled, counterfeit or look-alike substance to a person under 18 years of age may be sentenced to imprisonment for a term up to twice the maximum term and fined an amount up to twice that amount otherwise authorized by the pertinent subsection of Section 401 and Subsection

(b) of Section 404. (B) (Blank).

(2) Except as provided in paragraph

(3) of this subsection, any person who violates: (A) subsection

(c) of Section 401 by delivering or possessing with intent to deliver a controlled, counterfeit, or look-alike substance in or on, or within 500 feet of, a truck stop or safety rest area, is guilty of a Class 1 felony, the fine for which shall not exceed \$250,000; (B) subsection

(d) of Section 401 by delivering or possessing with intent to deliver a controlled, counterfeit, or look-alike substance in or on, or within 500 feet of, a truck stop or safety rest area, is guilty of a Class 2 felony, the fine for which shall not exceed \$200,000; (C) subsection

(e) of Section 401 or subsection

(b) of Section 404 by delivering or possessing with intent to deliver a controlled, counterfeit, or look-alike substance in or on, or within 500 feet of, a truck stop or safety rest area, is guilty of a Class 3 felony, the fine for which shall not exceed \$150,000; (D) subsection

(f) of Section 401 by delivering or possessing with intent to deliver a controlled, counterfeit, or look-alike substance in or on, or within 500 feet of, a truck stop or safety rest area, is guilty of a Class 3 felony, the fine for which shall not exceed \$125,000; (E) subsection

(g) of Section 401 by delivering or possessing with intent to deliver a controlled, counterfeit, or look-alike substance in or on, or within 500 feet of, a truck stop or safety rest area, is guilty of a Class 3 felony, the fine for which shall not exceed \$100,000; (F) subsection

(h) of Section 401 by delivering or possessing with intent to deliver a controlled, counterfeit, or look-alike substance in or on, or within 500 feet of, a truck stop or safety rest area, is guilty of a Class 3 felony, the fine for which shall not exceed \$75,000;

(3) Any person who violates paragraph

(2) of this subsection

(a) by delivering or possessing with intent to deliver a controlled, counterfeit, or look-alike substance in or on, or within 500 feet of a truck stop or a safety rest area, following a prior conviction or convictions of paragraph

(2) of this subsection

(a) may be sentenced to a term of imprisonment up to 2 times the maximum term and fined an amount up to 2 times the amount otherwise authorized by Section 401.

(4) For the purposes of this subsection (a): (A) "Safety rest area" means a roadside facility removed from the roadway with parking and facilities designed for motorists' rest, comfort, and information needs; and (B) "Truck stop" means any facility (and its parking areas) used to provide fuel or service, or both, to any commercial motor vehicle as defined in Section 18b-101 of the Illinois Vehicle Code.

(b) Any person who violates:

(1) subsection

(c) of Section 401 in any school, on or within 500 feet of the real property comprising any school, or in any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, and at the time of the violation persons under the age of 18 are present, the offense is committed during school hours, or the offense is committed at times when persons under the age of 18 are reasonably expected to be present in the school, in the conveyance, or on the real property, such as when after-school activities are occurring, or in any public park or on or

within 500 feet of the real property comprising any public park, on the real property comprising any church, synagogue, or other building, structure, or place used primarily for religious worship, or within 500 feet of the real property comprising any church, synagogue, or other building, structure, or place used primarily for religious worship, on the real property comprising any of the following places, buildings, or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities, or within 500 feet of the real property comprising any of the following places, buildings, or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities and at the time of the violation persons are present or reasonably expected to be present in the church, synagogue, or other building, structure, or place used primarily for religious worship during worship services, or in buildings or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities during the hours those places, buildings, or structures are open for those activities, or on the real property is guilty of a Class X felony, the fine for which shall not exceed \$500,000;

(2) subsection

(d) of Section 401 in any school, on or within 500 feet of the real property comprising any school, or in any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, and at the time of the violation persons under the age of 18 are present, the offense is committed during school hours, or the offense is committed at times when persons under the age of 18 are reasonably expected to be present in the school, in the conveyance, or on the real property, such as when after-school activities are occurring, or in any public park or on or within 500 feet of the real property comprising any public park, on the real property comprising any church, synagogue, or other building, structure, or place used primarily for religious worship, or within 500 feet of the real property comprising any church, synagogue, or other building, structure, or place used primarily for religious worship, on the real property comprising any of the following places, buildings, or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities, or within 500 feet of the real property comprising any of the following places, buildings, or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities and at the time of the violation persons are present or reasonably expected to be present in the church, synagogue, or other building, structure, or place used primarily for religious worship during worship services, or in buildings or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities during the hours those places, buildings, or structures are open for those activities, or on the real property is guilty of a Class 1 felony, the fine for which shall not exceed \$250,000;

(3) subsection

(e) of Section 401 or Subsection

(b) of Section 404 in any school, on or within 500 feet of the real property comprising any school, or in any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, and at the time of the violation persons under the age of 18 are present, the offense is committed during school hours, or the offense is committed at times when persons under the age of 18 are reasonably expected to be present in the school, in the conveyance, or on the real property, such as when after-school activities are occurring, or in any public park or on or within 500 feet of the real property comprising any public park, on the real property comprising any church, synagogue, or other building, structure, or place used primarily for religious worship, or within 500 feet of the real property comprising any church, synagogue, or other building, structure, or place used primarily for religious worship, on the real property comprising any of the following places, buildings, or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities, or within 500 feet of the real property comprising any of the following places, buildings, or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities and at the time of the violation persons are present or reasonably expected to be present in the church, synagogue, or other building, structure, or place used primarily for religious worship during worship services, or in buildings or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities during the hours those places, buildings, or structures are

open for those activities, or on the real property is guilty of a Class 2 felony, the fine for which shall not exceed \$200,000;

(4) subsection

(f) of Section 401 in any school, on or within 500 feet of the real property comprising any school, or in any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, and at the time of the violation persons under the age of 18 are present, the offense is committed during school hours, or the offense is committed at times when persons under the age of 18 are reasonably expected to be present in the school, in the conveyance, or on the real property, such as when after-school activities are occurring, or in any public park or on or within 500 feet of the real property comprising any public park, on the real property comprising any church, synagogue, or other building, structure, or place used primarily for religious worship, or within 500 feet of the real property comprising any church, synagogue, or other building, structure, or place used primarily for religious worship, on the real property comprising any of the following places, buildings, or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities, or within 500 feet of the real property comprising any of the following places, buildings, or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities and at the time of the violation persons are present or reasonably expected to be present in the church, synagogue, or other building, structure, or place used primarily for religious worship during worship services, or in buildings or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities during the hours those places, buildings, or structures are open for those activities, or on the real property is guilty of a Class 2 felony, the fine for which shall not exceed \$150,000;

(5) subsection

(g) of Section 401 in any school, on or within 500 feet of the real property comprising any school, or in any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, and at the time of the violation persons under the age of 18 are present, the offense is committed during school hours, or the offense is committed at times when persons under the age of 18 are reasonably expected to be present in the school, in the conveyance, or on the real property, such as when after-school activities are occurring, or in any public park or on or within 500 feet of the real property comprising any public park, on the real property comprising any church, synagogue, or other building, structure, or place used primarily for religious worship, or within 500 feet of the real property comprising any church, synagogue, or other building, structure, or place used primarily for religious worship, on the real property comprising any of the following places, buildings, or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities, or within 500 feet of the real property comprising any of the following places, buildings, or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities and at the time of the violation persons are present or reasonably expected to be present in the church, synagogue, or other building, structure, or place used primarily for religious worship during worship services, or in buildings or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities during the hours those places, buildings, or structures are open for those activities, or on the real property is guilty of a Class 2 felony, the fine for which shall not exceed \$125,000;

(6) subsection

(h) of Section 401 in any school, on or within 500 feet of the real property comprising any school, or in any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, and at the time of the violation persons under the age of 18 are present, the offense is committed during school hours, or the offense is committed at times when persons under the age of 18 are reasonably expected to be present in the school, in the conveyance, or on the real property, such as when after-school activities are occurring, or in any public park or on or within 500 feet of the real property comprising any public park, on the real property comprising any church, synagogue, or other building, structure, or place used primarily for religious worship, or within 500 feet of the real property comprising any church, synagogue, or other building, structure, or place used primarily for religious worship, on the real property comprising any of the following places, buildings, or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities, or within 500 feet of the real property comprising any of the following places, buildings, or

structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities and at the time of the violation persons are present or reasonably expected to be present in the church, synagogue, or other building, structure, or place used primarily for religious worship during worship services, or in buildings or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities during the hours those places, buildings, or structures are open for those activities, or on the real property is guilty of a Class 2 felony, the fine for which shall not exceed \$100,000.

(c) Regarding penalties prescribed in subsection

(b) for violations committed in a school or on or within 500 feet of school property, the time of day and time of year at the time of the offense is irrelevant.

720 ILCS 570/407.1

Sec. 407.1. Any person 18 years of age or over who violates any subsection of Section 401, Section 404 or Section 405 by using, engaging or employing a person under 18 years of age to deliver a controlled, counterfeit or look-alike substance may be sentenced to imprisonment for a term up to three times the maximum amount authorized by the pertinent subsection of Section 401, Section 404 or Section 405.

720 ILCS 570/407.2 — Delivery of a controlled substance to a pregnant woman

Sec. 407.2. Delivery of a controlled substance to a pregnant woman.

(a) Any person who violates subsection

(a) of Section 401 of this Act by delivering a controlled substance to a woman he knows to be pregnant may be sentenced to imprisonment for a term twice the maximum amount authorized by Section 401 of this Act.

(b) Any person who delivers an amount of a controlled substance set forth in subsections

(c) and

(d) of Section 401 of this Act to a woman he knows to be pregnant commits a Class 1 felony. The fine for a violation of this subsection

(b) shall not be more than \$250,000.

720 ILCS 570/408

Sec. 408.

(a) Any person convicted of a second or subsequent offense under this Act may be sentenced to imprisonment for a term up to twice the maximum term otherwise authorized, fined an amount up to twice that otherwise authorized, or both.

(b) For purposes of this Section, an offense is considered a second or subsequent offense, if, prior to his or her conviction of the offense, the offender has at any time been convicted under this Act or under any law of the United States or of any State relating to controlled substances.

720 ILCS 570/409

Sec. 409. Except for convictions or acquittals which are the basis for a charge of narcotics racketeering under Section 4 of the Narcotics Profit Forfeiture Act, a conviction or acquittal, under the laws of the United States or of any State relating to controlled substances, for the same act is a bar to prosecution in this State.

720 ILCS 570/410

Sec. 410.

(a) Whenever any person who has not previously been convicted of any felony offense under this Act or any law of the United States or of any State relating to cannabis or controlled substances, pleads guilty to or is found guilty of possession of a controlled or counterfeit substance under subsection

(c) of Section 402 or of unauthorized possession of prescription form under Section 406.2, the court, without entering a judgment and with the consent of such person, may sentence him or her to probation. A sentence under this Section shall not be considered a conviction under Illinois law unless and until judgment is entered under subsection

(e) of this Section.

(b) When a person is placed on probation, the court shall enter an order specifying a period of probation of 24 months and shall defer further proceedings in the case until the conclusion of the period or until the filing of a petition alleging violation of a term or condition of probation.

(c) The conditions of probation shall be that the person:

(1) not violate any criminal statute of any jurisdiction;

(2) refrain from possessing a firearm or other dangerous weapon;

(3) submit to periodic drug testing at a time and in a manner as ordered by the court, but no less than 3 times during the period of the probation, with the cost of the testing to be paid by the probationer; and

(4) perform no less than 30 hours of community service, provided community service is available in the jurisdiction and is funded and approved by the county board. The court may give credit toward the fulfillment of community service hours for participation in activities and treatment as determined by court services.

(d) The court may, in addition to other conditions, require that the person:

(1) make a report to and appear in person before or participate with the court or such courts, person, or social service agency as directed by the court in the order of probation;

(2) pay a fine and costs;

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

(4) undergo medical or psychiatric treatment; or treatment or rehabilitation approved by the Illinois Department of Human Services;

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

(6) support his or her dependents; (6-5) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug;

(7) and in addition, if a minor:

(i) reside with his or her parents or in a foster home; (ii) attend school; (iii) attend a non-residential program for youth; (iv) contribute to his or her own support at home or in a foster home.

(e) Upon violation of a term or condition of probation, the court may enter a judgment on its original finding of guilt and proceed as otherwise provided.

(f) Upon fulfillment of the terms and conditions of probation, the court shall discharge the person and dismiss the proceedings against him or her.

(g) A disposition of probation is considered to be a conviction for the purposes of imposing the conditions of probation and for appeal, however, a sentence under this Section is not a conviction for purposes of this Act or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime unless and until judgment is entered.

(h) A person may not have more than one discharge and dismissal under this Section within a 4-year period.

(i) If a person is convicted of an offense under this Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act within 5 years subsequent to a discharge and dismissal under this Section, the discharge and dismissal under this Section shall be admissible in the sentencing proceeding for that conviction as evidence in aggravation.

(j) Notwithstanding subsection (a), before a person is sentenced to probation under this Section, the court may refer the person to the drug court established in that judicial circuit pursuant to Section 15 of the Drug Court Treatment Act. The drug court team shall evaluate the person's likelihood of successfully completing a sentence of probation under this Section and shall report the results of its evaluation to the court. If the drug court team finds that the person suffers from a substance use disorder that makes him or her substantially unlikely to successfully complete a sentence of probation under this Section, then the drug court shall set forth its findings in the form of a written order, and the person shall not be sentenced to probation under this Section, but shall be considered for the drug court program.

720 ILCS 570/411

Sec. 411. In determining the appropriate sentence for any conviction under this Act, the sentencing court may consider the following as indicative of the type of offenses which the legislature deems most damaging to the peace and welfare of the citizens of Illinois and which warrants the most severe penalties:

- (1) the unlawful delivery of the most highly toxic controlled substances, as reflected by their inclusion in Schedule I or II of this Act;
- (2) offenses involving unusually large quantities of controlled substances, as measured by their wholesale value at the time of the offense;
- (3) the unlawful delivery of controlled substances by a non-user to a user of controlled substances;
- (4) non-possession offenses by persons who have no other visible means of support;
- (5) offenses involving the large-scale manufacture of controlled substances;
- (6) offenses which indicate any immediate involvement whatsoever with organized crime in terms of the controlled substance's manufacture, importation, or volume distribution;
- (7) the manufacture for, or the delivery of controlled substances to persons 3 years or more junior to the person(s) convicted under this Act;
- (8) the unlawful delivery of anabolic steroids by an athletic trainer, coach, or health club personnel;
- (9) the possession, delivery, or manufacture of controlled substances or cannabis in the presence of a child under 17 years of age. Nothing in this section shall be construed as limiting in any way the discretion of the court to impose any sentence authorized by this Act.

720 ILCS 570/411.1

Sec. 411.1.

- (a) Whenever any person pleads guilty to, is found guilty of or is placed on supervision for an offense under this Article, a fine may be levied in addition to any other penalty imposed by the court.
- (b) In determining whether to impose a fine under this Section and the amount, time for payment, and method of payment of any fine so imposed, the court shall:
 - (1) consider the defendant's income, regardless of source, the defendant's earning capacity and the defendant's financial resources, as well as the nature of the burden the fine will impose on the defendant and any person legally or financially dependent upon the defendant;
 - (2) consider the proof received at trial, or as a result of a plea of guilty, concerning the full street value of the controlled substances seized and any profits or other proceeds derived by the defendant from the violation of this Act;
 - (3) take into account any other pertinent equitable considerations; and
 - (4) give primary consideration to the need to deprive the defendant of illegally obtained profits or other proceeds from the offense. For the purpose of paragraph
- (2) of this subsection, "street value" shall be determined by the court on the basis of testimony of law enforcement personnel and the defendant as to the amount seized and such testimony as may be required by the court as to the current street value of the controlled substances.
- (c) As a condition of a fine, the court may require that payment be made in specified installments or within a specified period of time, but such period shall not be greater than the maximum applicable term of probation or imprisonment, whichever is greater. Unless otherwise specified, payment of a fine shall be due immediately.
- (d) If a fine for a violation of this Act is imposed on an organization, it is the duty of each individual authorized to make disbursements of the assets of the organization to pay the fine from assets of the organization.
- (e)
 - (1) A defendant who has been sentenced to pay a fine, and who has paid part but not all of such fine, may petition the court for an extension of the time for payment or modification of the method of payment.
 - (2) The court may grant a petition made pursuant to this subsection if it finds that:
 - (i) the circumstances that warranted payment by the time or method specified no longer exist; or
 - (ii) it is otherwise unjust to require payment of the fine by the time or method specified.

720 ILCS 570/411.2 — Drug Treatment Fund; drug treatment grants

Sec. 411.2. Drug Treatment Fund; drug treatment grants. The Department of Human Services may make grants to persons licensed under Section 15-10 of the Substance Use Disorder Act or to municipalities or counties from funds appropriated to the Department from the Drug Treatment Fund for the treatment of pregnant women who have a substance use disorder and for the needed care of minor, unemancipated children of women undergoing residential drug treatment. If the Department of Human Services grants funds to a municipality or a county that the Department determines is not experiencing a healthcare need of pregnant women with a substance use disorder, or with care for minor, unemancipated children of women undergoing residential drug treatment, or intervention, the funds shall be used for the treatment of any person with a substance use disorder. The Department may adopt such rules as it deems appropriate for the administration of such grants.

720 ILCS 570/411.3

Sec. 411.3. (Repealed).

720 ILCS 570/411.4

Sec. 411.4. (Repealed).

720 ILCS 570/412

Sec. 412. Any penalty imposed for any violation of this Act is in addition to, and not in lieu of, any civil or administrative penalty or sanction otherwise authorized by this Act or any other law.

720 ILCS 570/413

Sec. 413.

(a) Twelve and one-half percent of all amounts collected as fines pursuant to the provisions of this Article shall be paid into the Drug Treatment Fund, to be used by the Department for the funding of programs and services for substance use disorder treatment, and prevention and education services, for juveniles.

(b) Eighty-seven and one-half percent of the proceeds of all fines received under the provisions of this Article shall be transmitted to and deposited in the treasurer's office at the level of government as follows:

(1) If such seizure was made by a combination of law enforcement personnel representing differing units of local government, the court levying the fine shall equitably allocate 50% of the fine among these units of local government and shall allocate 37 1/2% to the county general corporate fund. In the event that the seizure was made by law enforcement personnel representing a unit of local government from a municipality where the number of inhabitants exceeds 2 million in population, the court levying the fine shall allocate 87 1/2% of the fine to that unit of local government. If the seizure was made by a combination of law enforcement personnel representing differing units of local government, and at least one of those units represents a municipality where the number of inhabitants exceeds 2 million in population, the court shall equitably allocate 87 1/2% of the proceeds of the fines received among the differing units of local government.

(2) If such seizure was made by State law enforcement personnel, then the court shall allocate 37 1/2% to the State treasury and 50% to the county general corporate fund.

(3) If a State law enforcement agency in combination with a law enforcement agency or agencies of a unit or units of local government conducted the seizure, the court shall equitably allocate 37 1/2% of the fines to or among the law enforcement agency or agencies of the unit or units of local government which conducted the seizure and shall allocate 50% to the county general corporate fund.

(c) The proceeds of all fines allocated to the law enforcement agency or agencies of the unit or units of local government pursuant to subsection

(b) shall be made available to that law enforcement agency as expendable receipts for use in the enforcement of laws regulating cannabis, methamphetamine, and other controlled substances. The proceeds of fines awarded to the State treasury shall be deposited into a special fund known as the Drug Traffic Prevention Fund, except that amounts distributed to the Secretary of State shall be deposited into the Secretary of State Evidence Fund to be used as provided in Section 2-115 of the Illinois Vehicle Code. Monies from this fund may be used by the Illinois State Police or use in the enforcement of laws regulating cannabis, methamphetamine, and other controlled substances; to satisfy funding provisions of the Intergovernmental Drug Laws Enforcement Act; to defray costs and expenses associated with returning

violators of the Cannabis Control Act and this Act only, as provided in those Acts, when punishment of the crime shall be confinement of the criminal in the penitentiary; and all other monies shall be paid into the General Revenue Fund in the State treasury. (Text of Section from P.A. 104-131) Sec. 413.

(a) Twelve and one-half percent of all amounts collected as fines pursuant to the provisions of this Article shall be paid into the Youth Drug Abuse Prevention Fund, which is hereby created in the State treasury, to be used by the Department for the funding of programs and services for substance use disorder treatment, and prevention and education services, for juveniles.

(b) Eighty-seven and one-half percent of the proceeds of all fines received under the provisions of this Article shall be transmitted to and deposited in the treasurer's office at the level of government as follows:

(1) If such seizure was made by a combination of law enforcement personnel representing differing units of local government, the court levying the fine shall equitably allocate 50% of the fine among these units of local government and shall allocate 37 1/2% to the county general corporate fund. In the event that the seizure was made by law enforcement personnel representing a unit of local government from a municipality where the number of inhabitants exceeds 2 million in population, the court levying the fine shall allocate 87 1/2% of the fine to that unit of local government. If the seizure was made by a combination of law enforcement personnel representing differing units of local government, and at least one of those units represents a municipality where the number of inhabitants exceeds 2 million in population, the court shall equitably allocate 87 1/2% of the proceeds of the fines received among the differing units of local government.

(2) If such seizure was made by State law enforcement personnel, then the court shall allocate 37 1/2% to the State treasury and 50% to the county general corporate fund.

(3) If a State law enforcement agency in combination with a law enforcement agency or agencies of a unit or units of local government conducted the seizure, the court shall equitably allocate 37 1/2% of the fines to or among the law enforcement agency or agencies of the unit or units of local government which conducted the seizure and shall allocate 50% to the county general corporate fund.

(c) The proceeds of all fines allocated to the law enforcement agency or agencies of the unit or units of local government pursuant to subsection

(b) shall be made available to that law enforcement agency as expendable receipts for use in the enforcement of laws regulating cannabis, methamphetamine, and other controlled substances. The proceeds of fines awarded to the State treasury shall be deposited in a special fund known as the State Police Operations Assistance Fund, except that amounts distributed to the Secretary of State shall be deposited into the Secretary of State Evidence Fund to be used as provided in Section 2-115 of the Illinois Vehicle Code. Monies from this fund may be used by the Illinois State Police or use in the enforcement of laws regulating cannabis, methamphetamine, and other controlled substances; to satisfy funding provisions of the Intergovernmental Drug Laws Enforcement Act; to defray costs and expenses associated with returning violators of the Cannabis Control Act and this Act only, as provided in those Acts, when punishment of the crime shall be confinement of the criminal in the penitentiary; and all other monies shall be paid into the general revenue fund in the State treasury.

720 ILCS 570/414 — Overdose; limited immunity

Sec. 414. Overdose; limited immunity.

(a) For the purposes of this Section, "overdose" means a controlled substance-induced physiological event that results in a life-threatening emergency to the individual who ingested, inhaled, injected or otherwise bodily absorbed a controlled, counterfeit, or look-alike substance or a controlled substance analog.

(b) A person who, in good faith, seeks or obtains emergency medical assistance for someone experiencing an overdose shall not be arrested, charged, or prosecuted for a violation of Section 401 or 402 of the Illinois Controlled Substances Act, Section 3.5 of the Drug Paraphernalia Control Act, Section 55 or 60 of the Methamphetamine Control and Community Protection Act, Section 9-3.3 of the Criminal Code of 2012, or paragraph

(1) of subsection

(g) of Section 12-3.05 of the Criminal Code of 2012 if evidence for the violation was acquired as a result of the person seeking or obtaining emergency medical assistance and providing the amount of substance recovered is within the amount identified in subsection

(d) of this Section. The violations listed in this subsection

(b) must not serve as the sole basis of a violation of parole, mandatory supervised release, probation, or conditional discharge, a person's pretrial release, or furlough, or any seizure of property under any State law authorizing civil forfeiture so long as the evidence for the violation was acquired as a result of the person seeking or obtaining emergency medical assistance in the event of an overdose.

(c) A person who is experiencing an overdose shall not be arrested, charged, or prosecuted for a violation of Section 401 or 402 of the Illinois Controlled Substances Act, Section 3.5 of the Drug Paraphernalia Control Act, Section 9-3.3 of the Criminal Code of 2012, or paragraph

(1) of subsection

(g) of Section 12-3.05 of the Criminal Code of 2012 if evidence for the violation was acquired as a result of the person seeking or obtaining emergency medical assistance and providing the amount of substance recovered is within the amount identified in subsection

(d) of this Section. The violations listed in this subsection

(c) must not serve as the sole basis of a violation of parole, mandatory supervised release, probation, or conditional discharge, or any seizure of property under any State law authorizing civil forfeiture so long as the evidence for the violation was acquired as a result of the person seeking or obtaining emergency medical assistance in the event of an overdose.

(d) For the purposes of subsections

(b) and (c), the limited immunity shall only apply to a person possessing the following amount:

(1) less than 3 grams of a substance containing heroin;

(2) less than 3 grams of a substance containing cocaine;

(3) less than 3 grams of a substance containing morphine;

(4) less than 40 grams of a substance containing peyote;

(5) less than 40 grams of a substance containing a derivative of barbituric acid or any of the salts of a derivative of barbituric acid;

(6) less than 40 grams of a substance containing amphetamine or any salt of an optical isomer of amphetamine;

(7) less than 3 grams of a substance containing lysergic acid diethylamide (LSD), or an analog thereof;

(8) less than 6 grams of a substance containing pentazocine or any of the salts, isomers and salts of isomers of pentazocine, or an analog thereof;

(9) less than 6 grams of a substance containing methaqualone or any of the salts, isomers and salts of isomers of methaqualone;

(10) less than 6 grams of a substance containing phencyclidine or any of the salts, isomers and salts of isomers of phencyclidine (PCP);

(11) less than 6 grams of a substance containing ketamine or any of the salts, isomers and salts of isomers of ketamine;

(12) less than 40 grams of a substance containing a substance classified as a narcotic drug in Schedules I or II, or an analog thereof, which is not otherwise included in this subsection.

(e) The limited immunity described in subsections

(b) and

(c) of this Section shall not be extended if law enforcement has reasonable suspicion or probable cause to detain, arrest, or search the person described in subsection

(b) or

(c) of this Section for criminal activity and the reasonable suspicion or probable cause is based on information obtained prior to or independent of the individual described in subsection

(b) or

(c) taking action to seek or obtain emergency medical assistance and not obtained as a direct result of the action of seeking or obtaining emergency medical assistance. Nothing in this Section is intended to interfere with or prevent the investigation, arrest, or prosecution of any person for the delivery or distribution of cannabis, methamphetamine or other

controlled substances, drug-induced homicide, or any other crime if the evidence of the violation is not acquired as a result of the person seeking or obtaining emergency medical assistance in the event of an overdose.

720 ILCS 570/415 — Use, possession, and consumption of a controlled substance related to sexual assault; limited immunity from prosecution

Sec. 415. Use, possession, and consumption of a controlled substance related to sexual assault; limited immunity from prosecution.

(a) In this Section: "Medical forensic services" has the meaning defined in Section 1a of the Sexual Assault Survivors Emergency Treatment Act. "Sexual assault" means an act of sexual conduct or sexual penetration, defined in Section 11-0.1 of the Criminal Code of 2012, including, without limitation, acts prohibited under Sections 11-1.20 through 11-1.60 of the Criminal Code of 2012.

(b) A person who is a victim of a sexual assault shall not be charged or prosecuted for Class 4 felony possession of a controlled, counterfeit, or look-alike substance or a controlled substance analog:

(1) if evidence for the Class 4 felony possession charge was acquired as a result of the person reporting the sexual assault to law enforcement, or seeking or obtaining emergency medical assistance or medical forensic services; and

(2) provided the amount of substance recovered is within the amount identified in subsection

(d) of this Section.

(c) A person who, in good faith, reports to law enforcement the commission of a sexual assault against another person or seeks or obtains emergency medical assistance or medical forensic services for a victim of sexual assault shall not be charged or prosecuted for Class 4 felony possession of a controlled, counterfeit, or look-alike substance or a controlled substance analog:

(1) if evidence for the Class 4 felony possession charge was acquired as a result of the person seeking or obtaining emergency medical assistance or medical forensic services; and

(2) provided the amount of substance recovered is within the amount identified in subsection

(d) of this Section.

(d) For the purposes of subsections

(b) and

(c) of this Section, the limited immunity shall only apply to a person possessing the following amount:

(1) less than 3 grams of a substance containing heroin;

(2) less than 3 grams of a substance containing cocaine;

(3) less than 3 grams of a substance containing morphine;

(4) less than 40 grams of a substance containing peyote;

(5) less than 40 grams of a substance containing a derivative of barbituric acid or any of the salts of a derivative of barbituric acid;

(6) less than 40 grams of a substance containing amphetamine or any salt of an optical isomer of amphetamine;

(7) less than 3 grams of a substance containing lysergic acid diethylamide (LSD), or an analog thereof;

(8) less than 6 grams of a substance containing pentazocine or any of the salts, isomers and salts of isomers of pentazocine, or an analog thereof;

(9) less than 6 grams of a substance containing methaqualone or any of the salts, isomers and salts of isomers of methaqualone;

(10) less than 6 grams of a substance containing phencyclidine or any of the salts, isomers and salts of isomers of phencyclidine (PCP);

(11) less than 6 grams of a substance containing ketamine or any of the salts, isomers and salts of isomers of ketamine; or

(12) less than 40 grams of a substance containing a substance classified as a narcotic drug in Schedules I or II, or an analog thereof, which is not otherwise included in this subsection (d).

(e) The limited immunity described in subsections

(b) and

(c) of this Section shall not be extended if law enforcement has reasonable suspicion or probable cause to detain, arrest, or search the person described in subsection

(b) or

(c) of this Section for criminal activity and the reasonable suspicion or probable cause is based on information obtained prior to or independent of the person described in subsection

(b) or

(c) of this Section taking action to report a sexual assault to law enforcement or to seek or obtain emergency medical assistance or medical forensic services and not obtained as a direct result of the action of seeking or obtaining emergency medical assistance or medical forensic services. Nothing in this Section is intended to interfere with or prevent the investigation, arrest, or prosecution of any person for the delivery or distribution of cannabis, methamphetamine, or other controlled substances, drug-induced homicide, or any other crime.

720 ILCS 570/501

Sec. 501.

(a) It is hereby made the duty of the Department of Financial and Professional Regulation and the Illinois State Police, and their agents, officers, and investigators, to enforce all provisions of this Act, except those specifically delegated, and to cooperate with all agencies charged with the enforcement of the laws of the United States, or of any State, relating to controlled substances. Only an agent, officer, or investigator designated by the Secretary of the Department of Financial and Professional Regulation or the Director of the Illinois State Police may:

(1) for the purpose of inspecting, copying, and verifying the correctness of records, reports or other documents required to be kept or made under this Act and otherwise facilitating the execution of the functions of the Department of Financial and Professional Regulation or the Illinois State Police, be authorized in accordance with this Section to enter controlled premises and to conduct administrative inspections thereof and of the things specified; or

(2) execute and serve administrative inspection notices, warrants, subpoenas, and summonses under the authority of this State. Any inspection or administrative entry of persons licensed by the Department shall be made in accordance with subsection (bb) of Section 30-5 of the Substance Use Disorder Act and the rules and regulations promulgated thereunder.

(b) Administrative entries and inspections designated in clause

(1) of subsection

(a) shall be carried out through agents, officers, investigators and peace officers (hereinafter referred to as "inspectors") designated by the Secretary of the Department of Financial and Professional Regulation. Any inspector, upon stating his or her purpose and presenting to the owner, operator, or agent in charge of the premises

(1) appropriate credentials and

(2) a written notice of his or her inspection authority (which notice, in the case of an inspection requiring or in fact supported by an administrative inspection warrant, shall consist of that warrant), shall have the right to enter the premises and conduct the inspection at reasonable times. Inspectors appointed before the effective date of this amendatory Act of the 97th General Assembly by the Secretary of Financial and Professional Regulation under this Section 501 are conservators of the peace and as such have all the powers possessed by policemen in municipalities and by sheriffs, except that they may exercise such powers anywhere in the State. A Chief of Investigations of the Department of Financial and Professional Regulation's Division of Professional Regulation appointed by the Secretary of Financial and Professional Regulation on or after the effective date of this amendatory Act of the 97th General Assembly is a conservator of the peace and as such has all the powers possessed by policemen in municipalities and by sheriffs, except that he or she may exercise such powers anywhere in the State. Any other employee of the Department of Financial and Professional Regulation appointed by the Secretary of Financial and Professional Regulation or by the Director of Professional Regulation on or after the effective date of this amendatory Act of the 97th General Assembly under this Section 501 is not a conservator of the peace.

(c) Except as may otherwise be indicated in an applicable inspection warrant, the inspector shall have the right:

(1) to inspect and copy records, reports and other documents required to be kept or made under this Act;

(2) to inspect, within reasonable limits and in a reasonable manner, controlled premises and all pertinent equipment, finished and unfinished drugs and other substances or materials, containers and labeling found therein, and all other things therein (including records, files, papers, processes, controls and facilities) appropriate for verification of the records, reports and documents referred to in item

(1) or otherwise bearing on the provisions of this Act; and

(3) to inventory any stock of any controlled substance.

(d) Except when the owner, operator, or agent in charge of the controlled premises so consents in writing, no inspection authorized by this Section shall extend to:

(1) financial data;

(2) sales data other than shipment data; or

(3) pricing data. Any inspection or administrative entry of persons licensed by the Department shall be made in accordance with subsection (bb) of Section 30-5 of the Substance Use Disorder Act and the rules and regulations promulgated thereunder.

(e) Any agent, officer, investigator or peace officer designated by the Secretary of the Department of Financial and Professional Regulation may

(1) make seizure of property pursuant to the provisions of this Act; and

(2) perform such other law enforcement duties as the Secretary shall designate. It is hereby made the duty of all State's Attorneys to prosecute violations of this Act and institute legal proceedings as authorized under this Act.

720 ILCS 570/501.1 — Administrative Procedure Act

Sec. 501.1. Administrative Procedure Act. The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated herein, but shall apply only to the Department of Financial and Professional Regulation, as if all of the provisions of that Act were included in this Act, except that the provision of subsection

(d) of Section 10-65 of the Illinois Administrative Procedure Act which provides that at hearings the licensee has the right to show compliance with all lawful requirements for retention, continuation or renewal of the license is specifically excluded. For the purposes of this Act the notice required under Section 10-25 of the Illinois Administrative Procedure Act is deemed sufficient when mailed to the last known address of a party.

720 ILCS 570/502

Sec. 502.

(a) Issuance and execution of administrative inspection warrants shall be as follows:

(1) a judge of a circuit court upon proper oath or affirmation showing probable cause, may issue warrants for the purpose of conducting administrative inspections authorized by this Act or rules hereunder, and seizures of property appropriate to the inspections. For purposes of the issuance of administrative inspection warrants, probable cause exists upon showing a valid public interest in the effective enforcement of this Act or rules hereunder, sufficient to justify administrative inspection of the controlled premises, as defined in subsection (b), specified in the application for the warrant.

(2) an inspection warrant shall issue only upon an affidavit of any person having knowledge of the facts alleged, sworn to before the circuit judge and establishing the grounds for issuing the inspection warrant. If the circuit judge is satisfied that there is probable cause to believe that grounds for issuance of an inspection warrant exist, he shall issue an inspection warrant identifying the controlled premises to be inspected, the purpose of the inspection, and, if appropriate, the type of property to be inspected or seized, if any. The inspection warrant shall:

(i) state the ground for its issuance and the name of each person whose affidavit has been taken in support thereof; (ii) be directed to a person authorized by Section 501 to execute it; (iii) command the person to whom it is directed to inspect the controlled premises identified for the purpose specified and, if appropriate, direct the seizure of the property specified; (iv) identify the item or types of property to be seized, if any;

(v) direct that it be served at any time of the day or night and designate the circuit court judge to whom it shall be returned.

(3) an inspection warrant issued pursuant to this Section must be executed and returned within 10 days of its date of issuance unless, upon a showing of a need for additional time, the court which issued the inspection warrant orders otherwise. If property is seized pursuant to an inspection warrant, a copy of the inventory of such seized property shall be

given to the person from whom or from whose controlled premises the property is taken. If no person is available, the inspection warrant and a copy of the inventory shall be left at such controlled premises. The inventory shall be made under oath by the person executing the warrant.

(4) an inspection warrant shall be returnable before the judge of the circuit court who issued the inspection warrant or any judge named in the inspection warrant or before the circuit court. The judge before whom the return is made shall attach to the inspection warrant a copy of the return and all papers returnable in connection therewith and file them with the clerk of the circuit court in which the inspection warrant was executed.

(5) no warrant shall be quashed nor evidence suppressed because of technical irregularities not affecting the substantial rights of the person responsible for the controlled premises.

(b) The Director may make inspections of controlled premises in accordance with the following provisions:

(1) For purposes of this Section only, "controlled premises" means:

(i) places where persons registered or exempted from registration requirements under this Act keep records required under this Act; and (ii) places, including but not limited to, areas, buildings, premises, factories, warehouses, establishments and conveyances in which persons registered or exempted from registration requirements under this Act are permitted to possess, manufacture, distribute, dispense, administer, or otherwise dispose of any controlled substance.

(2) When authorized by an inspection warrant issued pursuant to this Act, any agent designated by the Director or any peace officer, upon presenting the inspection warrant to the person designated in the inspection warrant or any other person on the controlled premises, may enter controlled premises for the purpose of conducting the inspection.

(3) When authorized by an inspection warrant any agent designated by the Director may execute the inspection warrant in accordance with its terms.

(4) This section does not prevent the inspection without a warrant of books and records pursuant to an administrative subpoena issued in accordance with "The Civil Administrative Code of Illinois," nor does it prevent entries and administrative inspections, including seizures of property, without a warrant:

(i) if the person in charge of the controlled premises consents; or (ii) in situations presenting imminent danger to health or safety; or (iii) in situations involving inspection of conveyances if there is reasonable cause to believe that the mobility of the conveyance makes it impracticable to obtain a warrant; or (iv) in any other exceptional or emergency circumstance where time or opportunity to apply for a warrant is lacking.

(5) An inspection warrant authorized by this Section shall not extend to financial data, sales data, other than shipment data, or pricing data unless the person in charge of the controlled premises consents in writing, provided, however, that records required to be kept under this Act are not included in such financial data, sales data or pricing data.

720 ILCS 570/503

Sec. 503. In addition to any other remedies, the Director or the Secretary of the Department of Financial and Professional Regulation is authorized to file a complaint and apply to any circuit court for, and such circuit court may upon hearing and for cause shown, grant a temporary restraining order or a preliminary or permanent injunction, without bond, restraining any person from violating this Act whether or not there exists other judicial remedies.

720 ILCS 570/504

Sec. 504.

(a) The Director and the Secretary of the Department of Financial and Professional Regulation shall each cooperate with Federal agencies and other State agencies in discharging his or her responsibilities concerning traffic in controlled substances and in suppressing the misuse of controlled substances. To this end he or she may:

(1) arrange for the exchange of information among governmental officials concerning the use and misuse of controlled substances;

(2) coordinate and cooperate in training programs concerning controlled substance law enforcement at local and State levels;

(3) cooperate with the federal Drug Enforcement Administration or its successor agency; and

(4) conduct programs of eradication aimed at destroying wild illicit growth of plant species from which controlled substances may be extracted.

(b) Results, information, and evidence received from the Drug Enforcement Administration relating to the regulatory functions of this Act, including results of inspections conducted by it may be relied and acted upon by the Director and the Secretary of the Department of Financial and Professional Regulation in the exercise of their regulatory functions under this Act.

720 ILCS 570/505

Sec. 505.

(a) The following are subject to forfeiture:

(1) (blank);

(2) all raw materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, distributing, dispensing, administering or possessing any substance in violation of this Act;

(3) all conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of substances manufactured, distributed, dispensed, or possessed in violation of this Act, or property described in paragraph

(2) of this subsection (a), but:

(i) no conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this Section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this Act; (ii) no conveyance is subject to forfeiture under this Section by reason of any act or omission which the owner proves to have been committed or omitted without his or her knowledge or consent; (iii) a forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he or she neither had knowledge of nor consented to the act or omission;

(4) all money, things of value, books, records, and research products and materials including formulas, microfilm, tapes, and data which are used, or intended to be used, in violation of this Act;

(5) everything of value furnished, or intended to be furnished, in exchange for a substance in violation of this Act, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used, or intended to be used, to commit or in any manner to facilitate any violation of this Act;

(6) all real property, including any right, title, and interest (including, but not limited to, any leasehold interest or the beneficial interest in a land trust) in the whole of any lot or tract of land and any appurtenances or improvements, which is used or intended to be used, in any manner or part, to commit, or in any manner to facilitate the commission of, any violation or act that constitutes a violation of Section 401 or 405 of this Act or that is the proceeds of any violation or act that constitutes a violation of Section 401 or 405 of this Act.

(b) Property subject to forfeiture under this Act may be seized under the Drug Asset Forfeiture Procedure Act. In the event of seizure, forfeiture proceedings shall be instituted under the Drug Asset Forfeiture Procedure Act.

(c) Forfeiture under this Act is subject to an 8th Amendment to the United States Constitution disproportionate penalties analysis as provided under Section 9.5 of the Drug Asset Forfeiture Procedure Act.

(d) With regard to possession of controlled substances offenses only, a sum of currency with a value of less than \$500 shall not be subject to forfeiture under this Act. For all other offenses under this Act, a sum of currency with a value of less than \$100 shall not be subject to forfeiture under this Act. In seizures of currency in excess of these amounts, this Section shall not create an exemption for these amounts. (d-5) For felony offenses involving possession of controlled substances only, no property shall be subject to forfeiture under this Act because of the possession of less than 2 single unit doses of a controlled substance. This exemption shall not apply in instances when the possessor, or another person at the direction of the possessor, engaged in the destruction of any amount of a controlled substance. The amount of a single unit dose shall be the State's burden to prove in its case in chief.

(e) If the Department of Financial and Professional Regulation suspends or revokes a registration, all controlled substances owned or possessed by the registrant at the time of suspension or the effective date of the revocation order may be placed under seal by the Director. No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale

of perishable substances and the deposit of the proceeds of the sale with the court. Upon a suspension or revocation order becoming final, all substances are subject to seizure and forfeiture under the Drug Asset Forfeiture Procedure Act.

(f) (Blank).

(g) (Blank).

(h) (Blank).

(i) Contraband, including controlled substances possessed without authorization under State or federal law, is not subject to forfeiture. No property right exists in contraband. Contraband is subject to seizure and shall be disposed of according to State law.

(j) The changes made to this Section by Public Act 100-512 and Public Act 100-699 only apply to property seized on and after July 1, 2018.

(k) The changes made to this Section by Public Act 100-699 are subject to Section 4 of the Statute on Statutes.

720 ILCS 570/506

Sec. 506. It is not necessary for the State to negate any exemption or exception in this Act in any complaint, information, indictment or other pleading or in any trial, hearing, or other proceeding under this Act. The burden of proof of any exemption or exception is upon the person claiming it.

720 ILCS 570/507

Sec. 507. All rulings, final determinations, findings, and conclusions of the Illinois State Police, the Department of Financial and Professional Regulation, and the Department of Human Services under this Act are final and conclusive decisions of the matters involved. Any person aggrieved by the decision may obtain review of the decision pursuant to the provisions of the Administrative Review Law, as amended and the rules adopted pursuant thereto. Pending final decision on such review, the acts, orders and rulings of the Department shall remain in full force and effect unless modified or suspended by order of court pending final judicial decision. Pending final decision on such review, the acts, orders, sanctions and rulings of the Department of Financial and Professional Regulation regarding any registration shall remain in full force and effect, unless stayed by order of court. However, no stay of any decision of the administrative agency shall issue unless the person aggrieved by the decision establishes by a preponderance of the evidence that good cause exists therefor. In determining good cause, the court shall find that the aggrieved party has established a substantial likelihood of prevailing on the merits and that granting the stay will not have an injurious effect on the general public. Good cause shall not be established solely on the basis of hardships resulting from an inability to engage in the registered activity pending a final judicial decision.

720 ILCS 570/507.1

Sec. 507.1. The Department shall not be required to certify any record to the court or file any answer in court or otherwise appear in any court proceedings under the Administrative Review Law, unless there is filed in the court with the complaint a receipt from the Department acknowledging payment of the costs of furnishing and certifying the record. Exhibits shall be certified without cost. Failure on the part of the plaintiff to file such receipt in court shall be grounds for dismissal of the action.

720 ILCS 570/507.2 — Rulemaking authority

Sec. 507.2. Rulemaking authority. The Department of Human Services is granted rulemaking authority concerning implementation, maintenance, and compliance with the Prescription Monitoring Program.

720 ILCS 570/508

Sec. 508.

(a) The Department shall encourage research on controlled substances. In connection with the research, and in furtherance of the purposes of this Act, the Department may:

(1) establish methods to assess accurately the effect of controlled substances and identify and characterize those with potential for misuse;

(2) make studies and undertake programs of research to:

(i) develop new or improved approaches, techniques, systems, equipment and devices to strengthen the enforcement of this Act; (ii) determine patterns of use and misuse of controlled substances and their social effects; and (iii) improve methods for preventing, predicting, understanding, and dealing with the use and misuse of controlled substances; and (3) enter into contracts with public agencies, educational institutions, and private organizations or individuals for the purpose of conducting research, demonstrations, or special projects which relate to the use and misuse of controlled substances.

(b) Persons authorized to engage in research may be authorized by the Department to protect the privacy of individuals who are the subjects of such research by withholding from all persons not connected with the conduct of the research the names and other identifying characteristics of such individuals. Persons who are given this authorization shall not be compelled in any civil, criminal, administrative, legislative or other proceeding to identify the individuals who are the subjects of research for which the authorization was granted, except to the extent necessary to permit the Department to determine whether the research is being conducted in accordance with the authorization.

(c) The Department may authorize the possession and dispensing of controlled substances by persons engaged in research, upon such terms and conditions as may be consistent with the public health and safety. The Department may also approve research and treatment programs involving the administration of Methadone. The use of Methadone, or any similar controlled substance by any person is prohibited in this State except as approved and authorized by the Department in accordance with its rules and regulations. To the extent of the applicable authorization, persons are exempt from prosecution in this State for possession, manufacture or delivery of controlled substances.

(d) Practitioners registered under Federal law to conduct research with Schedule I substances may conduct research with Schedule I substances within this State upon furnishing evidence of that Federal registration and notification of the scope and purpose of such research to the Department.

720 ILCS 570/509

Sec. 509. Whenever any court in this State grants probation to any person that the court has reason to believe is or has a substance use disorder or unlawful possessor of controlled substances, the court shall require, as a condition of probation, that the probationer submit to periodic tests by the Department of Corrections to determine by means of appropriate chemical detection tests whether the probationer is using controlled substances. The court may require as a condition of probation that the probationer enter an approved treatment program, if the court determines that the probationer has a substance use disorder of a controlled substance. Whenever the Prisoner Review Board grants parole or the Department of Juvenile Justice grants aftercare release to a person believed to have been an unlawful possessor or person with a substance use disorder, the Board or Department shall require as a condition of parole or aftercare release that the parolee or aftercare releasee submit to appropriate periodic chemical tests by the Department of Corrections or the Department of Juvenile Justice to determine whether the parolee or aftercare releasee is using controlled substances.

720 ILCS 570/510 — Preservation of evidence for laboratory testing

Sec. 510. Preservation of evidence for laboratory testing.

(a) Before or after the trial in a prosecution for a violation of any Section of Article IV of this Act, a law enforcement agency or an agent acting on behalf of the law enforcement agency must preserve, subject to a continuous chain of custody, not less than:

- (1) 2 kilograms of any substance containing a detectable amount of heroin;
- (2) 10 kilograms of any substance containing a detectable amount of: (A) coca leaves, except coca leaves and extract of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; (B) cocaine, its salts, optical and geometric isomers, and salts of isomers; (C) ecgonine, its derivatives, their salts, isomers, and salts of isomers; or (D) any combination of the substances described in subdivisions (A) through (C) of this paragraph (a)(2);
- (3) 10 kilograms of a mixture of substances described in subdivision (B) of paragraph (a)(2) that contains a cocaine base;
- (4) 200 grams of phencyclidine (also referred to as "PCP") or 2 kilograms of any substance containing a detectable amount of phencyclidine;
- (5) 20 grams of any substance containing a detectable amount of lysergic acid diethylamide (also referred to as "LSD");

(6) 800 grams of a mixture or substance containing a detectable amount of fentanyl, or 2 grams of any substance containing a detectable amount of any analog of fentanyl; with respect to the offenses enumerated in this subsection

(a) and must maintain sufficient documentation to locate that evidence. Excess quantities with respect to the offenses enumerated in this subsection

(a) cannot practicably be retained by a law enforcement agency because of its size, bulk, and physical character.

(b) The sheriff or seizing law enforcement agency must file a motion requesting destruction of bulk evidence before the trial judge in the courtroom where the criminal charge is pending. The sheriff or seizing law enforcement agency must give notice of the motion requesting destruction of bulk evidence to the prosecutor of the criminal charge and the defense attorney of record. The trial judge will conduct an evidentiary hearing in which all parties will be given the opportunity to present evidence and arguments relating to whether the evidence should be destroyed, whether such destruction will prejudice the prosecution of the criminal case, and whether the destruction of the evidence will prejudice the defense of the criminal charge. The court's determination whether to grant the motion for destruction of bulk evidence must be based upon the totality of all of the circumstances of the case presented at the evidentiary hearing, the effect such destruction would have upon the defendant's constitutional rights, and the prosecutor's ability to proceed with the prosecution of the criminal charge.

(c) The court may, before trial, transfer excess quantities of any substance containing any of the controlled substances enumerated in subsection

(a) with respect to a prosecution for any offense enumerated in subsection

(a) to the sheriff of the county, or may, in its discretion, transfer such evidence to the Illinois State Police, for destruction after notice is given to the defendant's attorney of record or to the defendant if the defendant is proceeding pro se.

(d) After a judgment of conviction is entered and the charged quantity is no longer needed for evidentiary purposes with respect to a prosecution for any offense enumerated in subsection (a), the court may transfer any substance containing any of the controlled substances enumerated in subsection

(a) to the sheriff of the county, or may, in its discretion, transfer such evidence to the Illinois State Police, for destruction after notice is given to the defendant's attorney of record or to the defendant if the defendant is proceeding pro se. No evidence shall be disposed of until 30 days after the judgment is entered, and if a notice of appeal is filed, no evidence shall be disposed of until the mandate has been received by the circuit court from the Appellate Court.

625 ILCS — Vehicles

625 ILCS 5/ Illinois Vehicle Code.

625 ILCS 5/1-100 — Short Title

Sec. 1-100. Short Title. This Act may be cited as the Illinois Vehicle Code. Portions of this Act may likewise be cited by a short title as follows: Chapters 2, 3, 4 and 5: the Illinois Vehicle Title & Registration Law. Chapter 6: the Illinois Driver Licensing Law. Chapter 7: the Illinois Safety and Family Financial Responsibility Law. Chapter 11: the Illinois Rules of the Road. Chapter 12: the Illinois Vehicle Equipment Law. Chapter 13: the Illinois Vehicle Inspection Law. Chapter 14: the Illinois Vehicle Equipment Safety Compact. Chapter 15: the Illinois Size and Weight Law. Chapter 17: the Illinois Highway Safety Law. Chapter 18a: the Illinois Commercial Relocation of Trespassing Vehicles Law. Chapter 18b: the Illinois Motor Carrier Safety Law. Chapter 18c: the Illinois Commercial Transportation Law. Chapter 18d: The Illinois Commercial Safety Towing Law.

625 ILCS 5/1-101 — Definition of words and phrases

Sec. 1-101. Definition of words and phrases. The following words and phrases when used in this Code shall, for the purpose of this Code, have the meanings respectively ascribed to them in this Chapter, except when the context otherwise requires and except where another definition set forth in another Chapter of this Code and applicable to that Chapter or a designated part thereof is applicable.

625 ILCS 5/1-101.05 — Abandoned vehicle

Sec. 1-101.05. Abandoned vehicle. For the purposes of Chapter 4, "abandoned vehicle" means any vehicle in a state of disrepair rendering the vehicle incapable of being driven in its condition or any vehicle that has not been moved or used for 7 consecutive days or more and is apparently deserted.

625 ILCS 5/1-101.1 — Act

Sec. 1-101.1. Act. The word "Act" as used in this Code shall, unless the context otherwise clearly indicates, mean "The Illinois Vehicle Code".

625 ILCS 5/1-101.1a — Administrative decision

Sec. 1-101.1a. Administrative decision. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

625 ILCS 5/1-101.2 — Affirmation

Sec. 1-101.2. Affirmation. A signed statement to the effect that the information provided by the signer is true and correct. The affirmation shall subject any person who shall knowingly affirm falsely, in matter material to any issue or point in question, to the penalties inflicted by law on persons convicted of perjury under Section 32-2 of the Criminal Code of 2012.

625 ILCS 5/1-101.3

Sec. 1-101.3. (Repealed).

625 ILCS 5/1-101.5 — Agency

Sec. 1-101.5. Agency. For the purposes of Chapter 13C, "Agency" means the Illinois Environmental Protection Agency.

625 ILCS 5/1-101.6

Sec. 1-101.6. (Repealed).

625 ILCS 5/1-101.8 — All-terrain vehicle

Sec. 1-101.8. All-terrain vehicle. Any motorized off-highway device designed to travel primarily off-highway, 50 inches or less in width, having a manufacturer's dry weight of 1,500 pounds or less, traveling on 3 or more non-highway tires, designed with a seat or saddle for operator use, and handlebars or steering wheel for steering control, except equipment such as lawnmowers.

625 ILCS 5/1-102 — Alley

Sec. 1-102. Alley. A public way within a block, generally giving access to the rear of lots or buildings and not used for general traffic circulation.

625 ILCS 5/1-102.01 — Ambulance

Sec. 1-102.01. Ambulance. Any publicly or privately owned vehicle which is specifically designed, constructed or modified and equipped, and is intended to be used for, and is maintained or operated for the emergency transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless.

625 ILCS 5/1-102.02

Sec. 1-102.02. (Blank).

625 ILCS 5/1-102.1 — Antique vehicle

Sec. 1-102.1. Antique vehicle. A motor vehicle that is more than 25 years of age or a bonafide replica thereof and which is driven on the highways only going to and returning from an antique auto show or an exhibition, or for servicing or demonstration, or a fire-fighting vehicle more than 20 years old which is not used as fire-fighting equipment but is used only for the purpose of exhibition or demonstration.

625 ILCS 5/1-102.2 — Apportionable semitrailer

Sec. 1-102.2. Apportionable semitrailer. Through March 31, 1996, an apportionable semitrailer is a semitrailer that is paying annual fees to a foreign jurisdiction under the provisions of the International Registration Plan. Beginning April 1, 1996, an apportionable semitrailer is a semitrailer used in interstate commerce and registered with an apportioned power fleet.

625 ILCS 5/1-102.3 — Apportionable trailer

Sec. 1-102.3. Apportionable trailer. A trailer involved in interstate commerce.

625 ILCS 5/1-103 — Approved driver education course

Sec. 1-103. Approved driver education course.

(a) Any course of driver education approved by the State Board of Education, offered by public or private schools maintaining grades 9 through 12, and meeting at least the minimum requirements of the "Driver Education Act", as now or hereafter amended,

(b) any course of driver education offered by a school licensed to give driver education instructions under this Act which meets at least the minimum educational requirements of the "Driver Education Act", as now or hereafter amended, and is approved by the State Board of Education,

(c) any course of driver education given in another State to an Illinois resident attending school in such State and approved by the State administrator of the Driver Education Program of such other State, or

(d) any course of driver education given at a Department of Defense Education Activity school that is approved by the Department of Defense Education Activity and taught by an adult driver education instructor or traffic safety officer.

625 ILCS 5/1-104

Sec. 1-104. (Repealed).

625 ILCS 5/1-104.1 — Article

Sec. 1-104.1. Article. The word "Article" as used in this Code shall, unless the context otherwise clearly indicates, mean an Article of a Chapter of "The Illinois Vehicle Code".

625 ILCS 5/1-104.2 — Autocycle

Sec. 1-104.2. Autocycle. A 3-wheel motor vehicle that has a steering wheel and seating that does not require the operator to straddle or sit astride it.

625 ILCS 5/1-105 — Authorized emergency vehicle

Sec. 1-105. Authorized emergency vehicle. Emergency vehicles of municipal departments or public service corporations as are designated or authorized by proper State, county, or local authorities; police vehicles; vehicles of the fire department; vehicles of a HazMat or technical rescue team authorized by a county board under Section 5-1127 of the Counties Code; ambulances; vehicles of the Illinois Department of Corrections; vehicles of the Illinois Department of Juvenile Justice; vehicles of the Illinois Emergency Management Agency; vehicles of the Office of the Illinois State Fire Marshal; mine rescue and explosives emergency response vehicles of the Department of Natural Resources; vehicles of the Illinois Department of Public Health; vehicles of the Illinois State Toll Highway Authority with a gross vehicle weight rating of 9,000 pounds or more and those identified as Highway Emergency Lane Patrol; vehicles of the Illinois Department of Transportation identified as Emergency Traffic Patrol; and vehicles of a municipal or county emergency services and disaster agency, as defined by the Illinois Emergency Management Agency Act.

625 ILCS 5/1-105.1 — Automated speed enforcement system violation

Sec. 1-105.1. Automated speed enforcement system violation. A violation described in Section 11-208.8 of this Code.

625 ILCS 5/1-105.2 — Automated traffic law violation

Sec. 1-105.2. Automated traffic law violation. A violation described in Section 11-208.6, 11-208.9, or 11-1201.1 of this Code.

625 ILCS 5/1-105.2a — Automobile transporter

Sec. 1-105.2a. Automobile transporter. Any vehicle combination designed and used for the transport of assembled vehicles, including truck camper units, and includes its use when transporting other cargo or general freight on a backhaul while in compliance with the weight limitations for a truck tractor and semitrailer combination.

625 ILCS 5/1-105.3 — Automotive parts recycler

Sec. 1-105.3. Automotive parts recycler. A person who is in the business of acquiring previously owned vehicles and vehicle parts for the primary purpose of disposing of parts of vehicles in a manner other than that described in the definition of a "scrap processor" in this Code or disposing of previously owned vehicles in the manner described in the definition of a "scrap processor" in this Code.

625 ILCS 5/1-105.4 — Auxiliary power unit, or APU

Sec. 1-105.4. Auxiliary power unit, or APU. Small engines used on commercial trucks to provide power for auxiliary loads, such as heating, air conditioning, and lighting in sleeper berths, which allows the operator to shut off the main engine while resting. Auxiliary power units may also be referred to as idle reduction units.

625 ILCS 5/1-105.5

Sec. 1-105.5. (Repealed).

625 ILCS 5/1-105.6 — Axle load

Sec. 1-105.6. Axle load. The total load transmitted to the road by all wheels whose centers may be included between 2 parallel transverse vertical planes 40 inches apart extending across the full width of the vehicle.

625 ILCS 5/1-105.7 — Backhaul

Sec. 1-105.7. Backhaul. The return trip of a vehicle transporting cargo or general freight, especially when carrying goods back over all or part of the same route.

625 ILCS 5/1-106 — Bicycle

Sec. 1-106. Bicycle. Every human-powered device and every low-speed electric bicycle, as defined in Section 1-140.10, with 2 or more wheels not less than 12 inches in diameter, operable pedals, and designated seats for the transportation of one or more persons.

625 ILCS 5/1-106.5 — Bumper

Sec. 1-106.5. Bumper. Any device or system of devices protruding from and attached to the front and rear of a motor vehicle that has been designed to be used to absorb the impact of a collision. For the purposes of this Code, a bumper also includes a device or system of devices similar in design to those with which new motor vehicles are equipped.

625 ILCS 5/1-107 — Bus

Sec. 1-107. Bus. Every motor vehicle, other than a commuter van, designed for carrying more than 10 persons.

625 ILCS 5/1-108 — Business district

Sec. 1-108. Business district. The territory contiguous to and including a highway when within any 600 feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway.

625 ILCS 5/1-109.01 — Camping trailer

Sec. 1-109.01. Camping trailer. A trailer, not used commercially, constructed with partial side walls which fold for towing and unfold to provide temporary living quarters for recreational camping or travel use and of a size or weight not requiring an overdimension permit when towed on a highway.

625 ILCS 5/1-110 — Cancellation of driver's license

Sec. 1-110. Cancellation of driver's license. The annulment or termination by formal action of the Secretary of a person's driver's license because of some error or defect in the license or because the licensee is no longer entitled to such license, but, with the exception of Sections 6-107, 6-108 and 6-201, the cancellation of a license is without prejudice and application for a new license may be made at any time after such cancellation.

625 ILCS 5/1-110.05 — Catalytic converter

Sec. 1-110.05. Catalytic converter. "Catalytic converter" means a post-combustion device that:

- (1) oxidizes hydrocarbons and carbon monoxide gases or reduces oxides of nitrogen; and
- (2) is designed or intended for use as part of an emission control system. As used in this Section, "catalytic converter" includes nonferrous parts, including rhodium, platinum, and palladium.

625 ILCS 5/1-110.1

Sec. 1-110.1. (Blank).

625 ILCS 5/1-110.1a — CDL Driver

Sec. 1-110.1a. CDL Driver. A person holding a CDL or a person required to hold a CDL. .)

625 ILCS 5/1-110.2 — Certificate of purchase

Sec. 1-110.2. Certificate of purchase. A bill of sale given to a licensee making an acquisition of a vehicle under Sections 4-208 and 4-209 of this Code.

625 ILCS 5/1-110a

Sec. 1-110a. (Blank).

625 ILCS 5/1-111

Sec. 1-111. (Repealed).

625 ILCS 5/1-111.1 — Chapter

Sec. 1-111.1. Chapter. The word "Chapter" as used in this Code shall, unless the context otherwise clearly indicates, mean a Chapter of "The Illinois Vehicle Code".

625 ILCS 5/1-111.1a — Charitable vehicle

Sec. 1-111.1a. Charitable vehicle.

(a) Any vehicle that is exclusively owned and operated by a religious or charitable not-for-profit organization and is used primarily in conducting the official activities of such organization.

(b) This definition does not include:

(1) a bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when such bus is on a regularly scheduled route for the transportation of other fare paying

passengers or furnishing charter service for the transportation of groups on special trips or in connection with special events and not over a regular or customary religious organization bus route;

(2) a school bus as defined in Section 1-182 of this Code; or

(3) a First Division vehicle, other than one designed for transporting not less than 7 nor more than 10 passengers, as defined in Section 1-217 of this Code; except that for purposes of determining the number of persons a vehicle is designed to carry in this Section, in any vehicle equipped with one or more wheelchair tiedowns, each wheelchair tiedown shall be counted as 4 persons. Each wheelchair tiedown shall be counted as 1 person for any other purpose of this Code.

625 ILCS 5/1-111.1b — Chassis

Sec. 1-111.1b. Chassis. Every frame or supportive element of a vehicle whether or not a manufacturer's identification number, serial number, or other identifying numbers are present on said part.

625 ILCS 5/1-111.1c — Chassis manufacturer

Sec. 1-111.1c. Chassis manufacturer. A person who manufactures and produces the frame upon which is mounted the body of a motor vehicle.

625 ILCS 5/1-111.2 — Code

Sec. 1-111.2. Code. The word "Code" as used in this Act shall, unless the context otherwise clearly indicates, mean "The Illinois Vehicle Code".

625 ILCS 5/1-111.3 — Collection costs

Sec. 1-111.3. Collection costs. Collection costs consist of reasonable costs incurred in locating the owner, lienholder, or other legally entitled persons, and demanding payment, together with court costs and reasonable attorney's fees as determined by the court.

625 ILCS 5/1-111.4 — Commerce

Sec. 1-111.4. Commerce. Trade, commerce, or transportation.

625 ILCS 5/1-111.5

Sec. 1-111.5. (Repealed). .)

625 ILCS 5/1-111.6

Sec. 1-111.6. Commercial driver's license (CDL). A license issued to an individual by a state or other jurisdiction of domicile, in accordance with the standards contained in 49 C.F.R. Part 383, which authorizes the individual to operate a class of a commercial motor vehicle. .)

625 ILCS 5/1-111.7

Sec. 1-111.7. Commercial driver license information system (CDLIS). The information system established, pursuant to the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) (49 U.S.C. 2701 et seq.), to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.

625 ILCS 5/1-111.7a

Sec. 1-111.7a. Commercial Learner's Permit (CLP). A permit issued to an individual by a state or other jurisdiction of domicile, in accordance with the standards contained in 49 C.F.R. Part 383, which, when carried with a valid driver's license issued by the same state or jurisdiction of domicile, authorizes the individual to operate a class of commercial motor vehicle when accompanied by a holder of a valid CDL for purposes of behind-the-wheel training. When issued to a CDL holder, a CLP serves as authorization for accompanied behind-the-wheel training in a commercial motor vehicle for which the holder's current CDL is not valid. .)

625 ILCS 5/1-111.8 — Commercial vehicle

Sec. 1-111.8. Commercial vehicle. Any vehicle operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, For-Hire or Not-For-Hire, but not including a commuter van, a vehicle used in a ridesharing arrangement when being used for that purpose, or a recreational vehicle not being used commercially.

625 ILCS 5/1-111.9 — Commuter van

Sec. 1-111.9. Commuter van. A motor vehicle designed for the transportation of not less than 7 nor more than 16 passengers, which is:

- (1) used in a ridesharing arrangement; or
- (2) owned or leased by or on behalf of a company or an employee organization and operated on a non-profit basis with the primary purpose of transporting employees of the company between the employees' homes and the company's place of business or a public transportation station and in which the operating, administrative, maintenance and reasonable depreciation costs are paid principally by the persons utilizing the commuter van.

625 ILCS 5/1-112 — Controlled Access Highway

Sec. 1-112. Controlled Access Highway. Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

625 ILCS 5/1-112.1 — Conversion

Sec. 1-112.1. Conversion. A motor vehicle, other than a motor home, which has been modified by a person other than the manufacturer of the chassis of the motor vehicle and which has not been the subject of a retail sale.

625 ILCS 5/1-112.2 — Converter or second stage manufacturer

Sec. 1-112.2. Converter or second stage manufacturer. A person who prior to the retail sale of a motor vehicle, assembles, installs or affixes a body, cab, or special equipment to a chassis, or who adds, subtracts from, or modifies a previously assembled or manufactured motor vehicle.

625 ILCS 5/1-112.3 — Converter Dolly

Sec. 1-112.3. Converter Dolly. A vehicle consisting of a chassis equipped with one or more axles, a fifth wheel or an equivalent mechanism, and draw bar, the attachment of which converts a semitrailer to a full trailer.

625 ILCS 5/1-112.5 — Counterfeit

Sec. 1-112.5. Counterfeit. To copy or imitate, without legal authority, with the intent of deceiving or defrauding.

625 ILCS 5/1-112.7 — Court

Sec. 1-112.7. Court. A court of law, traffic tribunal, or circuit court of Illinois, including a judge of a court of law, traffic tribunal, or circuit court of Illinois.

625 ILCS 5/1-112.8 — Covered heavy duty tow and recovery vehicle

Sec. 1-112.8. Covered heavy duty tow and recovery vehicle. A vehicle transporting a disabled vehicle from the place where the vehicle became disabled to the nearest repair facility, having a gross weight that is equal to or exceeds the gross vehicle weight of the disabled vehicle being transported.

625 ILCS 5/1-113 — Crosswalk

Sec. 1-113. Crosswalk.

- (a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway, and in the absence of a sidewalk on one side of the highway, that part of the highway included within the extension of the lateral line of the existing sidewalk to the side of the highway without the sidewalk, with such extension forming a right angle to the centerline of the highway;
- (b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface placed in accordance with the provisions in the Manual adopted by the Department of Transportation as authorized in Section 11-301.

625 ILCS 5/1-113.1 — Custom vehicle

Sec. 1-113.1. Custom vehicle. A motor vehicle that is at least 25 years of age and of a model year after 1948 or a custom vehicle manufactured to resemble a vehicle at least 25 years of age and of a model year after 1948 and has been altered

from the manufacturer's original design or has a body constructed from non-original materials and which is maintained for occasional transportation, exhibitions, club activities, parades, tours, and similar uses and which is not used for general daily transportation.

625 ILCS 5/1-114

Sec. 1-114. (Blank).

625 ILCS 5/1-114.1

Sec. 1-114.1. (Blank).

625 ILCS 5/1-114.2

Sec. 1-114.2. (Blank).

625 ILCS 5/1-115 — Dealer

Sec. 1-115. Dealer. Every person engaged in the business of acquiring or disposing of vehicles or their essential parts and who has an established place of business for such purpose.

625 ILCS 5/1-115.01 — Detached catalytic converter

Sec. 1-115.01. Detached catalytic converter. "Detached catalytic converter" means a catalytic converter, as defined in Section 1-110.05 of this Code, that was previously installed on a motor vehicle and subsequently removed.

625 ILCS 5/1-115.05 — Department

Sec. 1-115.05. Department. The Department of Transportation of the State of Illinois, acting directly or through its duly authorized officers and agents, except that:

(i) in Chapter 5 and Articles X and XI of Chapter 3 of this Code, "Department" means the Department of Revenue of the State of Illinois; and (ii) in Chapter 18B, "Department" means the Illinois State Police.

625 ILCS 5/1-115.07 — Derelict vehicle

Sec. 1-115.07. Derelict vehicle. Any inoperable, unregistered, discarded motor vehicle, regardless of title, having lost its character as a substantial property and left unattended without justification on the owner's land contrary to the public policy expressed in Section 4-301 of this Code.

625 ILCS 5/1-115.1 — Disposition of vehicle or vehicle part

Sec. 1-115.1. Disposition of vehicle or vehicle part. The purchase, exchange, transfer, sale, assignment or other change of ownership or possession or the junking or wrecking of a vehicle or vehicle part.

625 ILCS 5/1-115.3 — Disqualification

Sec. 1-115.3. Disqualification. Disqualification means any of the following 3 actions:

- (a) The suspension, revocation, or cancellation of a CLP or CDL by the State or jurisdiction of issuance.
- (b) Any withdrawal of a person's privileges to drive a commercial motor vehicle by a State or other jurisdiction as a result of a violation of State or local law relating to motor vehicle traffic control (other than parking, vehicle weight or vehicle defect violations).
- (c) A determination by the Federal Motor Carrier Safety Administration that a person is not qualified to operate a commercial motor vehicle under 49 C.F.R. Part 391. .)

625 ILCS 5/1-115.5 — Domicile

Sec. 1-115.5. Domicile. A true, fixed, and permanent legal home of a person or the place to which the person intends to return even though the person may reside elsewhere. As a further explanation, "A person may have more than one residence but only one domicile".

625 ILCS 5/1-115.6 — Domiciliary

Sec. 1-115.6. Domiciliary. A person who is domiciled.

625 ILCS 5/1-115.8 — Drive

Sec. 1-115.8. Drive. To drive, operate, or be in physical control of a motor vehicle.

625 ILCS 5/1-116 — Driver

Sec. 1-116. Driver. Every person who drives or is in actual physical control of a vehicle.

625 ILCS 5/1-116.1 — Driver's license

Sec. 1-116.1. Driver's license. Any license to operate a motor vehicle issued under the laws of this State.

625 ILCS 5/1-117 — Driver License Compact

Sec. 1-117. Driver License Compact. The Driver License Compact set forth in Chapter 6 of this Act.

625 ILCS 5/1-117.5 — Driver's license or permit making implement

Sec. 1-117.5. Driver's license or permit making implement. Any material, hardware, or software that is specially designed for or primarily used in the manufacture, assembly, issuance, or authentication of an official driver's license or permit issued by the Secretary of State.

625 ILCS 5/1-117.7 — Electric personal assistive mobility device

Sec. 1-117.7. Electric personal assistive mobility device. A self-balancing 2 non-tandem wheeled device designed to transport only one person with an electric propulsion system that limits the maximum speed of the device to 15 miles per hour or less.

625 ILCS 5/1-118 — Essential parts

Sec. 1-118. Essential parts. All integral and body parts of a vehicle of a type required to be registered hereunder, the removal, alteration or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type or mode of operation. "Essential parts" includes the following: vehicle hulks, shells, chassis, frames, front end assemblies (which may consist of headlight, grill, fenders and hood), front clip (front end assembly with cowl attached), rear clip (which may consist of quarter panels, fenders, floor and top), doors, hatchbacks, fenders, cabs, cab clips, cowl, hoods, trunk lids, deck lids, bed, front bumper, rear bumper, transmissions, seats, engines, and similar parts. "Essential parts" also includes fairings, fuel tanks, and forks of motorcycles. "Essential parts" shall also include stereo radios. An essential part which does not have affixed to it an identification number as defined in Section 1-129 adopts the identification number of the vehicle to which such part is affixed, installed or mounted. "Essential parts" does not include an engine, transmission, or a rear axle that is used in a glider kit.

625 ILCS 5/1-118.1 — Expanded-use antique vehicle

Sec. 1-118.1. Expanded-use antique vehicle. A motor vehicle that is more than 25 years of age or a bona fide replica thereof and which is registered and driven on the highways in accordance with Section 3-804.01. "Expanded-use antique vehicle" does not include a commercial vehicle, as defined under Section 1-111.8, or a farm truck, as defined under Section 3-815.

625 ILCS 5/1-119 — Explosives

Sec. 1-119. Explosives. Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combusive units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

625 ILCS 5/1-119.3 — Expressway

Sec. 1-119.3. Expressway. A freeway with full control access and with grade separations at intersections.

625 ILCS 5/1-119.6 — Farm to market agricultural transportation

Sec. 1-119.6. Farm to market agricultural transportation. The operation of a motor vehicle controlled and operated by a farmer who is a private motor carrier of property, who is using the vehicle to transport agricultural products to or from a farm operated by the farmer or to transport farm machinery or farm supplies to or from a farm operated by the farmer, and who is not using the commercial vehicle to transport hazardous materials of a type or quantity that requires the vehicle to

be placarded in accordance with the Illinois Hazardous Materials Transportation Act.

625 ILCS 5/1-120 — Farm tractor

Sec. 1-120. Farm tractor. Every motor vehicle designed and used primarily as a farm implement for drawing wagons, plows, mowing machines and other implements of husbandry, and every implement of husbandry which is self propelled, excluding all-terrain vehicles and off-highway motorcycles as defined in this Code.

625 ILCS 5/1-120.5 — Fifth wheel assembly

Sec. 1-120.5. Fifth wheel assembly. A coupling device connecting 2 or more vehicles operating in combination. The lower half of a fifth wheel assembly mounted on a truck tractor or converter dolly must be secured to the frame of that vehicle with properly designed brackets, mounting plates, or angles and properly tightened bolts of adequate size and grade or devices that provide equivalent security. The installation shall not cause cracking, warping, or deformation of the frame. The installation shall include a device for positively preventing the lower half of the fifth wheel assembly from shifting on the frame to which it is attached. The upper half of a fifth wheel assembly must be fastened to the motor vehicle with at least the same security required for the installation of the lower half on a truck tractor or converter dolly. Every fifth wheel assembly shall have a locking mechanism. The locking mechanism and any adapter used in conjunction with it must prevent separation of the upper and lower halves of the fifth wheel assembly unless a positive manual release is activated. The release may be located so that the driver can operate it from the cab. If a motor vehicle has a fifth wheel assembly designed and constructed to be readily separable, the fifth wheel assembly locking devices shall apply automatically on coupling. The lower half of a fifth wheel assembly shall be located so that, regardless of the condition of loading, the relationship between the kingpin and the rear axle or axles of the towing motor vehicle will properly distribute the gross weight of both the towed and towing vehicles on the axles of those vehicles, will not unduly interfere with the steering, braking, and other maneuvering of the towing vehicle, and will not otherwise contribute to unsafe operation of the vehicles comprising the combination. The upper half of a fifth wheel assembly shall be located so that the weight of the vehicles is properly distributed on their axles and the combination of vehicles will operate safely during normal operation.

625 ILCS 5/1-120.7 — Fire department vehicle

Sec. 1-120.7. Fire department vehicle. Any vehicle, recreational off-highway vehicle, all-terrain vehicle, watercraft, aircraft, bicycle, or electric personal assistive mobility device that is designated or authorized by proper local authorities for fire department use.

625 ILCS 5/1-121 — Flammable liquid

Sec. 1-121. Flammable liquid. Any liquid which has a flash point of 70 degrees Fahrenheit, or less, as determined by a tagliabue or equivalent closed-cup test device.

625 ILCS 5/1-122 — Fleet

Sec. 1-122. Fleet. 1 or more commercial motor vehicles.

625 ILCS 5/1-122.1 — Fleet safety vehicle

Sec. 1-122.1. Fleet safety vehicle. Any motor vehicle which is used to supervise operations of vehicles of the second division on the highway so as to promote safety and legal operations of such second division vehicle.

625 ILCS 5/1-122.5 — For-hire

Sec. 1-122.5. For-hire. The operation of a vehicle for compensation and subject to federal regulation by the Interstate Commerce Commission or to state regulation by the Illinois Commerce Commission and those vehicles governed by Chapters 8 and 9 under this Code and regulated by the Secretary of State.

625 ILCS 5/1-122.7 — For-profit ridesharing arrangement

Sec. 1-122.7. For-profit ridesharing arrangement. The transportation by motor vehicle of not more than 16 persons, including the driver, for which a fee is charged in accordance with Section 6 of the Ridesharing Arrangements Act.

625 ILCS 5/1-123 — Foreign vehicle

Sec. 1-123. Foreign vehicle. Every vehicle of a type required to be registered hereunder brought into this State from another State, territory or country other than in the ordinary course of business by or through a manufacturer or dealer and not registered in this State.

625 ILCS 5/1-123.1

Sec. 1-123.1. (Repealed).

625 ILCS 5/1-123.2 — Former military vehicle

Sec. 1-123.2. Former military vehicle. A vehicle or trailer, regardless of size, weight, or year of manufacture, that was manufactured for use in any country's military forces and is maintained to depict or represent military design or markings. A former military vehicle does not include a vehicle used for any commercial or production agriculture purpose.

625 ILCS 5/1-123.3 — Frame

Sec. 1-123.3. Frame. The main longitudinal structural members of the chassis of the vehicle or, for vehicles with unitized body construction, the lowest main longitudinal structural members of the body of the vehicle.

625 ILCS 5/1-123.4 — Fraudulent driver's license or permit

Sec. 1-123.4. Fraudulent driver's license or permit. Any license or permit that purports to be an official driver's license or permit for which a computerized number and file have not been created by the Secretary of State or other official driver's license agency in another jurisdiction.

625 ILCS 5/1-123.5 — Freeway

Sec. 1-123.5. Freeway. A highway or street especially designed for through traffic and to, from, or over which owners of or persons having an interest in abutting land or other persons have no right or easement or only a limited right or easement of access, crossing, light, air, or view by reason of the fact that the property abuts upon the highway or street or for any other reason.

625 ILCS 5/1-123.7 — Garbage

Sec. 1-123.7. Garbage. Any material or load consisting of waste from the facilities of the generator of the waste when transported for disposal or to a permitted recycling or waste processing facility when the generator receives no direct or indirect compensation from anyone for the material or load and when transported by a truck specially equipped with a selfcompactor or an industrial roll-off hoist and roll-off container.

625 ILCS 5/1-123.8 — Glider kit

Sec. 1-123.8. Glider kit. A motor vehicle of the second division that includes a chassis, cab, front axle, and other essential parts, except for an engine, transmission, or rear axle.

625 ILCS 5/1-123.9 — Golf cart

Sec. 1-123.9. Golf cart. A vehicle specifically designed and intended for the purposes of transporting one or more persons and their golf clubs or maintenance equipment while engaged in the playing of golf, supervising the play of golf, or maintaining the condition of the grounds on a public or private golf course.

625 ILCS 5/1-124

Sec. 1-124. (Blank).

625 ILCS 5/1-124.1 — Grey Market Vehicle

Sec. 1-124.1. Grey Market Vehicle. A vehicle not originally manufactured in compliance with U. S. emission or safety standards.

625 ILCS 5/1-124.3

Sec. 1-124.3. Gross Combination Weight Rating (GCWR). GCWR is the greater of:

(1) a value specified by the manufacturer of the power unit, if such value is displayed on the Federal Motor Vehicle Safety Standard (FMVSS) certification label required by the National Highway Traffic Safety Administration; or

(2) the sum of the gross vehicle weight ratings (GVWRs) or the gross vehicle weights (GVWs) of the power unit and the towed unit or units, or any combination thereof, that produces the highest value. Exception: The GCWR of the power unit will not be used to define a commercial motor vehicle when the power unit is not towing another vehicle.

625 ILCS 5/1-124.5

Sec. 1-124.5. Gross Vehicle Weight Rating (GVWR). The value specified by the manufacturer as the loaded weight of a single vehicle.

625 ILCS 5/1-125 — Gross weight

Sec. 1-125. Gross weight. The weight of a vehicle whether operated singly or in combination without load plus the weight of the load thereon.

625 ILCS 5/1-125.9 — Highly restricted personal information

Sec. 1-125.9. Highly restricted personal information. An individual's photograph or image, signature, social security number, personal email address, and medical or disability information.

625 ILCS 5/1-126 — Highway

Sec. 1-126. Highway. The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel or located on public school property.

625 ILCS 5/1-126.1 — Highway designations

Sec. 1-126.1. Highway designations. The Department of Transportation may designate streets or highways in the system of State highways as follows:

- (a) Class I highways include interstate highways, expressways, tollways, and other highways deemed appropriate by the Department.
- (b) Class II highways include State highways and designated local roads not built to interstate highway standards that have at least 11 feet lane widths.
- (c) (Blank).
- (d) Non-designated highways include State highways not designated as Class I or II and local highways which are part of any county, township, municipal, or district road system not designated as Class II. Local authorities also may designate Class II highways within their systems of highways.

625 ILCS 5/1-125.7 — Headset receiver

Sec. 1-125.7. Headset receiver. Any device, other than a hearing aid, designed to be worn on a person's head that enables the wearer to hear or receive electronic communications.

625 ILCS 5/1-128 — House trailer

Sec. 1-128. House trailer.

- (a) A trailer or semitrailer equipped and used for living quarters or for human habitation (temporarily or permanently) rather than for the transportation of freight, goods, wares and merchandise; or
- (b) A house trailer or a semitrailer which is used commercially (temporarily or permanently), that is, for the advertising, sales, display or promotion of merchandise or services, or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

625 ILCS 5/1-129 — Identification Number

Sec. 1-129. Identification Number. The numbers and letters, if any, on a vehicle or essential part, affixed by its manufacturer, the Illinois Secretary of State or the Illinois State Police for the purpose of identifying the vehicle or essential part, or which is required to be affixed to the vehicle or part by federal or state law.

625 ILCS 5/1-129.1

Sec. 1-129.1. Ignition interlock device, breath alcohol ignition interlock device (BAIID). A device installed in a motor vehicle that prevents the vehicle from starting until the device has determined by an analysis of the driver's breath that the driver's breath alcohol is below a certain preset level.

625 ILCS 5/1-130 — Implement of husbandry

Sec. 1-130. Implement of husbandry. Every vehicle designed and adapted exclusively for agricultural, horticultural, or livestock raising operations, including farm wagons, wagon trailers or like vehicles used in connection therewith, or for lifting or carrying an implement of husbandry provided that no farm wagon, wagon trailer or like vehicle having a gross weight of more than 36,000 pounds, shall be included hereunder.

625 ILCS 5/1-131 — Improved highway

Sec. 1-131. Improved highway. Any roadway of concrete, brick, asphalt, macadam and crushed stone or gravel.

625 ILCS 5/1-131.5 — In-line speed skates

Sec. 1-131.5. In-line speed skates. A manufactured or assembled device consisting of an upper portion that is intended to be secured to a human foot, with a frame or chassis attached along the length of the bottom of the upper portion, with the frame or chassis holding 2 or more wheels that are longitudinally aligned and used to skate or glide by means of human foot and leg power while having the device attached to each foot or leg. The upper portion may not extend more than 2 inches above the wearer's ankle joint.

625 ILCS 5/1-132 — Intersection

Sec. 1-132. Intersection.

(a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles or the area within which vehicles traveling upon different roadways joining at any other angle may come in conflict.

(b) Where a highway includes two roadways 40 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection.

(c) The junction of an alley with a street or highway does not constitute an intersection.

625 ILCS 5/1-133 — Interstate or Interstate Commerce

Sec. 1-133. Interstate or Interstate Commerce. Transportation between 2 or more States or transportation originating in one State and passing into or through other States for delivery in another State, and which is not intrastate.

625 ILCS 5/1-133.05 — Interstate carrier of property

Sec. 1-133.05. Interstate carrier of property. Any person who is engaged in the transportation of property only by motor vehicle in whole or in part in interstate or foreign commerce in this State either with or without authority issued from the Interstate Commerce Commission.

625 ILCS 5/1-133.1 — Interstate highway

Sec. 1-133.1. Interstate highway. Any highway which is now, or shall hereafter be, a part of the national system of interstate and defense highways within this State.

625 ILCS 5/1-134 — Intrastate or Intrastate Commerce

Sec. 1-134. Intrastate or Intrastate Commerce. Transportation originating at any point or place within this State and destined to any other point or place within this State, irrespective of the route, highway or highways traversed, and including transportation which passes into or through another State before delivery is made within this State, and including any act of transportation which includes or completes a pickup within Illinois for delivery within Illinois.

625 ILCS 5/1-134.1 — Junk vehicle

Sec. 1-134.1. Junk vehicle. A junk vehicle is a vehicle which has been or is being disassembled, crushed, compressed, flattened, destroyed or otherwise reduced to a state in which it no longer can be returned to an operable state, or has been branded or assigned as junk or a similar designation by another state or jurisdiction.

625 ILCS 5/1-135 — Lane-control signal

Sec. 1-135. Lane-control signal. An official traffic control device consisting of an electrically controlled and illuminated signal of a square or rectangular design and employing distinctive colors or symbols used to control the direction of vehicular flow on the particular lane to which the indication applies.

625 ILCS 5/1-136 — Laned roadway

Sec. 1-136. Laned roadway. A roadway which is divided into two or more clearly marked lanes for vehicular traffic.

625 ILCS 5/1-136.5 — Law enforcement agency

Sec. 1-136.5. Law enforcement agency. Every governmental enforcement agency or officer having authority to enforce the provisions of this Act or applicable local vehicle ordinances.

625 ILCS 5/1-137 — Lease

Sec. 1-137. Lease. A written document vesting exclusive possession, use, control and responsibility of the lessee during the periods the vehicle is operated by or for the lessee for a specific period of time.

625 ILCS 5/1-137.5 — Legal name

Sec. 1-137.5. Legal name. The full given name and surname of an individual as recorded at birth, recorded at marriage, or deemed as the correct legal name for use in reporting income by the Social Security Administration or the name as otherwise established through legal action that appears on the associated official document presented to the Secretary of State.

625 ILCS 5/1-138 — License to drive

Sec. 1-138. License to drive. Any driver's license or any other license or permit to operate a motor vehicle issued under the laws of this State including: 1. Any temporary license or instruction permit; 2. The privilege of any person to drive a motor vehicle whether or not such person holds a valid license or permit. 3. Any nonresident's driving privilege as defined herein.

625 ILCS 5/1-138.1 — Licensee

Sec. 1-138.1. Licensee. A person licensed or required to be licensed under Sections 5-101, 5-102, 5-201 and 5-301 of this Code.

625 ILCS 5/1-139 — Lienholder

Sec. 1-139. Lienholder. A person holding a security interest in a vehicle.

625 ILCS 5/1-139.1 — Limousine

Sec. 1-139.1. Limousine. Any privately owned first division vehicle intended to be used for the transportation of persons for-hire when the payment is not based on a meter charge, but is prearranged for a designated destination.

625 ILCS 5/1-140 — Local authorities

Sec. 1-140. Local authorities. Every county, municipal and other local board or body having authority to enact laws relating to traffic under the constitution and laws of this State and each road district highway commissioner having that authority.

625 ILCS 5/1-140.5 — Local mass transit system

Sec. 1-140.5. Local mass transit system. An organized system providing passenger transportation over regular routes within a designated municipality or area.

625 ILCS 5/1-140.7 — Low-speed vehicle

Sec. 1-140.7. Low-speed vehicle. Any 4-wheeled vehicle with a maximum speed greater than 20 miles per hour but not greater than 25 miles per hour that conforms with the federal motor vehicle safety standards set forth in 49 C.F.R. Part 571.500.

625 ILCS 5/1-140.10 — Low-speed electric bicycle

Sec. 1-140.10. Low-speed electric bicycle. A bicycle equipped with fully operable pedals and an electric motor of less than 750 watts that meets the requirements of one of the following classes:

(a) "Class 1 low-speed electric bicycle" means a low-speed electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of 20 miles per hour.

(b) "Class 2 low-speed electric bicycle" means a low-speed electric bicycle equipped with a motor that may be used exclusively to propel the bicycle and that is not capable of providing assistance when the bicycle reaches a speed of 20 miles per hour.

(c) "Class 3 low-speed electric bicycle" means a low-speed electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of 28 miles per hour. A "low-speed electric bicycle" is not a moped or a motor driven cycle.

625 ILCS 5/1-140.11 — Low-speed electric scooter

Sec. 1-140.11. Low-speed electric scooter. A device weighing less than 100 pounds, with 2 or 3 wheels, handlebars, and a floorboard that can be stood upon while riding, that is solely powered by an electric motor and human power, and whose maximum speed, with or without human propulsion, is no more than 10 miles per hour. "Low-speed electric scooter" does not include a moped or motor-driven cycle.

625 ILCS 5/1-140.15 — Low-speed gas bicycle

Sec. 1-140.15. Low-speed gas bicycle. A 2-wheeled or 3-wheeled device with fully operable pedals and a gasoline motor of less than one horsepower or 15 cubic centimeter displacement that is operated at speeds of less than 20 miles per hour.

625 ILCS 5/1-141 — Mail

Sec. 1-141. Mail. To deposit in the United States mail properly addressed and with postage prepaid.

625 ILCS 5/1-142 — Manufacturer

Sec. 1-142. Manufacturer. Every person engaged in the business of manufacturing and assembling vehicles or reconstructed vehicles, or engine and driveline components for vehicles.

625 ILCS 5/1-142.01 — Materially altered vehicle

Sec. 1-142.01. Materially altered vehicle. Any vehicle which has been modified, rebuilt, repaired, reconstructed, restored or specially constructed.

625 ILCS 5/1-142.3 — Military series registration plate

Sec. 1-142.3. Military series registration plate. Any registration plate that may only be issued to an applicant based on some aspect of the applicant's military service.

625 ILCS 5/1-142.05 — Maxi-cube vehicle

Sec. 1-142.05. Maxi-cube vehicle. A combination of vehicles consisting of a truck-tractor, upon which is mounted a separable cargo carrying semi-trailer, and a trailing unit that is attached by a pintle hook or similar connection, with the separable cargo carrying semi-trailer designed so as to be loaded and unloaded through the trailing unit, except that the entire combination shall not exceed 65 feet in length and that neither the semi-trailer nor the trailing unit in the combination shall by itself exceed 34 feet in length.

625 ILCS 5/1-142.1 — Medical Carrier

Sec. 1-142.1. Medical Carrier. Any publicly or privately owned vehicle which is specifically designed, constructed or modified and equipped, and is intended to be used for, and is maintained or operated for the nonemergency transportation of persons for compensation for the purpose of obtaining medical services.

625 ILCS 5/1-142.1a

Sec. 1-142.1a. (Repealed).

625 ILCS 5/1-142.1b — Medical limitation or condition

Sec. 1-142.1b. Medical limitation or condition. A scientifically recognized condition that may medically impair a person's physical or mental health to the extent the person is unable to safely operate a motor vehicle.

625 ILCS 5/1-142.2 — Medical transport vehicle

Sec. 1-142.2. Medical transport vehicle. Includes ambulances, medical carriers, and rescue vehicles.

625 ILCS 5/1-143

Sec. 1-143. (Repealed).

625 ILCS 5/1-144

Sec. 1-144. (Repealed).

625 ILCS 5/1-144.01 — Mobile carrying device

Sec. 1-144.01. Mobile carrying device.

(a) An electrically powered device that:

- (1) is operated by a mobile carrying device operator on sidewalks and crosswalks and intended primarily for transporting personal property;
- (2) weighs less than 90 pounds, excluding cargo;
- (3) has a maximum speed of 12.5 miles per hour;
- (4) is equipped with a technology to transport personal property with the active monitoring of a property owner; and
- (5) is primarily designed to remain within 10 feet of the personal property owner.

(b) A mobile carrying device is not considered a vehicle unless expressly defined by law as a vehicle.

625 ILCS 5/1-144.02 — Mobile carrying device operator

Sec. 1-144.02. Mobile carrying device operator. A person exercising control over the mobile carrying device.

625 ILCS 5/1-144.03 — Mobile home or manufactured home

Sec. 1-144.03. Mobile home or manufactured home. A mobile home or manufactured home means a manufactured home as defined in subdivision

(53) of Section 9-102 of the Uniform Commercial Code.

625 ILCS 5/1-144.05 — Model year

Sec. 1-144.05. Model year. The year of manufacture of a vehicle based upon the annual production period of the vehicle as designated by the manufacturer and indicated on the title and registration of the vehicle. If the manufacturer does not designate a production period for the vehicle, then "model year" means the calendar year of manufacture.

625 ILCS 5/1-144.1 — Modified vehicle

Sec. 1-144.1. Modified vehicle. Every vehicle of a type required to be registered under this Code altered by the addition, deletion, or modification of the body, chassis, component or essential parts, new or used.

625 ILCS 5/1-144.5 — Monitoring device driving permit

Sec. 1-144.5. Monitoring device driving permit. A permit that allows a person whose driver's license has been summarily suspended under Section 11-501.1 to drive a vehicle, for the applicable period described in Section 6-206.1, if the vehicle is equipped with an ignition interlock device as defined in Section 1-129.1.

625 ILCS 5/1-145 — Motor carrier

Sec. 1-145. Motor carrier. An operator of For-Hire vehicles pursuant to the Illinois Motor Carrier of Property Law.

625 ILCS 5/1-145.001 — Motor driven cycle

Sec. 1-145.001. Motor driven cycle. Every motorcycle and every motor scooter with less than 150 cubic centimeter piston displacement including motorized pedalcycles.

625 ILCS 5/1-145.01 — Motor home, mini motor home or van camper

Sec. 1-145.01. Motor home, mini motor home or van camper. A self-contained motor vehicle, not used commercially, designed or permanently converted to provide living quarters for recreational, camping or travel use, with direct walk through access to the living quarters from the driver's seat. Such vehicles must include at least four of the following: a) A cooking facility with an on-board fuel source; b) A gas or electric refrigerator; c) A toilet with exterior evacuation; d) A heating or air conditioning system with an on-board power or fuel source separate from the vehicle engine; e) A potable

water supply system that includes at least a sink, a faucet, and a water tank with an exterior service supply connection; f) A 110-125 volt electric power supply.

625 ILCS 5/1-146 — Motor vehicle

Sec. 1-146. Motor vehicle. Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, except for vehicles moved solely by human power, motorized wheelchairs, low-speed electric bicycles, and low-speed gas bicycles. For this Act, motor vehicles are divided into two divisions: First Division: Those motor vehicles which are designed for the carrying of not more than 10 persons. Second Division: Those motor vehicles which are designed for carrying more than 10 persons, those motor vehicles designed or used for living quarters, those motor vehicles which are designed for pulling or carrying freight, cargo or implements of husbandry, and those motor vehicles of the First Division remodelled for use and used as motor vehicles of the Second Division.

625 ILCS 5/1-146.5 — Motor vehicle crash data

Sec. 1-146.5. Motor vehicle crash data. Any information generated from a motor vehicle crash report or supplemental report, but shall not include a copy of the motor vehicle crash report or supplemental report, personally identifying information as defined in Section 1-159.2 of this Code, or any other information disclosure of which is prohibited by law.

625 ILCS 5/1-147 — Motorcycle

Sec. 1-147. Motorcycle. Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than 3 wheels in contact with the ground, but excluding an autocycle or tractor.

625 ILCS 5/1-148

Sec. 1-148. (Blank).

625 ILCS 5/1-148.1

Sec. 1-148.1. (Blank).

625 ILCS 5/1-148.2 — Moped

Sec. 1-148.2. Moped. A moped is a motor-driven cycle, with or without optional power derived from manually operated pedals, whose speed attainable in one mile is at least 20 mph but not greater than 30 mph, and is equipped with a motor that produces 2 brake horsepower or less. If an internal combustion engine is used, the displacement shall not exceed 50 cubic centimeter displacement and the power drive system shall not require the operator to shift gears.

625 ILCS 5/1-148.3 — Motorized wheelchair

Sec. 1-148.3. Motorized wheelchair. Any self-propelled vehicle, including a three-wheeled vehicle, designed for and used by a person with disabilities, that is incapable of a speed in excess of 8 miles per hour on level ground.

625 ILCS 5/1-148.3a — Muffler

Sec. 1-148.3a. Muffler. A device consisting of a series of chambers or baffle plates or other mechanical design for the purpose of receiving exhaust gas from an internal combustion engine or turbine wheels for the purpose of receiving exhaust gas from a diesel engine, all of which are effective in reducing noise.

625 ILCS 5/1-148.3a-5 — Multifunction school activity bus

Sec. 1-148.3a-5. Multifunction school activity bus. A multifunction school activity bus (MFSAB) means a school bus manufactured for the purpose of transporting 11 or more persons, including the driver, whose purposes do not include transporting students to and from home or school bus stops. A MFSAB is prohibited from meeting the special requirements for school buses in Sections 12-801, 12-803, and 12-805 and subsection

(a) of Section 12-802 of this Code.

625 ILCS 5/1-148.3b — Multipurpose passenger vehicle

Sec. 1-148.3b. Multipurpose passenger vehicle. A motor vehicle with motive power, except a trailer, designed to carry 10 persons or less that is constructed either on a truck chassis or with special features for occasional off-road operation.

625 ILCS 5/1-148.3m

Sec. 1-148.3m. (Repealed).

625 ILCS 5/1-148.4 — New Vehicle

Sec. 1-148.4. New Vehicle. A new vehicle which has not been previously sold to any person except a franchised distributor or franchised new vehicle dealer.

625 ILCS 5/1-148.5 — News media

Sec. 1-148.5. News media. A newspaper or other periodical issued at regular intervals whether in print or electronic format, a news service whether in print or electronic format, a radio station, a television station, a television network, a community antenna television service, or a person or corporation engaged in making news reels or other motion picture news for public showing.

625 ILCS 5/1-148.5a — Non-CDL

Sec. 1-148.5a. Non-CDL. Any other type of motor vehicle license, such as an automobile driver's license or a motorcycle license. .)

625 ILCS 5/1-148.6 — Noncommercial vehicle

Sec. 1-148.6. Noncommercial vehicle. Any vehicle that is not a commercial vehicle.

625 ILCS 5/1-148.8 — Nondivisible load or vehicle

Sec. 1-148.8. Nondivisible load or vehicle. A load or vehicle that when separated into smaller loads or vehicles further dismantling would:

- (1) Compromise the intended use of the load or vehicle or make it unable to perform the function for which it was intended.
- (2) Destroy the value of the load or vehicle or make it unusable for its intended purpose.
- (3) Require more than 8 work hours to dismantle using appropriate equipment. The applicant for a nondivisible load has the burden of proof as to the number of work hours required to dismantle the load.

625 ILCS 5/1-149 — Nonresident

Sec. 1-149. Nonresident. Every person who is not a resident of this State.

625 ILCS 5/1-150 — Nonresident's driving privilege

Sec. 1-150. Nonresident's driving privilege. The privilege conferred upon a nonresident by the laws of this State pertaining to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person, in this State.

625 ILCS 5/1-151

Sec. 1-151. (Blank).

625 ILCS 5/1-153 — Not-For-Hire

Sec. 1-153. Not-For-Hire. Operation of a commercial vehicle in furtherance of any commercial or industrial enterprise but not For-Hire.

625 ILCS 5/1-153.1 — Off-highway motorcycle

Sec. 1-153.1. Off-highway motorcycle. Any motorized device designed to travel primarily off-highway on 2 wheels, having a seat or saddle for the use of the operator, upon or by which any person, persons or property may be transported or drawn.

625 ILCS 5/1-154 — Official traffic-control devices

Sec. 1-154. Official traffic-control devices. All signs, signals, markings, and devices which conform with the State Manual and not inconsistent with this Act placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

625 ILCS 5/1-154.1 — Operate

Sec. 1-154.1. Operate. To ride in or on, other than as a passenger, use or control in any manner the operation of any device or vehicle whether motorized or propelled by human power.

625 ILCS 5/1-154.2 — Operator

Sec. 1-154.2. Operator. Every person who operates or is in actual physical control of any device or vehicle whether motorized or propelled by human power.

625 ILCS 5/1-154.4 — Organ transport vehicle

Sec. 1-154.4. Organ transport vehicle. A motor vehicle of the second division equipped and used exclusively for the transportation of organs for human transplant or the transportation of members of the surgical team performing the organ harvesting or transplant operations. Vehicles defined in this Section shall be owned or operated by a company that has a contractual agreement with a federally designated organ procurement organization for the purposes stated in this Section.

625 ILCS 5/1-154.5 — Out-of-service order

Sec. 1-154.5. Out-of-service order. A temporary prohibition against driving a commercial motor vehicle.

625 ILCS 5/1-154.7 — Out-of-state salvage vehicle buyer

Sec. 1-154.7. Out-of-state salvage vehicle buyer. A person who is licensed in another state or jurisdiction and acquires salvage or junk vehicles for the primary purpose of taking them out of this State.

625 ILCS 5/1-155 — Owner

Sec. 1-155. Owner. A person who holds legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of such vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this Code.

625 ILCS 5/1-155.5 — Owner-operator

Sec. 1-155.5. Owner-operator. A commercial motor vehicle lessor who leases the commercial motor vehicle, with driver, to a lessee.

625 ILCS 5/1-156 — Park or Parking

Sec. 1-156. Park or Parking. Means the standing of a vehicle, whether occupied or not, otherwise than when temporarily and actually engaged in loading or unloading merchandise or passengers.

625 ILCS 5/1-156.5 — Park district

Sec. 1-156.5. Park district. Any park district formed under the Park District Code or any Submerged Land Park District as that term is defined in subsection

(c) of Section 1-3 of the Park District Code.

625 ILCS 5/1-157 — Passenger car

Sec. 1-157. Passenger car. A motor vehicle of the First Division including a multipurpose passenger vehicle, that is designed for carrying not more than 10 persons.

625 ILCS 5/1-157.5 — Peace officer

Sec. 1-157.5. Peace officer. Any person who by virtue of his or her public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses.

625 ILCS 5/1-158 — Pedestrian

Sec. 1-158. Pedestrian. Any person afoot or wearing in-line speed skates or riding a skateboard, including a person with a physical, hearing, or visual disability.

625 ILCS 5/1-158.2 — Pedestrian hybrid beacon

Sec. 1-158.2. Pedestrian hybrid beacon. A traffic-control device used to warn and control traffic, at locations that are otherwise without a traffic-control signal, to assist pedestrians in crossing a street or highway at a marked crosswalk.

625 ILCS 5/1-158.5 — Penalties and offenses; definitions

Sec. 1-158.5. Penalties and offenses; definitions. The following words and phrases when used in this Act, shall, for the purposes of this Act, have the meanings ascribed to them in Chapter V of the Unified Code of Corrections: Business Offense; Conviction; Court; Felony; Class 1 Felony; Class 2 Felony; Class 3 Felony; Class 4 Felony; Imprisonment; Judgment; Misdemeanor; Class A Misdemeanor; Class B Misdemeanor; Class C Misdemeanor; Offense; Petty Offense; Sentence.

625 ILCS 5/1-159 — Person

Sec. 1-159. Person. Every natural person, firm, copartnership, association or corporation.

625 ILCS 5/1-159.1 — Person with disabilities

Sec. 1-159.1. Person with disabilities. A natural person who, as determined by a licensed physician, by a licensed physician assistant, by a licensed advanced practice registered nurse, or by a licensed physical therapist:

- (1) cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device;
- (2) is restricted by lung disease to such an extent that his or her forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than 60 mm/hg on room air at rest;
- (3) uses portable oxygen;
- (4) has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV, according to standards set by the American Heart Association;
- (5) is severely limited in the person's ability to walk due to an arthritic, neurological, oncological, or orthopedic condition;
- (6) cannot walk 200 feet without stopping to rest because of one of the above 5 conditions; or
- (7) is missing a hand or arm or has permanently lost the use of a hand or arm.

625 ILCS 5/1-159.2 — Personally identifying information

Sec. 1-159.2. Personally identifying information. Information that identifies an individual, including his or her driver's license number, name, address (but not the 5 digit zip code), date of birth, height, weight, hair color, eye color, email address, and telephone number, but "personally identifying information" does not include information on vehicular crashes, driving violations, and driver's status.

625 ILCS 5/1-159.3 — Photograph

Sec. 1-159.3. Photograph. Any color photograph or digitally produced and captured image of an applicant for a driver's license or permit.

625 ILCS 5/1-160 — Pneumatic tire

Sec. 1-160. Pneumatic tire. Every tire in which compressed air is designed to support the load.

625 ILCS 5/1-161 — Pole trailer

Sec. 1-161. Pole trailer. Every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

625 ILCS 5/1-162 — Police officer

Sec. 1-162. Police officer. Every officer authorized to direct or regulate traffic or to make arrests and issue citations for violations of traffic regulations.

625 ILCS 5/1-162.3 — Police vehicle

Sec. 1-162.3. Police vehicle. Any vehicle, recreational off-highway vehicle, all-terrain vehicle, watercraft, aircraft, bicycle, or electric personal assistive mobility device that is designated or authorized by proper State, county, or local authorities for police use.

625 ILCS 5/1-162.5 — Principal place of business

Sec. 1-162.5. Principal place of business. The place where any person transacts his principal business, or where he makes up and approves his payroll, maintains a central file of records and maintains his principal executive offices. In the event that not all of these functions are performed in one place, then that place where a majority of such functions are performed or the place where such person does in fact principally transact and control his business affairs.

625 ILCS 5/1-163 — Private road or driveway

Sec. 1-163. Private road or driveway. Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

625 ILCS 5/1-164

Sec. 1-164. (Blank).

625 ILCS 5/1-164.1 — Probationary license to drive

Sec. 1-164.1. Probationary license to drive. A conditional license granting full driving privileges during a period of suspension.

625 ILCS 5/1-164.2 — Processing costs

Sec. 1-164.2. Processing costs. Processing costs consist of fees paid to the Secretary of State for a record search to determine the name and address of the last registered owner, lienholder, and other legally entitled persons, plus the cost of sending certified mail notice to those persons.

625 ILCS 5/1-164.5 — Proof of financial responsibility

Sec. 1-164.5. Proof of financial responsibility. Proof of ability to respond in damages for any liability thereafter incurred resulting from the ownership, maintenance, use or operation of a motor vehicle for bodily injury to or death of any person in the amount of \$25,000, and subject to this limit for any one person injured or killed, in the amount of \$50,000 for bodily injury to or death of 2 or more persons in any one crash, and for damage to property in the amount of \$20,000 resulting from any one crash. This proof in these amounts shall be furnished for each motor vehicle registered by every person required to furnish this proof. The changes to this Section made by this amendatory Act of the 98th General Assembly apply only to policies issued or renewed on or after January 1, 2015.

625 ILCS 5/1-164.7 — Public utility

Sec. 1-164.7. Public utility. Each firm lawfully licensed and engaged in any of the following: the transmission of telegraphic or telephonic messages; the production, storage, transmission, distribution, sale, delivery, or furnishing of heat, cold, light, power, electricity, gas, or water; the disposal of sewage; the conveyance of oil or gas by pipeline; the drilling of water wells; or the installation or repair of facilities for any of these foregoing activities.

625 ILCS 5/1-166 — Railroad

Sec. 1-166. Railroad. A carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

625 ILCS 5/1-166.1 — Railroad-highway grade crossing

Sec. 1-166.1. Railroad-highway grade crossing. The intersection of stationary rails owned or used in the operation of a railroad corporation across a highway.

625 ILCS 5/1-167 — Railroad sign or signal

Sec. 1-167. Railroad sign or signal. Any sign, signal or device, other than an official traffic control signal or device, erected in accordance with the laws governing same and intended to give notice of the presence of railroad tracks or the approach of a railroad train or railroad track equipment.

625 ILCS 5/1-167.5 — Railroad track equipment

Sec. 1-167.5. Railroad track equipment. All vehicles operated upon rails for the purpose of the maintenance of railroads including, but not limited to, all hi-rail vehicles and on-track roadway maintenance machines, as defined in 49 CFR, Part 214.7.

625 ILCS 5/1-168 — Railroad train

Sec. 1-168. Railroad train. A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars.

625 ILCS 5/1-168.05 — Rebuilder

Sec. 1-168.05. Rebuilder. A person who is in the business of returning a vehicle for which a salvage certificate has been previously issued back to its original or operating condition.

625 ILCS 5/1-168.1 — Rebuilt vehicle

Sec. 1-168.1. Rebuilt vehicle. A vehicle for which a salvage certificate has been issued and which subsequently has been put back into its original or operating condition by a licensed rebuilder and which has met all the requirements of a salvage vehicle inspection.

625 ILCS 5/1-168.5 — Recognized repair technician

Sec. 1-168.5. Recognized repair technician. A person professionally engaged in vehicle repair, employed by a going concern whose purpose is vehicle repair, or possessing nationally recognized certification for emission-related diagnosis and repair.

625 ILCS 5/1-168.8 — Recreational off-highway vehicle

Sec. 1-168.8. Recreational off-highway vehicle. Any motorized off-highway device designed to travel primarily off-highway, 64 inches or less in width, having a manufacturer's dry weight of 2,000 pounds or less for gas-powered engines or 3,000 pounds or less for electric-powered engines, traveling on 4 or more non-highway tires, designed with a non-straddle seat and a steering wheel for steering control, except equipment such as lawnmowers.

625 ILCS 5/1-169 — Recreational vehicle

Sec. 1-169. Recreational vehicle. Every camping trailer, motor home, mini motor home, travel trailer, truck camper or van camper used primarily for recreational purposes and not used commercially nor owned by a commercial business.

625 ILCS 5/1-169.2 — Recyclable metal

Sec. 1-169.2. Recyclable metal. Any copper, brass, or aluminum, or any combination of those metals, purchased by a recyclable metal dealer, irrespective of form or quantity, except that "recyclable metal" does not include:

(i) items designed to contain, or to be used in the preparation of, beverages or food for human consumption; (ii) discarded items of non-commercial or household waste; or (iii) gold, silver, platinum, and other precious metals used in jewelry.

625 ILCS 5/1-169.3

Sec. 1-169.3. (Repealed).

625 ILCS 5/1-169.5 — Refuse

Sec. 1-169.5. Refuse. Any material or load consisting of waste from the facilities of the generator of the waste when transported for disposal or to a permitted recycling or waste processing facility when the generator receives no direct or indirect compensation from anyone for the material or load and when transported by a truck specially equipped with a selfcompactor or an industrial roll-off hoist and roll-off container.

625 ILCS 5/1-171 — Registration - Registration Sticker

Sec. 1-171. Registration - Registration Sticker. Registration. The registration certificate or certificates, registration plates and registration stickers issued under the laws of this State pertaining to the registration of vehicles. Registration Sticker or Stickers. A device or devices to be attached to a rear registration plate that will renew the registration and registration plate or plates for a pre-determined period not to exceed one registration year except as provided in subsection

(1) of Section 3-414 of this Code. Should the Secretary of State determine it is advisable to require a registration sticker to be attached to a front registration plate, he may require such action and provide the necessary additional sticker. Such

determination shall be publicly announced at least 30 days in advance of a new annual registration year. "Registration" and "registration sticker or stickers" includes digital registration plates and digital registration stickers issued by the Secretary of State under Section 3-401.5.

625 ILCS 5/1-171.01

Sec. 1-171.01. (Blank).

625 ILCS 5/1-171.01a — Remittance agent

Sec. 1-171.01a. Remittance agent. For the purposes of Article IX of Chapter 3, the term "remittance agent" means any person who holds himself or herself out to the public as being engaged in or who engages in accepting money for remittance to the State of Illinois or any of its instrumentalities or political subdivisions, or to any of their officials, for the payment of registration plates, vehicle certificates of title, taxes, or registration fees regardless of when the money is accepted from the public or remitted to the State, whether or not the person renders any other service in connection with the making of any such remittance or is engaged in any other endeavor. The term "remittance agent" also includes any person who holds himself or herself out to the public as being engaged in or who engages in accepting money for consulting or advising the public on matters concerning vehicle certificates of title, taxes, registration renewals, registration plates, or applications for title. The term "remittance agent" does not include any licensed dealer in motor vehicles who accepts money for remittance to the State of Illinois for the payment of registration plates, vehicle certificates of title, taxes, or registration fees as an incident to his or her business as a motor vehicle dealer.

625 ILCS 5/1-171.01b — Remittee

Sec. 1-171.01b. Remittee. The State of Illinois location where the remittance agent brings the money and application he or she receives from the general public (remitter) to be processed by the State of Illinois.

625 ILCS 5/1-171.01c — Remitter

Sec. 1-171.01c. Remitter. Any person who gives money to a remittance agent to submit to the State of Illinois and its licensing and taxing agencies for the payment of registration plates, vehicle certificates of title, taxes, or registration fees.

625 ILCS 5/1-171.01d — Remote starter system

Sec. 1-171.01d. Remote starter system. Any device installed in a motor vehicle that allows the engine of the vehicle to be started by remote or radio control.

625 ILCS 5/1-171.02 — Repaired vehicle

Sec. 1-171.02. Repaired vehicle. A vehicle other than a rebuilt vehicle which has been put back into its original or operating condition by restoring, mending, straightening, replacing, altering or painting its essential parts by a licensed repairer.

625 ILCS 5/1-171.04 — Replica trolley

Sec. 1-171.04. Replica trolley. A motor vehicle that is a replica of or is specifically designed to resemble a cable car or an antique trolley car, except that the vehicle is not operated on rails.

625 ILCS 5/1-171.3 — Repairer

Sec. 1-171.3. Repairer. A person who is in the business of returning a vehicle other than a vehicle for which a salvage certificate has been issued back to its original or operating condition by restoring, mending, straightening, replacing, altering, or painting its essential parts.

625 ILCS 5/1-171.6 — Rescue squad

Sec. 1-171.6. Rescue squad. A voluntary association of individuals or a fire department dedicated to saving lives through the rescue of persons entrapped in wrecked vehicles or other hazardous circumstances and associated with some unit of government.

625 ILCS 5/1-171.8 — Rescue vehicle

Sec. 1-171.8. Rescue vehicle. Any publicly or privately owned vehicle which is specifically designed, configured, and equipped for the performance of access and extrication of persons from hazardous or life-endangering situations, as well

as for the emergency transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless.

625 ILCS 5/1-172 — Residence district

Sec. 1-172. Residence district. The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of 300 feet or more is in the main improved with residences or residences and buildings in use for business. For purposes of establishing maximum speed limits, a residence district shall be at least a quarter of a mile long with residences or residences and buildings in use for businesses spaced no more than 500 feet apart.

625 ILCS 5/1-173 — Resident

Sec. 1-173. Resident.

- (a) Every natural person who resides in this state shall be deemed a resident of this State.
- (b) In the case of a firm, copartnership or association, if the principal place of business of such firm, copartnership or association is located in the State of Illinois, then such firm, copartnership or association shall be deemed a resident of the State of Illinois.
- (c) In the case of a corporation, if the corporation was incorporated under the laws of the State of Illinois or if the principal place of business of such corporation is in the State of Illinois, then such corporation shall be deemed a resident of the State of Illinois.

625 ILCS 5/1-173.1 — Restricted Driving Permit

Sec. 1-173.1. Restricted Driving Permit. A restricted driving permit is that document which grants and specifies limited privileges to drivers of motor vehicles who have had their full driving privileges suspended, revoked or cancelled. The restricted driving permit is valid only when in the immediate possession of the driver to whom it is issued.

625 ILCS 5/1-174 — Retail sale

Sec. 1-174. Retail sale. The act or attempted act of selling vehicles or otherwise disposing of a vehicle to a person for use as a consumer.

625 ILCS 5/1-175

Sec. 1-175. (Repealed).

625 ILCS 5/1-176 — Revocation of driver's license

Sec. 1-176. Revocation of driver's license. The termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of revocation.

625 ILCS 5/1-176.1 — Ridesharing arrangement

Sec. 1-176.1. Ridesharing arrangement. The transportation by motor vehicle of not more than 16 persons, including the driver,

- (1) for purposes incidental to another purpose of the driver, for which no fee is charged or paid except to reimburse the driver or owner of the vehicle for his or her operating expenses on a nonprofit basis or
- (2) when these persons are traveling between their homes and their places of employment, or places reasonably convenient thereto, for which
 - (i) no fee is charged or paid except to reimburse the driver or owner of the vehicle for his or her operating expenses on a nonprofit basis or (ii) a fee is charged in accordance with the provisions of Section 6 of the Ridesharing Arrangements Act.

625 ILCS 5/1-177 — Right-of-way

Sec. 1-177. Right-of-way. The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

625 ILCS 5/1-177.5 — Road machine

Sec. 1-177.5. Road machine. A machine or implement designed and used primarily for building, repair, or construction and involves only temporary operation on roadways for purposes other than transportation.

625 ILCS 5/1-178 — Road tractor

Sec. 1-178. Road tractor. Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

625 ILCS 5/1-179 — Roadway

Sec. 1-179. Roadway. That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

625 ILCS 5/1-179.5 — Rooftop

Sec. 1-179.5. Rooftop. The major uppermost portion of a bus body that is flat in a fore and aft direction.

625 ILCS 5/1-180 — Rural mail delivery vehicle

Sec. 1-180. Rural mail delivery vehicle. Every vehicle used to deliver U. S. mail on a rural mail delivery route.

625 ILCS 5/1-180.5 — Safety glazing material

Sec. 1-180.5. Safety glazing material. Any glazing material so constructed, treated, or combined with other materials as to reduce substantially, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from exterior sources or by these safety glazing materials when they may be cracked or broken.

625 ILCS 5/1-181 — Safety zone

Sec. 1-181. Safety zone. The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

625 ILCS 5/1-182 — School bus

Sec. 1-182. School bus.

(a) "School bus" means every motor vehicle, except as provided in paragraph

(b) of this Section, owned or operated by or for any of the following entities for the transportation of persons regularly enrolled as students in grade 12 or below in connection with any activity of such entity: Any public or private primary or secondary school; Any primary or secondary school operated by a religious institution; or Any public, private or religious nursery school.

(b) This definition shall not include the following: 1. A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when such bus is not traveling a specific school bus route but is: On a regularly scheduled route for the transportation of other fare paying passengers; Furnishing charter service for the transportation of groups on field trips or other special trips or in connection with other special events; or Being used for shuttle service between attendance centers or other educational facilities. 2. A motor vehicle of the First Division. 3. A multifunction school-activity bus.

625 ILCS 5/1-182.3 — Scrap processor

Sec. 1-182.3. Scrap processor. A person who purchases a vehicle, junk vehicle, or vehicle cowl for processing into a form other than a vehicle, junk vehicle, or vehicle cowl for remelting purposes only, who from a fixed location utilizes machinery and equipment for processing or manufacturing ferrous or nonferrous metallic scrap into prepared grades, and whose principal product is metallic scrap and who records the purchases on a weight ticket.

625 ILCS 5/1-182.6 — Seat safety belts

Sec. 1-182.6. Seat safety belts. A set of belts or a harness meeting the specifications established by the Department of Transportation and installed in such manner as to prevent or materially reduce the movement of the person using the belts or harness in the event of collision or upset of the vehicle.

625 ILCS 5/1-182.8 — Second stage manufacturer or converter

Sec. 1-182.8. Second stage manufacturer or converter. A person who prior to the retail sale of a motor vehicle, assembles, installs or affixes a body, cab, or special equipment to a chassis, or who adds, subtracts from, or modifies a previously assembled or manufactured motor vehicle.

625 ILCS 5/1-183 — Secretary

Sec. 1-183. Secretary. The Illinois Secretary of State or his or her designee.

625 ILCS 5/1-184 — Secretary of State

Sec. 1-184. Secretary of State. The Secretary of State of Illinois.

625 ILCS 5/1-185 — Security agreement

Sec. 1-185. Security agreement. A written agreement which reserves or creates a security interest.

625 ILCS 5/1-186 — Security interest

Sec. 1-186. Security interest. An interest in a vehicle reserved or created by agreement and which secures payment or performance of an obligation. The term includes the interest of a lessor under a lease intended as security. A security interest is "perfected" when it is valid against third parties generally, subject only to specific statutory exceptions.

625 ILCS 5/1-186.5 — Selling price

Sec. 1-186.5. Selling price. The consideration received for a motor vehicle subject to the tax imposed by Section 3-1001 valued in money, whether received in money or otherwise, including cash, credits, service, or property. In the case of gifts or transfers without reasonable consideration, "selling price" shall be deemed to be the fair market value as determined by the Department of Revenue.

625 ILCS 5/1-187 — Semitrailer

Sec. 1-187. Semitrailer. Every vehicle without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

625 ILCS 5/1-187.01 — Servicing of vehicles

Sec. 1-187.01. Servicing of vehicles. The altering or maintaining of the parts of a vehicle other than its essential parts. Regarding engines and transmissions, however, repair or replacement of parts, which does not result in the removal of all or any part of the identification number shall be deemed servicing of the vehicle.

625 ILCS 5/1-187.001 — Serious traffic violation

Sec. 1-187.001. Serious traffic violation.

(a) A conviction when operating a motor vehicle for:

(1) a violation of subsection

(a) of Section 11-402, relating to a motor vehicle crash involving damage to a vehicle;

(2) a violation of Section 11-403, relating to failure to stop and exchange information after a motor vehicle collision, property damage only;

(3) a violation of subsection

(a) of Section 11-502, relating to illegal transportation, possession, or carrying of alcoholic liquor within the passenger area of any vehicle;

(4) a violation of Section 6-101 relating to operating a motor vehicle without a valid license or permit;

(5) a violation of Section 11-403, relating to failure to stop and exchange information or give aid after a motor vehicle collision involving personal injury or death;

(6) a violation relating to excessive speeding, involving a single speeding charge of 26 miles per hour or more above the legal speed limit;

(7) a violation relating to reckless driving;

- (8) a violation of subsection
- (d) of Section 11-707, relating to passing in a no-passing zone;
- (9) a violation of subsection
- (b) of Section 11-1402, relating to limitations on backing upon a controlled access highway;
- (10) a violation of subsection
- (b) of Section 11-707, relating to driving on the left side of a roadway in a no-passing zone;
- (11) a violation of subsection
- (e) of Section 11-1002, relating to failure to yield the right-of-way to a pedestrian at an intersection;
- (12) a violation of Section 11-1008, relating to failure to yield to a pedestrian on a sidewalk; or
- (13) a violation of Section 11-1201, relating to failure to stop for an approaching railroad train or railroad track equipment or signals; or
- (b) Any other similar violation of a law or local ordinance of any state relating to motor vehicle traffic control, other than a parking violation.
- (c) A violation of any of these defined serious traffic offenses shall not preclude the defendant from being eligible to receive an order of court supervision under Section 5-6-1 of the Unified Code of Corrections.

625 ILCS 5/1-187.1 — Shoulder

Sec. 1-187.1. Shoulder. That portion of the highway adjacent to the roadway for accommodating stopped vehicles or for emergency use.

625 ILCS 5/1-188 — Sidewalk

Sec. 1-188. Sidewalk. That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.

625 ILCS 5/1-188.2 — Signature

Sec. 1-188.2. Signature. The name of a person as written by that person and captured in a manner acceptable to the Secretary of State.

625 ILCS 5/1-189 — Situs or base of vehicle

Sec. 1-189. Situs or base of vehicle. The place where a vehicle is principally garaged, or from whence it is principally dispatched, or where the movements of such vehicle usually originate.

625 ILCS 5/1-190 — Solid tire

Sec. 1-190. Solid tire. Every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

625 ILCS 5/1-190.1 — Special license plate

Sec. 1-190.1. Special license plate. Registration plates issued by the Secretary of State that by statute require, in addition to the applicable registration fee, an additional fee that is to be deposited into the Secretary of State Special License Plate Fund. "Special license plate" includes digital registration plates that by statute require, in addition to the applicable registration fee, an additional fee that is to be deposited into the Secretary of State Special License Plate Fund.

625 ILCS 5/1-190.05 — Special hauling vehicle

Sec. 1-190.05. Special hauling vehicle. A vehicle or combination of vehicles transporting asphalt or concrete in the plastic state or a vehicle or combination of vehicles that is subject to the weight limitations in subsection

(a) of Section 15-111 for which the owner of the vehicle or combination of vehicles has elected to pay, in addition to the registration fees stated in subsection

(a) or

(c) of Section 3-815 or Section 3-818, \$100 to the Secretary of State for each registration year.

625 ILCS 5/1-191 — Special mobile equipment

Sec. 1-191. Special mobile equipment. Every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: street sweepers, ditch digging apparatus, well boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, levelling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carryalls and scrapers, power shovels and drag lines, and self-propelled cranes and earth moving equipment. The term does not include house trailers, dump trucks, truck mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

625 ILCS 5/1-192 — Specially constructed vehicle

Sec. 1-192. Specially constructed vehicle. Every vehicle of a type required to be registered hereunder that:

- (a) has been materially altered from its original construction by the removal, addition or substitution of essential parts; or
- (b) was not originally constructed under a distinctive name by a generally recognized manufacturer of vehicles.

625 ILCS 5/1-193 — Speed-change lane

Sec. 1-193. Speed-change lane. An auxiliary lane, including tapered areas, primarily for the acceleration or deceleration of vehicles entering or leaving the through traffic lanes.

625 ILCS 5/1-194 — Stand or standing

Sec. 1-194. Stand or standing. Means the halting of a vehicle, whether occupied or not, otherwise than when temporarily and actually engaged in receiving or discharging passengers.

625 ILCS 5/1-195 — State

Sec. 1-195. State. A state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of the Dominion of Canada.

625 ILCS 5/1-196 — State highways

Sec. 1-196. State highways. Defined in the "Illinois Highway Code" as the same may from time to time be amended.

625 ILCS 5/1-197 — State Police

Sec. 1-197. State Police. The Illinois State Police.

625 ILCS 5/1-197.5 — Statutory summary alcohol or other drug related suspension of driver's privileges

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

625 ILCS 5/1-197.6 — Statutory summary revocation of driving privileges

Sec. 1-197.6. Statutory summary revocation of driving privileges. The revocation by the Secretary of State of a person's license or privilege to operate a motor vehicle on the public highways for the period provided in Section 6-208.1. Reinstatement after the revocation period shall occur after the person has been approved for reinstatement through an administrative hearing with the Secretary of State, has filed proof of financial responsibility, has paid the reinstatement fee as provided in Section 6-118, and has successfully completed all necessary examinations. The basis for this revocation of driving privileges shall be the individual's refusal to submit to or failure to complete a chemical test or tests following an arrest for the offense of driving under the influence of alcohol, other drugs, or intoxicating compounds, or any combination thereof involving a motor vehicle crash that caused personal injury or death to another, as provided in Section 11-501.1 of this Code.

625 ILCS 5/1-198 — Stinger-steered semitrailer

Sec. 1-198. Stinger-steered semitrailer. Every semitrailer, including automobile transporters, which has its kingpin on a projection to the front of the structure of such semitrailer and is combined with the 5th wheel of the truck tractor at a point not less than two feet to the rear of the center of the rearmost axle of such tractor.

625 ILCS 5/1-199 — Stop

Sec. 1-199. Stop. When required means complete cessation from movement.

625 ILCS 5/1-200 — Stop or stopping

Sec. 1-200. Stop or stopping. Means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

625 ILCS 5/1-201 — Street

Sec. 1-201. Street. The entire width between boundary lines of every way publicly maintained, when any part thereof is open to the use of the public for purposes of vehicular travel.

625 ILCS 5/1-202 — Streetcar

Sec. 1-202. Streetcar. A car other than a railroad train for transporting persons or property and operated upon rails principally within a municipality.

625 ILCS 5/1-202.1 — Street rod

Sec. 1-202.1. Street rod. A motor vehicle that is a 1948 or older vehicle or a vehicle that was manufactured after 1948 to resemble a vehicle that was manufactured before 1949 and has been altered from the manufacturer's original design or has a body constructed from non-original materials and which is maintained for occasional transportation, exhibitions, club activities, parades, tours, and similar uses and which is not used for general daily transportation.

625 ILCS 5/1-202.5 — Strobe lamp

Sec. 1-202.5. Strobe lamp. A vehicular signaling device that generates flashes of light by inducing intermittent flows of electricity through a gas.

625 ILCS 5/1-203 — Suburban district

Sec. 1-203. Suburban district. That portion of any city, village or incorporated town other than the business and residence districts.

625 ILCS 5/1-203.1

Sec. 1-203.1. (Blank).

625 ILCS 5/1-204 — Suspension of driver's license

Sec. 1-204. Suspension of driver's license. The temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary.

625 ILCS 5/1-204.05 — Suspension system

Sec. 1-204.05. Suspension system. The system of devices consisting of but not limited to springs, spring shackles, shock absorbers, torsion bars, a frame, or any other supporting members used to attach the body of a motor vehicle to its axles.

625 ILCS 5/1-204.1 — Sworn report

Sec. 1-204.1. Sworn report. A confirmation of correctness and truth by an affidavit, oath, deposition or a verification by certification executed pursuant to Section 1-109 of the Code of Civil Procedure.

625 ILCS 5/1-204.3 — Tandem axles

Sec. 1-204.3. Tandem axles. Any 2 or more single axles whose centers are more than 40 inches and not more than 96 inches apart, measured to the nearest inch between extreme axles in the series, except as provided in Section 15-111 for special hauling vehicles.

625 ILCS 5/1-204.4 — Tank vehicle

Sec. 1-204.4. Tank vehicle. Any commercial motor vehicle that is designed to transport any liquid or gaseous material within a tank or tanks having an individual rated capacity of more than 119 gallons and an aggregate rated capacity of 1,000 gallons or more that is either permanently or temporarily attached to the vehicle or the chassis. A commercial motor vehicle transporting an empty storage container tank, not designed for transportation, with a rated capacity of 1,000 gallons or more that is temporarily attached to a flatbed trailer is not considered a tank vehicle. .)

625 ILCS 5/1-205 — Through highway

Sec. 1-205. Through highway. Every highway or portion thereof on which vehicular traffic is given preferential right of way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield right of way to vehicles on such through highway in obedience to either a stop sign or a yield sign, when such signs are erected as provided in this Act.

625 ILCS 5/1-205.01 — Tollroad or toll highway

Sec. 1-205.01. Tollroad or toll highway. All highways under the jurisdiction of the Illinois State Toll Highway Authority.

625 ILCS 5/1-205.02 — Towaway trailer transporter combination

Sec. 1-205.02. Towaway trailer transporter combination. A combination of vehicles consisting of a trailer transporter towing unit and two trailers or semitrailers with a total weight that does not exceed 26,000 pounds, and in which the trailers or semitrailers carry no property and constitute inventory property of a manufacturer, distributor, or dealer of such trailers or semitrailers.

625 ILCS 5/1-205.1 — Tow truck

Sec. 1-205.1. Tow truck. Every truck designed or altered and equipped for and used to push, tow, carry upon, or draw vehicles by means of a crane, hoist, towbar, towline or auxiliary axle, or carried upon to render assistance to disabled vehicles, except for any truck tractor temporarily converted to a tow truck by means of a portable wrecker unit attached to the fifth wheel of the truck tractor and used only by the owner to tow a disabled vehicle also owned by him or her and never used for hire.

625 ILCS 5/1-205.2 — Tower

Sec. 1-205.2. Tower. A person who owns or operates a tow truck or a wrecker.

625 ILCS 5/1-206 — Trackless trolley coach

Sec. 1-206. Trackless trolley coach. Every motor vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.

625 ILCS 5/1-207 — Traffic

Sec. 1-207. Traffic. Pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances either singly or together while using any highway for purposes of travel.

625 ILCS 5/1-208 — Traffic control signal

Sec. 1-208. Traffic control signal. Any official traffic control device other than a railroad sign or signal, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

625 ILCS 5/1-209 — Trailer

Sec. 1-209. Trailer. Every vehicle without motive power in operation, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

625 ILCS 5/1-209.1 — Trailer transporter towing unit

Sec. 1-209.1. Trailer transporter towing unit. A power unit that is not used to carry property when operating in a towaway trailer transporter combination.

625 ILCS 5/1-209.3 — Transit bus

Sec. 1-209.3. Transit bus. A bus engaged in public transportation as defined by the Regional Transportation Authority Act and authorized by the Department to be used on specifically designated roadway shoulders. (Text of Section after amendment by P.A. 104-457) Sec. 1-209.3. Transit bus. A bus engaged in public transportation and authorized by the Department to be used on specifically designated roadway shoulders.

625 ILCS 5/1-209.5 — Transportation

Sec. 1-209.5. Transportation. The actual movement of property or passengers by motor vehicle, together with loading, unloading, and any other accessorial or ancillary service provided by the carrier in connection with movement by motor vehicle.

625 ILCS 5/1-210 — Transporter

Sec. 1-210. Transporter. Every person engaged in the driveaway or towaway business of transporting vehicles, not his own, by driving, either singly or by the towbar, saddle mount or full mount methods or any combinations thereof or by drawing or towing house trailers, semitrailers or trailers, including their coupling devices, and using the public highways of this State therefor.

625 ILCS 5/1-210.01 — Travel trailer

Sec. 1-210.01. Travel trailer. A trailer, not used commercially, designed to provide living quarters for recreational, camping or travel use, and of a size or weight not requiring an overdimension permit when towed on a highway.

625 ILCS 5/1-211 — Truck

Sec. 1-211. Truck. Every motor vehicle designed, used, or maintained primarily for the transportation of property.

625 ILCS 5/1-211.01 — Truck camper

Sec. 1-211.01. Truck camper. A truck, not used commercially, when equipped with a portable unit designed to be loaded onto the bed which is constructed to provide temporary living quarters for recreational, travel, or camping use.

625 ILCS 5/1-211.1

Sec. 1-211.1. (Blank).

625 ILCS 5/1-212 — Truck tractor

Sec. 1-212. Truck tractor. Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn, or a power unit that carries as property motor vehicles when operating in combination with a semitrailer in transporting motor vehicles or any other commodity, including cargo or general freight, on a backhaul.

625 ILCS 5/1-212.5 — Truckster

Sec. 1-212.5. Truckster. Every motor vehicle or motorcycle with 3 wheels designed, used or maintained primarily for the transportation of property.

625 ILCS 5/1-213

Sec. 1-213. (Repealed).

625 ILCS 5/1-213.4 — Type I school bus

Sec. 1-213.4. Type I school bus. A school bus with a Gross Vehicle Weight Rating more than 10,000 pounds.

625 ILCS 5/1-213.5 — Type II school bus

Sec. 1-213.5. Type II school bus. A school bus with a Gross Vehicle Weight Rating of 10,000 pounds or less.

625 ILCS 5/1-213.8 — Uniform Invoice

Sec. 1-213.8. Uniform Invoice. A form created by the Secretary for the purpose of transporting vehicles and essential parts that does not convey or transfer ownership rights of a vehicle from one entity to another.

625 ILCS 5/1-214 — Urban district

Sec. 1-214. Urban district. The territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than 100 feet for a distance of a quarter of a mile or more.

625 ILCS 5/1-214.1

Sec. 1-214.1. (Blank).

625 ILCS 5/1-214.8 — Urban area

Sec. 1-214.8. Urban area. An urban area is any incorporated or unincorporated area developed primarily for residential and/or business purposes.

625 ILCS 5/1-215 — Used car dealer

Sec. 1-215. Used car dealer. Every person engaged in the business of buying, selling or exchanging used motor vehicles and who has an established place of business for such purpose in this State.

625 ILCS 5/1-216 — Used motor vehicle

Sec. 1-216. Used motor vehicle. Every motor vehicle which has been sold, bargained, exchanged, given away, or title transferred from the person who first acquired it from the manufacturer or importer, dealer, or agent of the manufacturer or importer and so used as to have become what is commonly known as "second hand" within the ordinary meaning thereof: Provided, that a new motor vehicle shall not be considered as a "used motor vehicle" until it has been placed in a bona fide consumer use, notwithstanding the number of transfers of such motor vehicle. The term "bona fide consumer use" means actual operation by an owner who acquired the vehicle for use in business or for pleasure purposes and who has been granted a Certificate of Title on such motor vehicle and has registered such motor vehicle, all in accordance with the laws of the residence of the owner.

625 ILCS 5/1-216.5 — Utility trailer

Sec. 1-216.5. Utility trailer. A trailer, as defined in Section 1-209 of this Code, consisting of only one axle, weighing under 2,000 pounds, and used primarily for personal or individual use and not commercially used nor owned by a commercial business.

625 ILCS 5/1-217 — Vehicle

Sec. 1-217. Vehicle. Every device, in, upon or by which any person or property is or may be transported or drawn upon a highway or requiring a certificate of title under Section 3-101(d) of this Code, except devices moved by human power, devices used exclusively upon stationary rails or tracks, and snowmobiles as defined in the Snowmobile Registration and Safety Act. For the purposes of this Code, unless otherwise prescribed, a device shall be considered to be a vehicle until such time it either comes within the definition of a junk vehicle, as defined under this Code, or a junking certificate is issued for it. For this Code, vehicles are divided into 2 divisions: First Division: Those motor vehicles which are designed for the carrying of not more than 10 persons. Second Division: Those vehicles which are designed for carrying more than 10 persons, those designed or used for living quarters and those vehicles which are designed for pulling or carrying property, freight, or cargo and those motor vehicles of the First Division remodelled for use and used as motor vehicles of the Second Division.

625 ILCS 5/1-217.1 — Vehicle cowl

Sec. 1-217.1. Vehicle cowl. The portion of the vehicle that separates the front compartment from the rear compartment, commonly referred to as the firewall, to which a vehicle identification number is normally attached.

625 ILCS 5/1-218

Sec. 1-218. (Repealed).

625 ILCS 5/1-218.1 — Vehicle shell

Sec. 1-218.1. Vehicle shell. Every sheet metal part of a vehicle whether or not attached to a chassis or part of a chassis. For the purposes of this definition the term vehicle shell shall include the terms, shell, vehicle hulk, body, vehicle body.

625 ILCS 5/1-218.5 — Verified evidence

Sec. 1-218.5. Verified evidence. A document that is confirmed or substantiated by a sworn report or any public record received from a court of competent jurisdiction.

625 ILCS 5/1-218.10 — Video event recorder

Sec. 1-218.10. Video event recorder. A video recorder placed inside a vehicle that continuously records, in a digital loop, audio, video, and G-force levels.

625 ILCS 5/1-219

Sec. 1-219. (Repealed).

625 ILCS 5/1-220 — Volunteer EMS provider

Sec. 1-220. Volunteer EMS provider. An Emergency Medical Services (EMS) Volunteer Ambulance provider who, on the effective date of this amendatory Act of the 99th General Assembly, has a valid memorandum of understanding with a municipality with a population of more than 1,000,000 to provide voluntary assistance to and for the benefit of the residents of that municipality.

625 ILCS 5/1-221

Sec. 1-221. (Repealed).

625 ILCS 5/1-222

Sec. 1-222. (Blank).

625 ILCS 5/1-223

Sec. 1-223. (Repealed).

625 ILCS 5/1-224

Sec. 1-224. (Blank).

625 ILCS 5/1-300

Sec. 1-300. (Blank).

625 ILCS 5/2-101 — Administration vested in Secretary of State

Sec. 2-101. Administration vested in Secretary of State. The Secretary of State is hereby vested with powers and duties and jurisdiction of administering Chapters 2, 3, 4, 5, 6, 7, 8 and 9 of The Illinois Vehicle Code.

625 ILCS 5/2-102 — Organization of administration

Sec. 2-102. Organization of administration. The Secretary of State shall organize the work of the administration of the portion of this Act delegated to him in such manner as he may deem necessary to carry out those provisions of this Act.

625 ILCS 5/2-103 — Secretary of State to appoint subordinates

Sec. 2-103. Secretary of State to appoint subordinates. The Secretary of State shall appoint such subordinate officers, clerks, investigators, and other employees as may be necessary to carry out the provisions of this Act.

625 ILCS 5/2-104 — Powers and duties of the Secretary of State

Sec. 2-104. Powers and duties of the Secretary of State.

(a) The administration of Chapters 2, 3, 4, 5, 6, 7, 8 and 9 of this Act is vested in the Secretary of State, who is charged with the duty of observing, administering and enforcing the provisions of this Act.

(b) The Secretary may from time to time make, amend, and rescind such rules and regulations as may be necessary in the public interest to carry out the provisions of this Act, including rules and regulations governing procedures for the filing of applications and the issuance of licenses or registrations thereunder. The rules and regulations adopted by the Secretary of State under this Act shall be effective in the manner provided for in "The Illinois Administrative Procedure Act", approved September 22, 1975, as amended.

625 ILCS 5/2-105 — Offices of Secretary of State

Sec. 2-105. Offices of Secretary of State.

(a) The Secretary of State shall maintain offices in the State capital and in such other places in the State as he may deem necessary to properly carry out the powers and duties vested in him.

(b) The Secretary of State may construct and equip one or more buildings in the State of Illinois outside of the County of Sangamon as he deems necessary to properly carry out the powers and duties vested in him. The Secretary of State may, on behalf of the State of Illinois, acquire public or private property needed therefor by lease, purchase or eminent domain. The care, custody and control of such sites and buildings constructed thereon shall be vested in the Secretary of State. Expenditures for the construction and equipping of any of such buildings upon premises owned by another public entity shall not be subject to the provisions of any State law requiring that the State be vested with absolute fee title to the premises. The exercise of the authority vested in the Secretary of State by this Section is subject to the appropriation of the necessary funds.

(c) Pursuant to Sections 1A-16.1, 1A-16.7, and 1A-25 of the Election Code, the Secretary of State shall make driver services facilities available for use as places of accepting applications for voter registration.

(d) (Blank).

(e) Each person applying at a driver services facility for a driver's license or permit, a corrected driver's license or permit, an Illinois identification card or a corrected Illinois identification card shall be notified, under the procedures set forth in Sections 1A-16.1 and 1A-16.7 of the Election Code, that unless he or she affirmatively declines, his or her personal information shall be transferred to the State Board of Elections for the purpose of creating an electronic voter registration application. Such notification may be made in writing or verbally issued by an employee or the Secretary of State. The Secretary of State shall promulgate such rules as may be necessary for the efficient execution of his duties and the duties of his employees under this Section.

(f) Any person applying at a driver services facility for issuance or renewal of a driver's license or Illinois Identification Card shall be provided, without charge, with a brochure warning the person of the dangers of financial identity theft. The Department of Financial and Professional Regulation shall prepare these brochures and provide them to the Secretary of State for distribution. The brochures shall

(i) identify signs warning the reader that he or she might be an intended victim of the crime of financial identity theft, (ii) instruct the reader in how to proceed if the reader believes that he or she is the victim of the crime of identity theft, and (iii) provide the reader with names and telephone numbers of law enforcement and other governmental agencies that provide assistance to victims of financial identity theft.

(g) The changes made by this amendatory Act of the 100th General Assembly shall be implemented no later than July 1, 2018.

625 ILCS 5/2-105.5 — Eminent domain

Sec. 2-105.5. Eminent domain. Notwithstanding any other provision of this Code, any power granted under this Code to acquire property by condemnation or eminent domain is subject to, and shall be exercised in accordance with, the Eminent Domain Act.

625 ILCS 5/2-106 — Secretary of State to prescribe forms

Sec. 2-106. Secretary of State to prescribe forms. The Secretary of State shall prescribe or provide suitable forms of applications, certificates of title, registration cards, driver's licenses and such other forms requisite or deemed necessary to carry out the provisions of this Act and any other laws pertaining to vehicles the enforcement and administration of which are vested in the Secretary of State. Any entity or vendor providing services to or on behalf of the Secretary of State may also prescribe or provide suitable forms under this Section to the extent authorized by the Secretary of State and upon approval of the Secretary of State.

625 ILCS 5/2-107 — Authority to administer oaths

Sec. 2-107. Authority to administer oaths. Officers and employees of the Secretary of State designated by him are, for the purpose of administering the motor vehicle laws and any other laws relating to the use and operation of motor vehicles, authorized to administer oaths and acknowledge signatures, and shall do so without fee.

625 ILCS 5/2-108 — Authority to certify copies of records

Sec. 2-108. Authority to certify copies of records. The Secretary of State is hereby authorized to prepare under the seal of the Secretary of State certified copies of any records of his office and every such certified copy shall be admissible in any proceeding in any court in like manner as the original thereof.

625 ILCS 5/2-109 — Records of Secretary of State

Sec. 2-109. Records of Secretary of State. The Secretary of State may destroy any records of his office relating to the administration of any laws relating to the use and operation of motor vehicles the enforcement and administration of which are vested in him, if such records have been maintained on file for 4 years. Such records may be destroyed prior thereto with the approval of the State Records Commission.

625 ILCS 5/2-109.1 — Exchange of information

Sec. 2-109.1. Exchange of information.

(a) The Secretary of State shall exchange information with the Department of Healthcare and Family Services which may be necessary for the establishment of paternity and the establishment, modification, and enforcement of child support orders pursuant to the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, the Illinois Parentage Act of 1984, or the Illinois Parentage Act of 2015.

(b) Notwithstanding any provisions in this Code to the contrary, the Secretary of State shall not be liable to any person for any disclosure of information to the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) under subsection

(a) or for any other action taken in good faith to comply with the requirements of subsection (a).

625 ILCS 5/2-110 — Authority to grant or refuse applications

Sec. 2-110. Authority to grant or refuse applications. The Secretary of State shall examine and determine the genuineness, regularity and legality of every application for registration of a vehicle, for a certificate of title therefor, and for a driver's license and of any other application lawfully made to the Secretary of State, and may in all cases make investigation and verify the information and the authenticity of the documents submitted as may be deemed necessary or require additional information, and shall reject any such application if not satisfied of the genuineness, regularity or legality thereof or the truth of any statement contained therein, or for any other reason, when authorized by law.

625 ILCS 5/2-111 — Seizure or confiscation of documents and plates

Sec. 2-111. Seizure or confiscation of documents and plates.

(a) The Secretary of State or any law enforcement entity is authorized to take possession of any certificate of title, registration card, permit, license, registration plate or digital registration plate, plates, disability license plate or parking decal or device, or registration sticker or digital registration sticker issued by the Secretary upon expiration, revocation, cancellation, or suspension thereof, or which is fictitious, or which has been unlawfully or erroneously issued. Police officers who have seized such items shall return the items to the Secretary of State in a manner and form set forth by the Secretary in administrative rule to take possession of such item or items.

(b) The Secretary of State is authorized to confiscate any suspected fraudulent, fictitious, or altered documents submitted by an applicant in support of an application for a driver's license or permit.

625 ILCS 5/2-112 — Distribution of synopsis laws

Sec. 2-112. Distribution of synopsis laws.

(a) The Secretary of State may publish a synopsis or summary of the laws of this State regulating the operation of vehicles and may deliver a copy thereof without charge with each original vehicle registration and with each original driver's license.

(b) The Secretary of State shall make any necessary revisions in its publications, including, but not limited to, the Illinois Rules of the Road, to accurately conform its publications to the provisions of the Pedestrians with Disabilities Safety Act.

(c) The Secretary of State shall include, in the Illinois Rules of the Road publication, information advising drivers of the laws and best practices for safely sharing the roadway with bicyclists and pedestrians, including, but not limited to, information advising drivers to use the Dutch Reach method when opening a vehicle door after parallel parking on a street

(checking the rear-view mirror, checking the side-view mirror, then opening the door with the right hand, thereby reducing the risk of injuring a bicyclist or opening the door in the path a vehicle approaching from behind).

(d) The Secretary of State shall include, in the Illinois Rules of the Road publication, information advising drivers to use the zipper merge method when merging into a reduced number of lanes (drivers in merging lanes are expected to use both lanes to advance to the lane reduction point and merge at that location, alternating turns).

(e) The Secretary of State, in consultation with the Illinois State Police, shall include in the Illinois Rules of the Road publication a description of law enforcement procedures during traffic stops and the actions that a motorist should take during a traffic stop, including appropriate interactions with law enforcement officers.

(f) The Secretary of State shall include, in the Illinois Rules of Road publication, information advising drivers on best practices related to stranded motorists. This may include, but is not limited to, how to safely pull the vehicle out of traffic, activating hazard lights, when to remain in a vehicle, how to safely exit a stranded vehicle, where to find a safe place outside the stranded vehicle, and emergency numbers to call for assistance.

(g) The Secretary of State shall include, in the Illinois Rules of the Road publication, information pertaining to the transportation of hazardous materials. The information shall include an image and description that details the various hazardous material placards used on vehicles that transport hazardous materials.

625 ILCS 5/2-113 — Secretary of State may subpoena witnesses and request the production of books and records

Sec. 2-113. Secretary of State may subpoena witnesses and request the production of books and records.

(a) The Secretary of State, or employees designated by him, may request the production of pertinent books, records, letters, contracts or other pertinent documents of any person licensed or required to be licensed or registered under any chapter of this Act, for the purpose of investigations or audits, which in the opinion of the Secretary of State, are necessary and proper for the enforcement of this Act and the collection of any fees or taxes required to be paid under this Act.

(b) For the purpose of all hearings which in the opinion of the Secretary of State are necessary and proper for the enforcement of this Act, the Secretary of State, or a person designated by him is empowered to administer oaths and affirmations, subpoena witnesses, take evidence, and require the production of any books, papers or other documents which the Secretary of State, or a person designated by him, deems relevant or material to the inquiry. Any circuit court of this State, upon application by the Secretary of State and upon a proper showing may order the attendance of witnesses, the production of books, papers, accounts and documents and the giving of testimony before the Secretary of State, or a person designated by him; and any failure to obey such order may be punished by such circuit court as a contempt thereof. The fees of subpoenaed witnesses under this Act for attendance and travel shall be the same as fees of witnesses before the circuit courts of the State, such fees to be paid when the witness is excused from further attendance, provided, such witness is subpoenaed at the instance of the Secretary of State; and payment of such fees shall be made and audited in the same manner as other expenses of the Secretary of State. Whenever a subpoena is issued at the request of a complainant or respondent or defendant as the case may be, the Secretary of State may require that the cost of service and the fee of the witness shall be borne by the party at whose instance the witness is summoned. The Secretary of State shall have power in his discretion, to require a deposit to cover the cost of such service and witness fees and the payment of the legal witness fee and mileage to the witness served with subpoena. A subpoena issued under the provisions of this Act shall be served in the same manner as a subpoena issued out of a court.

625 ILCS 5/2-114 — Giving of notice

Sec. 2-114. Giving of notice. Whenever the Secretary of State is authorized or required to give any notice under this Act or other law regulating the operation of vehicles, unless a different method of giving such notice is otherwise expressly prescribed, such notice shall be given either by personal delivery thereof to the person to be so notified or by deposit in the United States mail of such notice in an envelope with postage prepaid, addressed to such person at his address as shown by the records of the Office of the Secretary of State. The giving of notice by mail is complete upon the expiration of 4 days after such deposit of said notice. Proof of the giving of notice in either such manner may be made by the certificate of any officer or employee of the Secretary of State or affidavit of any person over 18 years of age, naming the person to whom such notice was given and specifying the time, place and manner of the giving thereof. The Secretary may include with the notice any material, from any source, relating to the donation of any vehicle to any charitable

not-for-profit organization that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code.

625 ILCS 5/2-115 — Investigators

Sec. 2-115. Investigators.

(a) The Secretary of State, for the purpose of more effectively carrying out the provisions of the laws in relation to motor vehicles, shall have power to appoint such number of investigators as he may deem necessary. It shall be the duty of such investigators to investigate and enforce violations of the provisions of this Act administered by the Secretary of State and provisions of Chapters 11, 12, 13, 14, and 15 and to investigate and report any violation by any person who operates as a motor carrier of property as defined in Section 18-100 of this Act and does not hold a valid certificate or permit. Such investigators shall have and may exercise throughout the State all of the powers of peace officers. No person may be retained in service as an investigator under this Section after he or she has reached 60 years of age, except for a person employed in the title of Capitol Police Investigator, in which case, that person may not be retained in service after that person has reached 65 years of age. The Secretary of State must authorize to each investigator employed under this Section and to any other employee of the Office of the Secretary of State exercising the powers of a peace officer a distinct badge that, on its face,

(i) clearly states that the badge is authorized by the Office of the Secretary of State and (ii) contains a unique identifying number. No other badge shall be authorized by the Office of the Secretary of State.

(b) The Secretary may expend such sums as he deems necessary from Contractual Services appropriations for the Department of Police for the purchase of evidence, for the employment of persons to obtain evidence, and for the payment for any goods or services related to obtaining evidence. Such sums shall be advanced to investigators authorized by the Secretary to expend funds, on vouchers signed by the Secretary. In addition, the Secretary of State is authorized to maintain one or more commercial checking accounts with any State banking corporation or corporations organized under or subject to the Illinois Banking Act for the deposit and withdrawal of moneys to be used solely for the purchase of evidence and for the employment of persons to obtain evidence, or for the payment for any goods or services related to obtaining evidence; provided that no check may be written on nor any withdrawal made from any such account except on the written signatures of 2 persons designated by the Secretary to write such checks and make such withdrawals, and provided further that the balance of moneys on deposit in any such account shall not exceed \$5,000 at any time, nor shall any one check written on or single withdrawal made from any such account exceed \$5,000. All fines or moneys collected or received by the Department of Police under any State or federal forfeiture statute; including, but not limited to moneys forfeited under Section 12 of the Cannabis Control Act, moneys forfeited under Section 85 of the Methamphetamine Control and Community Protection Act, and moneys distributed under Section 413 of the Illinois Controlled Substances Act, shall be deposited into the Secretary of State Evidence Fund. In all convictions for offenses in violation of this Act, the Court may order restitution to the Secretary of any or all sums expended for the purchase of evidence, for the employment of persons to obtain evidence, and for the payment for any goods or services related to obtaining evidence. All such restitution received by the Secretary shall be deposited into the Secretary of State Evidence Fund. Moneys deposited into the fund shall, subject to appropriation, be used by the Secretary of State for the purposes provided for under the provisions of this Section.

625 ILCS 5/2-116 — Secretary of State Department of Police

Sec. 2-116. Secretary of State Department of Police.

(a) The Secretary of State and the officers, inspectors, and investigators appointed by him shall cooperate with the Illinois State Police and the sheriffs and police in enforcing the laws regulating the operation of vehicles and the use of the highways.

(b) The Secretary of State may provide training and education for members of his office in traffic regulation, the promotion of traffic safety and the enforcement of laws vested in the Secretary of State for administration and enforcement regulating the operation of vehicles and the use of the highways.

(c) The Secretary of State may provide distinctive uniforms and badges for officers, inspectors and investigators employed in the administration of laws relating to the operation of vehicles and the use of the highways and vesting the administration and enforcement of such laws in the Secretary of State. (c-5) The Director of the Secretary of State Department of Police shall establish a program to allow a Secretary of State Police officer, inspector, or investigator who

is honorably retiring in good standing to purchase either one or both of the following:

(1) any Secretary of State Department of Police badge previously issued to that officer, inspector, or investigator; or

(2) if the officer, inspector, or investigator has a currently valid Firearm Owner's Identification Card, the service firearm issued or previously issued to the officer, inspector, or investigator by the Secretary of State Department of Police. The cost of the firearm shall be the replacement value of the firearm and not the firearm's fair market value.

(d) The Secretary of State Department of Police is authorized to:

(1) investigate the origins, activities, persons, and incidents of crime and the ways and means, if any, to redress the victims of crimes, and study the impact, if any, of legislation relative to the criminal laws of this State related thereto and conduct any other investigations as may be provided by law;

(2) employ skilled experts, technicians, investigators, special agents, or otherwise specially qualified persons to aid in preventing or detecting crime, apprehending criminals, or preparing and presenting evidence of violations of the criminal laws of the State;

(3) cooperate with the police of cities, villages, and incorporated towns, and with the police officers of any county, in enforcing the laws of the State and in making arrests;

(4) provide, as may be required by law, assistance to local law enforcement agencies through training, management, and consultant services for local law enforcement agencies, pertaining to law enforcement activities;

(5) exercise the rights, powers, and duties which have been vested in it by the Secretary of State Act and this Code; and

(6) enforce and administer any other laws in relation to law enforcement as may be vested in the Secretary of State Department of Police. Persons within the Secretary of State Department of Police who exercise these powers are conservators of the peace and have all the powers possessed by policemen in municipalities and sheriffs, and may exercise these powers anywhere in the State in cooperation with local law enforcement officials. These persons may use false or fictitious names in the performance of their duties under this Section, upon approval of the Director of Police-Secretary of State, and shall not be subject to prosecution under the criminal laws for that use.

(e) The Secretary of State Department of Police may charge, collect, and receive fees or moneys equivalent to the cost of providing its personnel, equipment, and services to governmental agencies when explicitly requested by a governmental agency and according to an intergovernmental agreement or memorandums of understanding as provided by this Section, including but not limited to fees or moneys equivalent to the cost of providing training to other governmental agencies on terms and conditions that in the judgment of the Director of Police-Secretary of State are in the best interest of the Secretary of State. All fees received by the Secretary of State Police Department under this Act shall be deposited in a special fund in the State Treasury to be known as the Secretary of State Police Services Fund. The money deposited in the Secretary of State Police Services Fund shall be appropriated to the Secretary of State Department of Police as provided for in subsection (g).

(f) The Secretary of State Department of Police may apply for grants or contracts and receive, expend, allocate, or disburse moneys made available by public or private entities, including, but not limited to, contracts, bequests, grants, or receiving equipment from corporations, foundations, or public or private institutions of higher learning.

(g) The Secretary of State Police Services Fund is hereby created as a special fund in the State Treasury. All moneys received under this Section by the Secretary of State Department of Police shall be deposited into the Secretary of State Police Services Fund to be appropriated to the Secretary of State Department of Police for purposes as indicated by the grantor or contractor or, in the case of moneys bequeathed or granted for no specific purpose, for any purpose as deemed appropriate by the Director of Police-Secretary of State in administering the responsibilities of the Secretary of State Department of Police.

625 ILCS 5/2-117 — Injunction

Sec. 2-117. Injunction. Whenever it shall appear to the Secretary of State that any person is engaged or about to engage in any acts or practices which constitute or will constitute a violation of the provisions of this Act, or of any rule or regulation prescribed under authority thereof, the Secretary of State may in his or her discretion, through the Attorney General, apply for an injunction without notice, and upon a proper showing, the circuit court shall have power to enter a permanent or preliminary injunction or a temporary restraining order without bond, to enforce the provisions of this Act, in addition to the penalties and other remedies in this Act provided; and either party may appeal as in other civil cases.

625 ILCS 5/2-118 — Hearings

Sec. 2-118. Hearings.

(a) Upon the suspension, revocation or denial of the issuance of a license, permit, registration or certificate of title under this Code of any person the Secretary of State shall immediately notify such person in writing and upon his written request shall, within 20 days after receipt thereof, set a date for a hearing to commence within 90 calendar days from the date of the written request for all requests related to a suspension, revocation, or the denial of the issuance of a license, permit, registration, or certificate of title occurring after July 1, 2002, in the County of Sangamon, the County of Jefferson, or the County of Cook, as such person may specify, unless both parties agree that such hearing may be held in some other county. The Secretary may require the payment of a fee of not more than \$50 for the filing of any petition, motion, or request for hearing conducted pursuant to this Section. These fees must be deposited into the Secretary of State DUI Administration Fund, a special fund created in the State treasury, and, subject to appropriation and as directed by the Secretary of State, shall be used for operation of the Department of Administrative Hearings of the Office of the Secretary of State and for no other purpose. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees.

(b) At any time after the suspension, revocation or denial of a license, permit, registration or certificate of title of any person as hereinbefore referred to, the Secretary of State, in his or her discretion and without the necessity of a request by such person, may hold such a hearing, upon not less than 10 days' notice in writing, in the Counties of Sangamon, Jefferson, or Cook or in any other county agreed to by the parties.

(c) Upon any such hearing, the Secretary of State, or his authorized agent may administer oaths and issue subpoenas for the attendance of witnesses and the production of relevant books and records and may require an examination of such person. Upon any such hearing, the Secretary of State shall either rescind or, good cause appearing therefor, continue, change or extend the Order of Revocation or Suspension, or upon petition therefore and subject to the provisions of this Code, issue a restricted driving permit or reinstate the license or permit of such person.

(d) All hearings and hearing procedures shall comply with requirements of the Constitution, so that no person is deprived of due process of law nor denied equal protection of the laws. All hearings shall be held before the Secretary of State or before such persons as may be designated by the Secretary of State and appropriate records of such hearings shall be kept. Where a transcript of the hearing is taken, the person requesting the hearing shall have the opportunity to order a copy thereof at his own expense. The Secretary of State shall enter an order upon any hearing conducted under this Section, related to a suspension, revocation, or the denial of the issuance of a license, permit, registration, or certificate of title occurring after July 1, 2002, within 90 days of its conclusion and shall immediately notify the person in writing of his or her action. (d-5) Any hearing over which the Secretary of State has jurisdiction because of a person's implied consent to testing of the person's blood, breath, other bodily substance, or urine for the presence of alcohol, drugs, or intoxicating compounds may be conducted upon a review of the official police reports. Either party, however, may subpoena the arresting officer and any other law enforcement officer who was involved in the petitioner's arrest or processing after arrest, as well as any other person whose testimony may be probative to the issues at the hearing. The failure of a law enforcement officer to answer the subpoena shall be considered grounds for a continuance if, in the hearing officer's discretion, the continuance is appropriate. The failure of the arresting officer to answer a subpoena shall not, in and of itself, be considered grounds for the rescission of an implied consent suspension. Rather, the hearing shall proceed on the basis of the other evidence available, and the hearing officer shall assign this evidence whatever probative value is deemed appropriate. The decision whether to rescind shall be based upon the totality of the evidence.

(e) The action of the Secretary of State in suspending, revoking or denying any license, permit, registration, or certificate of title shall be subject to judicial review in the Circuit Court of Sangamon County, in the Circuit Court of Jefferson County, or in the Circuit Court of Cook County, and the provisions of the Administrative Review Law, and all amendments and modifications thereto, and the rules adopted pursuant thereto, are hereby adopted and shall apply to and govern every action for the judicial review of final acts or decisions of the Secretary of State hereunder.

625 ILCS 5/2-118.1

Sec. 2-118.1. Opportunity for hearing; statutory summary alcohol or other drug related suspension or revocation pursuant to Section 11-501.1.

(a) A statutory summary suspension or revocation of driving privileges under Section 11-501.1 shall not become effective until the person is notified in writing of the impending suspension or revocation and informed that he may request a

hearing in the circuit court of venue under paragraph

(b) of this Section and the statutory summary suspension or revocation shall become effective as provided in Section 11-501.1.

(b) Within 90 days after the notice of statutory summary suspension or revocation served under Section 11-501.1, the person may make a written request for a judicial hearing in the circuit court of venue. The request to the circuit court shall state the grounds upon which the person seeks to have the statutory summary suspension or revocation rescinded. Within 30 days after receipt of the written request or the first appearance date on the Uniform Traffic Ticket issued pursuant to a violation of Section 11-501, or a similar provision of a local ordinance, the hearing shall be conducted by the circuit court having jurisdiction. This judicial hearing, request, or process shall not stay or delay the statutory summary suspension or revocation. The hearings shall proceed in the court in the same manner as in other civil proceedings. The hearing may be conducted upon a review of the law enforcement officer's own official reports; provided however, that the person may subpoena the officer. Failure of the officer to answer the subpoena shall be considered grounds for a continuance if in the court's discretion the continuance is appropriate. The scope of the hearing shall be limited to the issues of: 1. Whether the person was placed under arrest for an offense as defined in Section 11-501, or a similar provision of a local ordinance, as evidenced by the issuance of a Uniform Traffic Ticket, or issued a Uniform Traffic Ticket out of state as provided in subsection

(a) of Section 11-501.1; and 2. Whether the officer had reasonable grounds to believe that the person was driving or in actual physical control of a motor vehicle upon a highway while under the influence of alcohol, other drug, or combination of both; and 3. Whether the person, after being advised by the officer that the privilege to operate a motor vehicle would be suspended or revoked if the person refused to submit to and complete the test or tests, did refuse to submit to or complete the test or tests to determine the person's blood alcohol or drug concentration; or 4. Whether the person, after being advised by the officer that the privilege to operate a motor vehicle would be suspended if the person submits to a chemical test, or tests, and the test discloses an alcohol concentration of 0.08 or more, a tetrahydrocannabinol concentration as defined in paragraph 6 of subsection

(a) of Section 11-501.2 of this Code, or any amount of a drug, substance, or compound in the person's blood, other bodily substance, or urine resulting from the unlawful use or consumption of a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound as listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, and the person did submit to and complete the test or tests that determined an alcohol concentration of 0.08 or more. 4.2. (Blank). 4.5. (Blank). 5. If the person's driving privileges were revoked, whether the person was involved in a motor vehicle crash that caused Type A injury or death to another. Upon the conclusion of the judicial hearing, the circuit court shall sustain or rescind the statutory summary suspension or revocation and immediately notify the Secretary of State. Reports received by the Secretary of State under this Section shall be privileged information and for use only by the courts, police officers, and Secretary of State.

625 ILCS 5/2-118.2 — Opportunity for hearing; cannabis-related suspension under Section 11-501

Sec. 2-118.2. Opportunity for hearing; cannabis-related suspension under Section 11-501.9.

(a) A suspension of driving privileges under Section 11-501.9 of this Code shall not become effective until the person is notified in writing of the impending suspension and informed that he or she may request a hearing in the circuit court of venue under subsection

(b) of this Section and the suspension shall become effective as provided in Section 11-501.9.

(b) Within 90 days after the notice of suspension served under Section 11-501.9, the person may make a written request for a judicial hearing in the circuit court of venue. The request to the circuit court shall state the grounds upon which the person seeks to have the suspension rescinded. Within 30 days after receipt of the written request or the first appearance date on the Uniform Traffic Ticket issued for a violation of Section 11-501 of this Code, or a similar provision of a local ordinance, the hearing shall be conducted by the circuit court having jurisdiction. This judicial hearing, request, or process shall not stay or delay the suspension. The hearing shall proceed in the court in the same manner as in other civil proceedings. The hearing may be conducted upon a review of the law enforcement officer's own official reports; provided however, that the person may subpoena the officer. Failure of the officer to answer the subpoena shall be considered grounds for a continuance if in the court's discretion the continuance is appropriate. The scope of the hearing shall be limited to the issues of:

(1) Whether the officer had reasonable suspicion to believe that the person was driving or in actual physical control of a motor vehicle upon a highway while impaired by the use of cannabis; and

(2) Whether the person, after being advised by the officer that the privilege to operate a motor vehicle would be suspended if the person refused to submit to and complete field sobriety tests or validated roadside chemical tests, did refuse to submit to or complete field sobriety tests or validated roadside chemical tests authorized under Section 11-501.9; and

(3) Whether the person after being advised by the officer that the privilege to operate a motor vehicle would be suspended if the person submitted to field sobriety tests or validated roadside chemical tests that disclosed the person was impaired by the use of cannabis, did submit to field sobriety tests or validated roadside chemical tests that disclosed that the person was impaired by the use of cannabis. Upon the conclusion of the judicial hearing, the circuit court shall sustain or rescind the suspension and immediately notify the Secretary of State. Reports received by the Secretary of State under this Section shall be privileged information and for use only by the courts, police officers, and Secretary of State.

625 ILCS 5/2-119 — Disposition of fees and taxes

Sec. 2-119. Disposition of fees and taxes.

(a) All moneys received from Salvage Certificates shall be deposited in the Common School Fund in the State treasury.

(b) Of the money collected for each certificate of title, duplicate certificate of title, and corrected certificate of title:

(1) \$2.60 shall be deposited in the Park and Conservation Fund;

(2) \$0.65 shall be deposited in the Illinois Fisheries Management Fund;

(3) \$48 shall be disbursed under subsection

(g) of this Section;

(4) \$4 shall be deposited into the Motor Vehicle License Plate Fund;

(5) \$30 shall be deposited into the Capital Projects Fund; and

(6) \$10 shall be deposited into the Secretary of State Special Services Fund. All remaining moneys collected for certificates of title, and all moneys collected for filing of security interests, shall be deposited in the General Revenue Fund. The \$20 collected for each delinquent vehicle registration renewal fee shall be deposited into the General Revenue Fund. The moneys deposited in the Park and Conservation Fund under this Section shall be used for the acquisition and development of bike paths as provided for in Section 805-420 of the Department of Natural Resources (Conservation) Law of the Civil Administrative Code of Illinois. The moneys deposited into the Park and Conservation Fund under this subsection shall not be subject to administrative charges or chargebacks, unless otherwise authorized by this Code. If the balance in the Motor Vehicle License Plate Fund exceeds \$40,000,000 on the last day of a calendar month, then during the next calendar month, the \$4 that otherwise would be deposited in that fund shall instead be deposited into the Road Fund.

(c) All moneys collected for that portion of a driver's license fee designated for driver education under Section 6-118 shall be placed in the Drivers Education Fund in the State treasury.

(d) Of the moneys collected as a registration fee for each motorcycle, motor driven cycle, and moped, 27% shall be deposited in the Cycle Rider Safety Training Fund.

(e) (Blank).

(f) Of the total money collected for a commercial learner's permit (CLP) or original or renewal issuance of a commercial driver's license (CDL) pursuant to the Uniform Commercial Driver's License Act (UCDLA):

(i) \$6 of the total fee for an original or renewal CDL, and \$6 of the total CLP fee when such permit is issued to any person holding a valid Illinois driver's license, shall be paid into the CDLIS/AAMVAnet/NMVTIS Trust Fund and shall be used for the purposes provided in Section 6z-23 of the State Finance Act and (ii) \$20 of the total fee for an original or renewal CDL or CLP shall be paid into the Motor Carrier Safety Inspection Fund, which is hereby created as a special fund in the State treasury, to be used by the Illinois State Police, subject to appropriation, to hire additional officers to conduct motor carrier safety inspections pursuant to Chapter 18b of this Code.

(g) Of the moneys received by the Secretary of State as registration fees or taxes, certificates of title, duplicate certificates of title, corrected certificates of title, or as payment of any other fee under this Code, when those moneys are not

otherwise distributed by this Code, 37% shall be deposited into the State Construction Account Fund, and 63% shall be deposited in the Road Fund. Moneys in the Road Fund shall be used for the purposes provided in Section 8.3 of the State Finance Act.

(h) (Blank).

(i) (Blank).

(j) (Blank).

(k) There is created in the State treasury a special fund to be known as the Secretary of State Special License Plate Fund. Money deposited into the Fund shall, subject to appropriation, be used by the Office of the Secretary of State

(i) to help defray plate manufacturing and plate processing costs for the issuance and, when applicable, renewal of any new or existing registration plates authorized under this Code and (ii) for grants made by the Secretary of State to benefit Illinois Veterans Home libraries.

(l) The Motor Vehicle Review Board Fund is created as a special fund in the State treasury. Moneys deposited into the Fund under paragraph

(7) of subsection

(b) of Section 5-101 and Section 5-109 shall, subject to appropriation, be used by the Office of the Secretary of State to administer the Motor Vehicle Review Board, including, without limitation, payment of compensation and all necessary expenses incurred in administering the Motor Vehicle Review Board under the Motor Vehicle Franchise Act.

(m) Effective July 1, 1996, there is created in the State treasury a special fund to be known as the Family Responsibility Fund. Moneys deposited into the Fund shall, subject to appropriation, be used by the Office of the Secretary of State for the purpose of enforcing the Illinois Safety and Family Financial Responsibility Law.

(n) The Illinois Fire Fighters' Memorial Fund is created as a special fund in the State treasury. Moneys deposited into the Fund shall, subject to appropriation, be used by the Office of the State Fire Marshal for construction of the Illinois Fire Fighters' Memorial to be located at the State Capitol grounds in Springfield, Illinois. Upon the completion of the Memorial, moneys in the Fund shall be used in accordance with Section 3-634.

(o) Of the money collected for each certificate of title for all-terrain vehicles and off-highway motorcycles, \$17 shall be deposited into the Off-Highway Vehicle Trails Fund.

(p) For audits conducted on or after July 1, 2003 pursuant to Section 2-124(d) of this Code, 50% of the money collected as audit fees shall be deposited into the General Revenue Fund.

(q) Beginning July 1, 2023, the additional fees imposed by Public Act 103-8 in Sections 2-123, 3-821, and 6-118 shall be deposited into the Secretary of State Special Services Fund.

625 ILCS 5/2-120 — Disposition of fines and forfeitures

Sec. 2-120. Disposition of fines and forfeitures.

(a) Fines and penalties recovered under the provisions of this Act administered by the Secretary of State, except those fines, assessments, and penalties subject to disbursement by the circuit clerk under the Criminal and Traffic Assessment Act, shall be paid over and used as follows: 1. For violations of this Act committed within the limits of an incorporated city or village, to the treasurer of the particular city or village, if arrested by the authorities of the city or village and reasonably prosecuted for all fines and penalties under this Act by the police officers and officials of the city or village. 2. For violations of this Act committed outside the limits of an incorporated city or village to the county treasurer of the court where the offense was committed. 3. For the purposes of this Act an offense for violation of any provision of this Act not committed upon the highway shall be deemed to be committed where the violator resides or where he has a place of business requiring some registration, permit or license to operate such business under this Act.

(b) Failure, refusal or neglect on the part of any judicial or other officer or employee receiving or having custody of any such fine or forfeiture either before or after a deposit with the proper official as defined in paragraph

(a) of this Section, shall constitute misconduct in office and shall be grounds for removal therefrom.

625 ILCS 5/2-121 — Local Government tax

Sec. 2-121. Local Government tax.

(a) No owner of a vehicle who shall have obtained a certificate from the Secretary of State and paid the registration fee and tax as provided in this Act, shall be required by any county, city, village, incorporated town, or other municipal corporation within the State other than a county, city, village, incorporated town, or other municipal corporation in which the owner resides or in which a vehicle has its situs or base, to pay any tax or license fee for the use of the vehicle. The county, city, village, or incorporated town in which the owner resides or in which a vehicle has its situs or base, except commercial motor vehicles as defined in paragraph

(2) of Section 18b-101 that are registered under Section 3-402.1, may impose a tax or license fee as is provided in Section 8-11-4 of the Illinois Municipal Code or a similar county ordinance that imposes a tax or license fee on an owner of a vehicle for the use of the vehicle. Nor shall the owner be required to display upon his vehicle any plate or tax or license number other than that issued by the Secretary of State or by the county, city, village, incorporated town, or other municipal corporation within the State within which the owner resides or in which a vehicle has its situs or base. However, a resident owner shall not be required to display on his vehicle, the plate or tax or license number issued by the county, city, village, or incorporated town of his residence if his vehicle is displaying the plate or tax or license number issued by the place wherein the vehicle has its situs or base. This subsection

(a) applies to ordinances enacted by any county, city, village, incorporated town, or other municipal corporation. Any provision of an ordinance enacted by a county, city, village, incorporated town, or other municipal corporation that is inconsistent with this subsection

(a) is null and void.

(b) No county, city, village, incorporated town, or other municipal corporation, including a home rule unit, may impose a tax or license fee under Section 8-11-4 of the Illinois Municipal Code, or impose a similar tax or license fee under home rule powers, upon any commercial vehicle as defined in paragraph

(2) of Section 18b-101 that is registered under Section 3-402.1. This subsection

(b) is a denial and limitation of home rule powers and functions under subsection

(g) of Section 6 of Article VII of the Illinois Constitution.

625 ILCS 5/2-122 — Remittance agents

Sec. 2-122. Remittance agents. The Secretary of State shall administer the law relating to remittance agents pursuant to the law.

625 ILCS 5/2-123 — Sale and distribution of information

Sec. 2-123. Sale and distribution of information.

(a) Except as otherwise provided in this Section, the Secretary may make the driver's license, vehicle and title registration lists, in part or in whole, and any statistical information derived from these lists available to local governments, elected state officials, state educational institutions, and all other governmental units of the State and Federal Government requesting them for governmental purposes. The Secretary shall require any such applicant for services to pay for the costs of furnishing such services and the use of the equipment involved, and in addition is empowered to establish prices and charges for the services so furnished and for the use of the electronic equipment utilized.

(b) The Secretary is further empowered to and he may, in his discretion, furnish to any applicant, other than listed in subsection

(a) of this Section, vehicle or driver data on a computer tape, disk, other electronic format or computer processable medium, or printout at a fixed fee of \$500, in advance, and require in addition a further sufficient deposit based upon the Secretary of State's estimate of the total cost of the information requested and a charge of \$50, per 1,000 units or part thereof identified or the actual cost, whichever is greater. The Secretary is authorized to refund any difference between the additional deposit and the actual cost of the request. This service shall not be in lieu of an abstract of a driver's record nor of a title or registration search. This service may be limited to entities purchasing a minimum number of records as required by administrative rule. The information sold pursuant to this subsection shall be the entire vehicle or driver data list, or part thereof. The information sold pursuant to this subsection shall not contain personally identifying information unless the information is to be used for one of the purposes identified in subsection (f-5) of this Section. Commercial purchasers of driver and vehicle record databases shall enter into a written agreement with the Secretary of State that includes disclosure of the commercial use of the information to be purchased. (b-1) The Secretary is further empowered

to and may, in his or her discretion, furnish vehicle or driver data on a computer tape, disk, or other electronic format or computer processible medium, at no fee, to any State or local governmental agency that uses the information provided by the Secretary to transmit data back to the Secretary that enables the Secretary to maintain accurate driving records, including dispositions of traffic cases. This information may be provided without fee not more often than once every 6 months.

(c) Secretary of State may issue registration lists. The Secretary of State may compile a list of all registered vehicles. Each list of registered vehicles shall be arranged serially according to the registration numbers assigned to registered vehicles and may contain in addition the names and addresses of registered owners and a brief description of each vehicle including the serial or other identifying number thereof. Such compilation may be in such form as in the discretion of the Secretary of State may seem best for the purposes intended.

(d) The Secretary of State shall furnish no more than 2 current available lists of such registrations to the sheriffs of all counties and to the chiefs of police of all cities and villages and towns of 2,000 population and over in this State at no cost. Additional copies may be purchased by the sheriffs or chiefs of police at the fee of \$500 each or at the cost of producing the list as determined by the Secretary of State. Such lists are to be used for governmental purposes only.

(e) (Blank). (e-1) (Blank).

(f) The Secretary of State shall make a title or registration search of the records of his office and a written report on the same for any person, upon written application of such person, accompanied by a fee of \$5 for each registration or title search. The written application shall set forth the intended use of the requested information. No fee shall be charged for a title or registration search, or for the certification thereof requested by a government agency. The report of the title or registration search shall not contain personally identifying information unless the request for a search was made for one of the purposes identified in subsection (f-5) of this Section. The report of the title or registration search shall not contain highly restricted personal information unless specifically authorized by this Code. The Secretary of State shall certify a title or registration record upon written request. The fee for certification shall be \$5 in addition to the fee required for a title or registration search. Certification shall be made under the signature of the Secretary of State and shall be authenticated by Seal of the Secretary of State. The Secretary of State may notify the vehicle owner or registrant of the request for purchase of his title or registration information as the Secretary deems appropriate. No information shall be released to the requester until expiration of a 10-day period. This 10-day period shall not apply to requests for information made by law enforcement officials, government agencies, financial institutions, attorneys, insurers, employers, automobile associated businesses, persons licensed as a private detective or firms licensed as a private detective agency under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004, who are employed by or are acting on behalf of law enforcement officials, government agencies, financial institutions, attorneys, insurers, employers, automobile associated businesses, and other business entities for purposes consistent with the Illinois Vehicle Code, the vehicle owner or registrant or other entities as the Secretary may exempt by rule and regulation. Any misrepresentation made by a requester of title or vehicle information shall be punishable as a petty offense, except in the case of persons licensed as a private detective or firms licensed as a private detective agency which shall be subject to disciplinary sanctions under Section 40-10 of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. (f-5) The Secretary of State shall not disclose or otherwise make available to any person or entity any personally identifying information obtained by the Secretary of State in connection with a driver's license, vehicle, or title registration record unless the information is disclosed for one of the following purposes:

(1) For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a federal, State, or local agency in carrying out its functions.

(2) For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts, and dealers; and removal of non-owner records from the original owner records of motor vehicle manufacturers.

(3) For use in the normal course of business by a legitimate business or its agents, employees, or contractors, but only: (A) to verify the accuracy of personal information submitted by an individual to the business or its agents, employees, or contractors; and (B) if such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.

(4) For use in research activities and for use in producing statistical reports, if the personally identifying information is not published, redisclosed, or used to contact individuals.

- (5) For use in connection with any civil, criminal, administrative, or arbitral proceeding in any federal, State, or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a federal, State, or local court.
- (6) For use by any insurer or insurance support organization or by a self-insured entity or its agents, employees, or contractors in connection with claims investigation activities, antifraud activities, rating, or underwriting.
- (7) For use in providing notice to the owners of towed or impounded vehicles.
- (8) For use by any person licensed as a private detective or firm licensed as a private detective agency under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004, private investigative agency or security service licensed in Illinois for any purpose permitted under this subsection.
- (9) For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under chapter 313 of title 49 of the United States Code.
- (10) For use in connection with the operation of private toll transportation facilities.
- (11) For use by any requester, if the requester demonstrates it has obtained the written consent of the individual to whom the information pertains.
- (12) For use by members of the news media, as defined in Section 1-148.5, for the purpose of newsgathering when the request relates to the operation of a motor vehicle or public safety.
- (13) For any other use specifically authorized by law, if that use is related to the operation of a motor vehicle or public safety. (f-6) The Secretary of State shall not disclose or otherwise make available to any person or entity any highly restricted personal information obtained by the Secretary of State in connection with a driver's license, vehicle, or title registration record unless specifically authorized by this Code.
- (g) 1. The Secretary of State may, upon receipt of a written request and a fee as set forth in Section 6-118, furnish to the person or agency so requesting a driver's record or data contained therein. Such document may include a record of: current driver's license issuance information, except that the information on judicial driving permits shall be available only as otherwise provided by this Code; convictions; orders entered revoking, suspending or cancelling a driver's license or privilege; and notations of crash involvement. All other information, unless otherwise permitted by this Code, shall remain confidential. Information released pursuant to a request for a driver's record shall not contain personally identifying information, unless the request for the driver's record was made for one of the purposes set forth in subsection (f-5) of this Section. The Secretary of State may, without fee, allow a parent or guardian of a person under the age of 18 years, who holds an instruction permit or graduated driver's license, to view that person's driving record online, through a computer connection. The parent or guardian's online access to the driving record will terminate when the instruction permit or graduated driver's license holder reaches the age of 18. 2. The Secretary of State shall not disclose or otherwise make available to any person or entity any highly restricted personal information obtained by the Secretary of State in connection with a driver's license, vehicle, or title registration record unless specifically authorized by this Code. The Secretary of State may certify an abstract of a driver's record upon written request therefor. Such certification shall be made under the signature of the Secretary of State and shall be authenticated by the Seal of his office. 3. All requests for driving record information shall be made in a manner prescribed by the Secretary and shall set forth the intended use of the requested information. The Secretary of State may notify the affected driver of the request for purchase of his driver's record as the Secretary deems appropriate. No information shall be released to the requester until expiration of a 10-day period. This 10-day period shall not apply to requests for information made by law enforcement officials, government agencies, financial institutions, attorneys, insurers, employers, automobile associated businesses, persons licensed as a private detective or firms licensed as a private detective agency under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004, who are employed by or are acting on behalf of law enforcement officials, government agencies, financial institutions, attorneys, insurers, employers, automobile associated businesses, and other business entities for purposes consistent with the Illinois Vehicle Code, the affected driver or other entities as the Secretary may exempt by rule and regulation. Any misrepresentation made by a requester of driver information shall be punishable as a petty offense, except in the case of persons licensed as a private detective or firms licensed as a private detective agency which shall be subject to disciplinary sanctions under Section 40-10 of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. 4. The Secretary of State may furnish without fee, upon the written request of a law enforcement agency, any information from a driver's record on file with the Secretary of State when such information is required in the enforcement of this Code or any other law relating to the

operation of motor vehicles, including records of dispositions; documented information involving the use of a motor vehicle; whether such individual has, or previously had, a driver's license; and the address and personal description as reflected on said driver's record. 5. Except as otherwise provided in this Section, the Secretary of State may furnish, without fee, information from an individual driver's record on file, if a written request therefor is submitted by any public transit system or authority, public defender, law enforcement agency, a state or federal agency, or an Illinois local intergovernmental association, if the request is for the purpose of a background check of applicants for employment with the requesting agency, or for the purpose of an official investigation conducted by the agency, or to determine a current address for the driver so public funds can be recovered or paid to the driver, or for any other purpose set forth in subsection (f-5) of this Section. The Secretary may also furnish the courts a copy of an abstract of a driver's record, without fee, subsequent to an arrest for a violation of Section 11-501 or a similar provision of a local ordinance. Such abstract may include records of dispositions; documented information involving the use of a motor vehicle as contained in the current file; whether such individual has, or previously had, a driver's license; and the address and personal description as reflected on said driver's record. 6. Any certified abstract issued by the Secretary of State or transmitted electronically by the Secretary of State pursuant to this Section, to a court or on request of a law enforcement agency, for the record of a named person as to the status of the person's driver's license shall be prima facie evidence of the facts therein stated and if the name appearing in such abstract is the same as that of a person named in an information or warrant, such abstract shall be prima facie evidence that the person named in such information or warrant is the same person as the person named in such abstract and shall be admissible for any prosecution under this Code and be admitted as proof of any prior conviction or proof of records, notices, or orders recorded on individual driving records maintained by the Secretary of State. 7. Subject to any restrictions contained in the Juvenile Court Act of 1987, and upon receipt of a proper request and a fee as set forth in Section 6-118, the Secretary of State shall provide a driver's record or data contained therein to the affected driver, or the affected driver's attorney, upon verification. Such record shall contain all the information referred to in paragraph 1 of this subsection

(g) plus: any recorded crash involvement as a driver; information recorded pursuant to subsection

(e) of Section 6-117 and paragraph

(4) of subsection

(a) of Section 6-204 of this Code. All other information, unless otherwise permitted by this Code, shall remain confidential.

(h) The Secretary shall not disclose social security numbers or any associated information obtained from the Social Security Administration except pursuant to a written request by, or with the prior written consent of, the individual except:

(1) to officers and employees of the Secretary who have a need to know the social security numbers in performance of their official duties,

(2) to law enforcement officials for a civil or criminal law enforcement investigation, and if an officer of the law enforcement agency has made a written request to the Secretary specifying the law enforcement investigation for which the social security numbers are being sought, though the Secretary retains the right to require additional verification regarding the validity of the request,

(3) to the United States Department of Transportation, or any other State, pursuant to the administration and enforcement of the Commercial Motor Vehicle Safety Act of 1986 or participation in State-to-State verification service,

(4) pursuant to the order of a court of competent jurisdiction,

(5) to the Department of Healthcare and Family Services (formerly Department of Public Aid) for utilization in the child support enforcement duties assigned to that Department under provisions of the Illinois Public Aid Code after the individual has received advanced meaningful notification of what redisclosure is sought by the Secretary in accordance with the federal Privacy Act, (5.5) to the Department of Healthcare and Family Services and the Department of Human Services solely for the purpose of verifying Illinois residency where such residency is an eligibility requirement for benefits under the Illinois Public Aid Code or any other health benefit program administered by the Department of Healthcare and Family Services or the Department of Human Services,

(6) to the Illinois Department of Revenue solely for use by the Department in the collection of any tax or debt that the Department of Revenue is authorized or required by law to collect, provided that the Department shall not disclose the social security number to any person or entity outside of the Department,

(7) to the Illinois Department of Veterans Affairs for the purpose of confirming veteran status, or

(8) the last 4 digits to the Illinois State Board of Elections for purposes of voter registration and as may be required pursuant to an agreement for a multi-state voter registration list maintenance system. If social security information is disclosed by the Secretary in accordance with this Section, no liability shall rest with the Office of the Secretary of State or any of its officers or employees, as the information is released for official purposes only.

(i) (Blank).

(j) Medical statements or medical reports received in the Secretary of State's Office shall be confidential. Except as provided in this Section, no confidential information may be open to public inspection or the contents disclosed to anyone, except officers and employees of the Secretary who have a need to know the information contained in the medical reports and the Driver License Medical Advisory Board, unless so directed by an order of a court of competent jurisdiction. If the Secretary receives a medical report regarding a driver that does not address a medical condition contained in a previous medical report, the Secretary may disclose the unaddressed medical condition to the driver or his or her physician, or both, solely for the purpose of submission of a medical report that addresses the condition.

(k) Beginning July 1, 2023, disbursement of fees collected under this Section shall be as follows:

(1) of the \$20 fee for a driver's record, \$11 shall be paid into the Secretary of State Special Services Fund, and \$6 shall be paid into the General Revenue Fund;

(2) 50% of the amounts collected under subsection

(b) shall be paid into the General Revenue Fund; and

(3) all remaining fees shall be disbursed under subsection

(g) of Section 2-119 of this Code.

(l) (Blank).

(m) Notations of crash involvement that may be disclosed under this Section shall not include notations relating to damage to a vehicle or other property being transported by a tow truck. This information shall remain confidential, provided that nothing in this subsection

(m) shall limit disclosure of any notification of crash involvement to any law enforcement agency or official.

(n) Requests made by the news media for driver's license, vehicle, or title registration information may be furnished without charge or at a reduced charge, as determined by the Secretary, when the specific purpose for requesting the documents is deemed to be in the public interest. Waiver or reduction of the fee is in the public interest if the principal purpose of the request is to access and disseminate information regarding the health, safety, and welfare or the legal rights of the general public and is not for the principal purpose of gaining a personal or commercial benefit. The information provided pursuant to this subsection shall not contain personally identifying information unless the information is to be used for one of the purposes identified in subsection (f-5) of this Section.

(o) The redisclosure of personally identifying information obtained pursuant to this Section is prohibited, except to the extent necessary to effectuate the purpose for which the original disclosure of the information was permitted.

(p) The Secretary of State is empowered to adopt rules to effectuate this Section.

625 ILCS 5/2-123.5 — Confidentiality of highly restricted personal information contained in vehicle title and registration records

Sec. 2-123.5. Confidentiality of highly restricted personal information contained in vehicle title and registration records.

(a) An individual's photograph or image, signature, social security number, personal email address, and medical or disability information as may be submitted to the Secretary of State for purposes of a vehicle title and registration application shall be confidential and shall not be disclosed, except as provided under this Section.

(b) Except for medical or disability information and social security numbers, any information deemed confidential under subsection

(a) may be disclosed to the following persons:

(1) the individual to whom the application and personal information pertains, upon written request of that person;

(2) officers and employees of the Secretary of State who have a need to have access to such personal information for purposes related to vehicle title and registration administration as authorized under this Code;

- (3) law enforcement officials for a civil or criminal law enforcement investigation, except as restricted by Section 6-110.3, Section 3.5 of the Uniform Interstate Depositions and Discovery Act, or the Lawful Health Care Activity Act; and
- (4) a person requesting disclosure of such information pursuant to a court order directing the Secretary of State to release the requested confidential information.
- (c) Medical or disability information deemed confidential under this Section may be disclosed as provided under subsection
- (j) of Section 2-123.
- (d) Social security numbers or any associated information obtained from the Social Security Administration deemed confidential under this Section may be disclosed as provided under subsection
- (h) of Section 2-123.

625 ILCS 5/2-124 — Audits, interest and penalties

Sec. 2-124. Audits, interest and penalties.

- (a) Audits. The Secretary of State or employees and agents designated by him, may audit the books, records, tax returns, reports, and any and all other pertinent records or documents of any person licensed or registered, or required to be licensed or registered, under any provisions of this Act, for the purpose of determining whether such person has not paid any fees or taxes required to be paid to the Secretary of State and due to the State of Illinois. For purposes of this Section, "person" means an individual, corporation, or partnership, or an officer or an employee of any corporation, including a dissolved corporation, or a member or an employee of any partnership, who as an officer, employee, or member under a duty to perform the act in respect to which the violation occurs.
- (b) Joint Audits. The Secretary of State may enter into reciprocal audit agreements with officers, agents or agencies of another State or States, for joint audits of any person subject to audit under this Act.
- (c) Special Audits. If the Secretary of State is not satisfied with the books, records and documents made available for an audit, or if the Secretary of State is unable to determine therefrom whether any fees or taxes are due to the State of Illinois, or if there is cause to believe that the person audited has declined or refused to supply the books, records and documents necessary to determine whether a deficiency exists, the Secretary of State may either seek a court order for production of any and all books, records and documents he deems relevant and material, or, in his discretion, the Secretary of State may instead give written notice to such person requiring him to produce any and all books, records and documents necessary to properly audit and determine whether any fees or taxes are due to the State of Illinois. If such person fails, refuses or declines to comply with either the court order or written notice within the time specified, the Secretary of State shall then order a special audit at the expense of the person affected. Upon completion of the special audit, the Secretary of State shall determine if any fees or taxes required to be paid under this Act have not been paid, and make an assessment of any deficiency based upon the books, records and documents available to him, and in an assessment, he may rely upon records of other persons having an operation similar to that of the person audited specially. A person audited specially and subject to a court order and in default thereof, shall in addition, be subject to any penalty or punishment imposed by the court entering the order.
- (d) Deficiency; Audit Costs. When a deficiency is found and any fees or taxes required to be paid under this Act have not been paid to the State of Illinois, the Secretary of State may impose an audit fee of \$100 per day, or \$50 per half-day, per auditor, plus in the case of out-of-state travel, transportation expenses incurred by the auditor or auditors. Where more than one person is audited on the same out-of-state trip, the additional transportation expenses may be apportioned. The actual costs of a special audit shall be imposed upon the person audited.
- (e) Interest. When a deficiency is found and any fees or taxes required to be paid under this Act have not been paid to the State of Illinois, the amount of the deficiency, if greater than \$100 for all registration years examined, shall also bear interest at the rate of 1/2 of 1% per month or fraction thereof, from the date when the fee or tax due should have been paid under the provisions of this Act, subject to a maximum of 6% per annum.
- (f) Willful Negligence. When a deficiency is determined by the Secretary to be caused by the willful neglect or negligence of the person audited, an additional 10% penalty, that is 10% of the amount of the deficiency or assessment, shall be imposed, and the 10% penalty shall bear interest at the rate of 1/2 of 1% on and after the 30th day after the penalty is imposed until paid in full.

(g) Fraud or Evasion. When a deficiency is determined by the Secretary to be caused by fraud or willful evasion of the provisions of this Act, an additional penalty, that is 20% of the amount of the deficiency or assessment, shall be imposed, and the 20% penalty shall bear interest at the rate of 1/2 of 1% on and after the 30th day after the penalty is imposed until paid in full.

(h) Notice. The Secretary of State shall give written notice to any person audited, of the amount of any deficiency found or assessment made, of the costs of an audit or special audit, and of the penalty imposed, and payment shall be made within 30 days of the date of the notice unless such person petitions for a hearing. However, except in the case of fraud or willful evasion, or the inaccessibility of books and records for audit or with the express consent of the person audited, no notice of a deficiency or assessment shall be issued by the Secretary for more than 3 registration years. This limitation shall commence on any January 1 as to calendar year registrations and on any July 1 as to fiscal year registrations. This limitation shall not apply for any period during which the person affected has declined or refuses to make his books and records available for audit, nor during any period of time in which an Order of any Court has the effect of enjoining or restraining the Secretary from making an audit or issuing a notice. Notwithstanding, each person licensed under the International Registration Plan and audited by this State or any member jurisdiction shall follow the assessment and refund procedures as adopted and amended by the International Registration Plan members. The Secretary of State shall have the final decision as to which registrants may be subject to the netting of audit fees as outlined in the International Registration Plan. Persons audited may be subject to a review process to determine the final outcome of the audit finding. This process shall follow the adopted procedure as outlined in the International Registration Plan. All decisions by the IRP designated tribunal shall be binding.

(i) Every person subject to licensing or registration and audit under the provisions of this Chapter shall retain all pertinent licensing and registration documents, books, records, tax returns, reports and all supporting records and documents for a period of 4 years.

(j) Hearings. Any person receiving written notice of a deficiency or assessment may, within 30 days after the date of the notice, petition for a hearing before the Secretary of State or his duly appointed hearing officer to contest the audit in whole or in part, and the petitioner shall simultaneously file a certified check or money order, or certificate of deposit, or a surety bond approved by the Secretary in the amount of the deficiency or assessment. Hearings shall be held pursuant to the provisions of Section 2-118 of this Act.

(k) Judgments. The Secretary of State may enforce any notice of deficiency or assessment pursuant to the provisions of Section 3-831 of this Act.

625 ILCS 5/2-125

Sec. 2-125. The Secretary of State may in his discretion set maximum fees charged by any person, firm, corporation or private institution within the State of Illinois concerning the acceptance of applications for registration, certificate of title, or drivers license and for the distribution of motor vehicle license plates and other related functions of the Office. The Secretary of State may adopt and promulgate such rules and regulations as he shall deem necessary to effectuate and administer the provisions of this Section.

625 ILCS 5/2-126

Sec. 2-126. Employees and agents of the Secretary of State, designated by him, who are employed at Drivers License Exam Stations throughout the State are authorized to deposit, on a temporary basis, fees and moneys collected at such stations in banks or savings and loan associations designated by the Secretary of State. Provided, however, that when such funds collected amount to \$500 or more, or on the next succeeding 1st or 15th (disregarding Sundays and holidays) day of each month, whichever is earlier, such fees and moneys shall be forwarded to the Secretary of State by such designated banks or savings and loan associations for deposit with the State Treasurer. No bank or savings and loan association shall receive public funds as permitted by this Section, unless it has complied with the requirements established pursuant to Section 6 of "An Act relating to certain investments of public funds by public agencies", approved July 23, 1943, as now or hereafter amended.

625 ILCS 5/2-127

Sec. 2-127. The Secretary of State shall compile and maintain a listing of those services and agencies, both public and private, that provide transportation to senior citizens and shall make this information available to the public through the Drivers License Exam Stations.

625 ILCS 5/2-127.5 — Literacy and English as a second language classes

Sec. 2-127.5. Literacy and English as a second language classes. At Secretary of State Driver Service facilities, the Secretary shall provide a pamphlet or post information informing customers of the availability of literacy and English as a second language classes. The Secretary may satisfy this requirement by providing the Internet address of a not-for-profit entity offering this information.

625 ILCS 5/2-128

Sec. 2-128. (Repealed).

625 ILCS 5/2-129 — Expiration dates

Sec. 2-129. Expiration dates. All expiration periods set forth in this Code shall be subject to the provisions of Section 30 of the Secretary of State Act.

625 ILCS 5/2-130 — User of automated license plate readers; prohibitions

Sec. 2-130. User of automated license plate readers; prohibitions.

(a) As used in this Section: "Automated license plate reader" or "ALPR" means an electronic device that is mounted on a law enforcement vehicle or positioned in a stationary location and that is capable of recording data on or taking a photograph of a vehicle or its license plate and comparing the collected data and photographs to existing law enforcement databases for investigative purposes. "ALPR" includes a device that is owned or operated by a person or an entity other than a law enforcement agency to the extent that data collected by the reader is shared with a law enforcement agency. "ALPR information" means information gathered by an ALPR or created from the analysis of data generated by an ALPR. "ALPR systems" means multi-agency or vendor agreements that allow the sharing of ALPR information collected in Illinois. "ALPR user" means a person or entity that owns or operates an ALPR device. "Law enforcement agency" means a State or local agency, unit of local government, or private entity charged with the enforcement of State, county, or municipal laws or with managing custody of detained persons in any state or jurisdiction.

(b) An ALPR user shall not sell, share, allow access to, or transfer ALPR information to any state or local jurisdiction for the purpose of investigating or enforcing a law that:

(1) denies or interferes with a person's right to choose or obtain reproductive health care services or any lawful health care services as defined by the Lawful Health Care Activity Act; or

(2) permits the detention or investigation of a person based on the person's immigration status.

(c) Any ALPR user in this State, including any law enforcement agency of this State that uses ALPR systems, shall not share ALPR information with an out-of-state law enforcement agency without first obtaining a written declaration from the out-of-state law enforcement agency that it expressly affirms that ALPR information obtained shall not be used in a manner that violates subsection (b). If a written declaration of affirmation is not executed, the law enforcement agency shall not share the ALPR information with the out-of-state law enforcement agency.

(d) ALPR information shall be held confidentially to the fullest extent permitted by law.

(e) Nothing in this Act shall define or limit any rights under the Reproductive Health Act.

625 ILCS 5/3-100 — Definitions

Sec. 3-100. Definitions. For the purposes of this Chapter, the following words shall have the meanings ascribed to them: "Electronic" includes electrical, digital, magnetic, optical, electromagnetic, or any other form of technology that entails capabilities similar to these technologies. "Electronic record" means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another. "Electronic signature" means a signature in electronic form attached to or logically associated with an electronic record. "Owner" means a person who holds legal document of ownership of a vehicle, limited to a certificate of origin, certificate of title, salvage certificate, or junking certificate. However, in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of such vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this Chapter, except as provided under paragraph

(c) of Section 3-118. "Record" means information that is inscribed, stored, or otherwise fixed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form. "Signature" or "signed" includes any symbol executed or adopted, or any security procedure employed or adopted, using electronic means or otherwise, by or on behalf of a person with intent to authenticate a record. "Vehicle" means a vehicle as defined in Section 1-217 of this Code. Unless otherwise specified, "vehicle" also means a "manufactured home" as defined in Section 1-144.03 of this Code.

625 ILCS 5/3-100.1 — Use of electronic records

Sec. 3-100.1. Use of electronic records.

(a) To the extent authorized by the Secretary of State and in accordance with standards and procedures prescribed by the Secretary of State:

(1) Certificates, certifications, affidavits, applications, assignments, statements, notices, documents, and other records required under this Chapter may be created, distributed, and received in electronic form.

(2) Signatures required under this Chapter may be made as electronic signatures or may be waived.

(3) Delivery of records required under this Chapter may be made by any means, including electronic delivery.

(4) Fees and taxes required to be paid under this Chapter may be made by electronic means; provided that any forms, records, electronic records, and methods of electronic payment relating to the filing and payment of taxes shall be prescribed by the Department of Revenue. (a-5) No later than July 1, 2022, the Secretary of State shall implement, manage, and administer an electronic lien and title system that will permit a lienholder to perfect, assign, and release a lien under this Code. The system may include the points in subsection

(a) as to the identified objectives of the program. The Secretary shall establish by administrative rule the standards and procedures relating to the management and implementation of the mandatory electronic lien and title system established under this subsection. The Secretary may charge a reasonable fee for performing the services and functions relating to the management and administration of the system. The fee shall be set by administrative rule adopted by the Secretary.

(b) Electronic records accepted by the Secretary of State have the same force and effect as records created on paper by writing, typing, printing, or similar means. The procedures established by the Secretary of State concerning the acceptance of electronic filings and electronic records shall ensure that the electronic filings and electronic records are received and stored accurately and that they are readily available to satisfy any statutory requirements that call for a written record.

(c) Electronic signatures accepted by the Secretary of State shall have the same force and effect as manual signatures.

(d) Electronic delivery of records accepted by the Secretary of State shall have the same force and effect as physical delivery of records.

(e) Electronic records and electronic signatures accepted by the Secretary of State shall be admissible in all administrative, quasi-judicial, and judicial proceedings. In any such proceeding, nothing in the application of the rules of evidence shall apply so as to deny the admissibility of an electronic record or electronic signature into evidence on the sole ground that it is an electronic record or electronic signature, or on the grounds that it is not in its original form or is not an original. Information in the form of an electronic record shall be given due evidentiary weight by the trier of fact.

(f) The Secretary may contract with a private contractor to carry out the Secretary's duties under this Section.

625 ILCS 5/3-100.2 — Electronic access; agreements with submitters

Sec. 3-100.2. Electronic access; agreements with submitters.

(a) No later than July 1, 2022, the Secretary of State shall require a licensee under Chapter 3 or 5 of this Code to submit any record required to be submitted to the Secretary of State by using electronic media deemed feasible by the Secretary of State. The Secretary of State may also require the licensee to submit the original paper record. The Secretary of State shall also require a person or licensee to receive any record to be provided by the Secretary of State by using electronic media deemed feasible by the Secretary of State, instead of providing the original paper record.

(b) No later than July 1, 2022, electronic submittal, receipt, and delivery of records and electronic signatures shall be supported by a signed agreement between the Secretary of State and the submitter. The agreement shall require, at a minimum, each record to include all information necessary to complete a transaction, certification by the submitter upon its best knowledge as to the truthfulness of the data to be submitted to the Secretary of State, and retention by the

submitter of supporting records.

(c) No later than July 1, 2022, the Secretary of State shall establish minimum transaction volume levels, audit and security standards, technological requirements, and other terms and conditions he or she deems necessary for approval of the electronic delivery process.

(d) When an agreement is made to accept electronic records, the Secretary of State shall not be required to produce a written record for the submitter with whom the Secretary of State has the agreement until requested to do so by the submitter.

(e) No later than July 1, 2022, the Secretary of State shall provide electronic notification to the lienholder submitter to verify the notation and perfection of the lienholder's security interest in a vehicle on the certificate of title required to be created as an electronic record under Section 3-100.1. Upon receipt of an electronic message from a lienholder submitter with a security interest in a vehicle for which the certificate of title is an electronic record that the lien should be released, the Secretary of State shall enter the appropriate electronic record of the release of lien and print and mail a paper certificate of title to the owner or lienholder at no expense. The Secretary of State may also mail the certificate to any other person that delivers to the Secretary of State an authorization from the owner to receive the certificate. If another lienholder holds a properly perfected security interest in the vehicle as reflected in the records of the Secretary of State, the certificate shall be delivered to that lienholder instead of the owner.

(f) The Secretary may contract with a private contractor to carry out the Secretary's duties under this Section.

625 ILCS 5/3-100.3 — Rules

Sec. 3-100.3. Rules. The Secretary of State may adopt rules to implement this Article.

625 ILCS 5/3-101 — Certificate of title required

Sec. 3-101. Certificate of title required.

(a) Except as provided in Section 3-102, every owner of a vehicle which is in this State and for which no Illinois certificate of title has been issued by the Secretary of State shall make application to the Secretary of State for an Illinois certificate of title of the vehicle. Except as provided in Section 3-102, every owner of a vehicle, excluding vehicles acquired by insurance companies through a settlement of an insurance claim or by lienholders taking title through repossession, that is in this State for which no Illinois certificate of title has been issued by the Secretary of State and every owner of a vehicle that is in the State applying for a duplicate certificate of title or a corrected certificate of title, including a dealer lien release certificate of title, must make application to the Secretary of State for an Illinois duplicate certificate of title or corrected certificate of title. A certificate of title issued to any owner of a vehicle, excluding vehicles acquired by insurance companies through a settlement of an insurance claim or by lienholders taking title through repossession, in this State showing an Illinois address for the owner that has been issued by an entity other than the Secretary of State must be converted to an Illinois title before the owner can transfer ownership of the vehicle. Under no circumstances shall a dealer required to obtain an Illinois certificate of title pursuant to this Code be allowed to obtain an out-of-state certificate of title for purposes of a vehicle held for sale in this State by the dealer. Under no circumstances shall a dealer be allowed to obtain an out-of-state certificate of title in lieu of an Illinois-issued dealer lien release certificate of title when a dealer may have need of such title issuance. Nothing in this Section shall be construed so as to allow a dealer to acquire an out-of-state certificate of title in lieu of acquiring an Illinois certificate of title for purposes of a vehicle held for sale in this State by the dealer.

(b) Every owner of a motorcycle or motor driven cycle purchased new on and after January 1, 1980 shall make application to the Secretary of State for a certificate of title. However, if such cycle is not properly manufactured or equipped for general highway use pursuant to the provisions of this Act, it shall not be eligible for license registration, but shall be issued a distinctive certificate of title except as provided in Sections 3-102 and 3-110 of this Act.

(c) The Secretary of State shall not register or renew the registration of a vehicle unless a certificate of title has been issued by the Secretary of State to the owner or an application therefor has been delivered by the owner to the Secretary of State.

(d) Every owner of an all-terrain vehicle or off-highway motorcycle purchased on or after January 1, 1998 shall make application to the Secretary of State for a certificate of title.

(e) Every owner of a low-speed vehicle manufactured after January 1, 2010 shall make application to the Secretary of State for a certificate of title.

625 ILCS 5/3-102 — Exclusions

Sec. 3-102. Exclusions. No certificate of title need be obtained for: 1. a vehicle owned by the State of Illinois; or a vehicle owned by the United States unless it is registered in this State; 2. a vehicle owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used for purposes of testing or demonstration, provided a dealer reassignment area is still available on the manufacturer's certificate of origin or the Illinois title; or a vehicle used by a manufacturer solely for testing; 3. a vehicle owned by a non-resident of this State and not required by law to be registered in this State; 4. a motor vehicle regularly engaged in the interstate transportation of persons or property for which a currently effective certificate of title has been issued in another State; 5. a vehicle moved solely by animal power; 6. an implement of husbandry; 7. special mobile equipment; 8. an apportionable trailer or an apportionable semitrailer registered in the State prior to April 1, 1998; 9. a manufactured home for which an affidavit of affixation has been recorded pursuant to the Conveyance and Encumbrance of Manufactured Homes as Real Property and Severance Act unless with respect to the same manufactured home there has been recorded an affidavit of severance pursuant to that Act; 10. low-speed electric scooters.

625 ILCS 5/3-103 — Optional certificate of title

Sec. 3-103. Optional certificate of title.

(a) The owner of an implement of husbandry or special mobile equipment may apply for and obtain a certificate of title on it. All of the provisions of this chapter, except part

(e) of Section 3-104, are applicable to a certificate of title so issued, except that a person who receives a transfer of an interest in the vehicle without knowledge of the certificate of title is not prejudiced by reason of the existence of the certificate, and the perfection of a security interest under this Act is not effective until the lienholder has complied with the provisions of applicable law which otherwise relate to the perfection of security interests in personal property. An application for an optional certificate of title must be accompanied by either an exemption determination from the Department of Revenue showing that no tax imposed under the "Use Tax Act" or the "Retailers' Occupation Tax Act" is owed by anyone with respect to that vehicle or by a receipt from the Department of Revenue showing that any tax so imposed has been paid. No optional certificate of title shall be issued in the absence of such a receipt or exemption determination. If the proof of payment or of nonliability is, after the issuance of the optional certificate of title, found to be invalid, the Secretary of State shall revoke the optional certificate of title and require that it be returned to him.

(b) The owner of a manufactured home which is affixed to a permanent foundation and for which a certificate of title has not previously been issued and surrendered for cancellation may apply for a certificate of title, including, if applicable, a certificate of title issued in accordance with subsection

(b) of Section 3-109, which shall be issued for the sole purpose of

(i) surrendering such certificate of title for cancellation in accordance with Section 3-116.2 or (ii) satisfying the requirements of subdivision (e)(4) of Section 9-334 of the Uniform Commercial Code. The Secretary of State shall issue a certificate of title, in accordance with this Chapter, upon satisfaction of the application requirements of this Code.

625 ILCS 5/3-104 — Application for certificate of title

Sec. 3-104. Application for certificate of title.

(a) The application for a certificate of title for a vehicle in this State must be made by the owner to the Secretary of State on the form prescribed and must contain: 1. The name, Illinois residence or Illinois place of business, mail address, and, if available, email address of the owner. For the purposes of this subsection "Illinois place of business" means an Illinois location leased or owned by a business, or in the case of an insurance carrier, their contracted salvage disposal vendor; 2. A description of the vehicle including, so far as the following data exists: Its make, year-model, identifying number, type of body, whether new or used, as to house trailers as defined in Section 1-128 of this Code, and as to manufactured homes as defined in Section 1-144.03 of this Code, the square footage based upon the outside dimensions excluding the length of the tongue and hitch, and, as to vehicles of the second division, whether for-hire, not-for-hire, or both for-hire and not-for-hire; 3. The date of purchase by applicant and, if applicable, the name and address of the person from whom the vehicle was acquired and the names and addresses of any lienholders in the order of their priority and signatures of owners; 4. The current odometer reading at the time of transfer and that the stated odometer reading is one of the following: actual mileage, not the actual mileage or mileage is in excess of its mechanical limits; and 5. Any further information the Secretary of State reasonably requires to identify the vehicle and to enable him to determine whether the

owner is entitled to a certificate of title and the existence or nonexistence of security interests in the vehicle. (a-5) The Secretary of State shall designate on the prescribed application form a space where the owner of a vehicle may designate a beneficiary, to whom ownership of the vehicle shall pass in the event of the owner's death.

(b) If the application refers to a vehicle purchased from a dealer, it must also be signed by the dealer as well as the owner, and the dealer must promptly mail or deliver the application and required documents to the Secretary of State.

(c) If the application refers to a vehicle last previously registered in another State or country, the application must contain or be accompanied by: 1. Any certified document of ownership so recognized and issued by the other State or country and acceptable to the Secretary of State, and 2. Any other information and documents the Secretary of State reasonably requires to establish the ownership of the vehicle and the existence or nonexistence of security interests in it.

(d) If the application refers to a new vehicle it must be accompanied by the Manufacturer's Statement of Origin, or other documents as required and acceptable by the Secretary of State, with such assignments as may be necessary to show title in the applicant.

(e) If an application refers to a vehicle rebuilt from a vehicle previously salvaged, that application shall comply with the provisions set forth in Sections 3-302 through 3-304 of this Code.

(f) An application for a certificate of title for any vehicle, whether purchased in Illinois or outside Illinois, and even if previously registered in another State, must be accompanied by either an exemption determination from the Department of Revenue showing that no tax imposed pursuant to the Use Tax Act or the vehicle use tax imposed by Section 3-1001 of the Illinois Vehicle Code is owed by anyone with respect to that vehicle, or a receipt from the Department of Revenue showing that any tax so imposed has been paid. An application for a certificate of title for any vehicle purchased outside Illinois, even if previously registered in another state, must be accompanied by either an exemption determination from the Department of Revenue showing that no tax imposed pursuant to the Municipal Use Tax Act or the County Use Tax Act is owed by anyone with respect to that vehicle, or a receipt from the Department of Revenue showing that any tax so imposed has been paid. In the absence of such a receipt for payment or determination of exemption from the Department, no certificate of title shall be issued to the applicant. If the proof of payment of the tax or of nonliability therefor is, after the issuance of the certificate of title and display certificate of title, found to be invalid, the Secretary of State shall revoke the certificate and require that the certificate of title and, when applicable, the display certificate of title be returned to him.

(g) If the application refers to a vehicle not manufactured in accordance with federal safety and emission standards, the application must be accompanied by all documents required by federal governmental agencies to meet their standards before a vehicle is allowed to be issued title and registration.

(h) If the application refers to a vehicle sold at public sale by a sheriff, it must be accompanied by the required fee and a bill of sale issued and signed by a sheriff. The bill of sale must identify the new owner's name and address, the year model, make and vehicle identification number of the vehicle, court order document number authorizing such sale, if applicable, and the name and address of any lienholders in order of priority, if applicable.

(i) If the application refers to a vehicle for which a court of law determined the ownership, it must be accompanied with a certified copy of such court order and the required fee. The court order must indicate the new owner's name and address, the complete description of the vehicle, if known, the name and address of the lienholder, if any, and must be signed and dated by the judge issuing such order.

(j) If the application refers to a vehicle sold at public auction pursuant to the Labor and Storage Lien (Small Amount) Act, it must be accompanied by an affidavit or affirmation furnished by the Secretary of State along with the documents described in the affidavit or affirmation and the required fee.

(k) The Secretary may provide an expedited process for the issuance of vehicle titles. Expedited title applications must be delivered to the Secretary of State's Vehicle Services Department in Springfield by express mail service or hand delivery. Applications must be complete, including necessary forms, fees, and taxes. Applications received before noon on a business day will be processed and shipped that same day. Applications received after noon on a business day will be processed and shipped the next business day. The Secretary shall charge an additional fee of \$30 for this service, and that fee shall cover the cost of return shipping via an express mail service. All fees collected by the Secretary of State for expedited services shall be deposited into the Motor Vehicle License Plate Fund. In the event the Vehicle Services Department determines that the volume of expedited title requests received on a given day exceeds the ability of the Vehicle Services Department to process those requests in an expedited manner, the Vehicle Services Department may decline to provide expedited services, and the additional fee for the expedited service shall be refunded to the applicant.

- (l) If the application refers to a homemade trailer,
 - (i) it must be accompanied by the appropriate documentation regarding the source of materials used in the construction of the trailer, as required by the Secretary of State, (ii) the trailer must be inspected by a Secretary of State employee prior to the issuance of the title, and (iii) upon approval of the Secretary of State, the trailer must have a vehicle identification number, as provided by the Secretary of State, stamped or riveted to the frame.
- (m) The holder of a Manufacturer's Statement of Origin to a manufactured home may deliver it to any person to facilitate conveying or encumbering the manufactured home. Any person receiving any such Manufacturer's Statement of Origin so delivered holds it in trust for the person delivering it.
- (n) Within 45 days after the completion of the first retail sale of a manufactured home, the Manufacturer's Statement of Origin to that manufactured home must be surrendered to the Secretary of State either in conjunction with an application for a certificate of title for that manufactured home or in accordance with Section 3-116.1.
- (o) Each application for certificate of title for a motor vehicle shall be verified by the National Motor Vehicle Title Information System (NMVTIS) for a vehicle history report prior to the Secretary issuing a certificate of title.
- (p) The Secretary, at the Secretary's discretion, may use any commercially available title history service to assist in determining the proper title designation of a motor vehicle before the issuance of a certificate of title.

625 ILCS 5/3-104.1

Sec. 3-104.1. (Repealed).

625 ILCS 5/3-104.5 — Application NMVTIS warnings or errors

Sec. 3-104.5. Application NMVTIS warnings or errors.

- (a) Each application for a certificate of title or a salvage certificate for a motor vehicle that is verified by the National Motor Vehicle Title Information System (NMVTIS) that is returned with a warning or error shall be reviewed by the Secretary of State, or his or her designees, as to whether the warning or error warrants a change to the type of title or brand that is issued to a motor vehicle. If the Secretary needs supplemental information to verify or corroborate the information received from a NMVTIS report, then the Secretary may use any available commercial title history services or other Secretary of State resources to assist in determining the vehicle's proper designation.
- (b) Any motor vehicle application for a certificate of title or a salvage certificate that another state has previously issued a title or brand indicating that the status of the motor vehicle is equivalent to a junk vehicle, as defined in Section 1-134.1 of this Code, shall receive a title with a "prior out of state junk" brand if that history item was issued 120 months or more before the date of the submission of the current application for title.
- (c) Any motor vehicle application for a certificate of title or a salvage certificate that is returned with a NMVTIS warning or error indicating that another state has previously issued a title or brand indicating the status of the motor vehicle is equivalent to a junk vehicle, as defined in Section 1-134.1 of this Code, shall be issued a junk certificate that reflects the motor vehicle's structural history, if the previously issued title or brand from another state was issued less than 120 months before the date of the submission of the current application for title.
- (d) Any motor vehicle application for a certificate of title or a salvage certificate that is returned with a NMVTIS warning or error indicating a brand or label from another jurisdiction, that does not have a similar or comparable brand or label in this State, shall include a notation or brand on the certificate of title stating "previously branded".
- (e) Any motor vehicle that is subject to the federal Truth in Mileage Act, and is returned with a NMVTIS warning or error indicating the stated mileage of the vehicle on the application for certificate of title is 1,500 or fewer miles less than a previously recorded mileage for the vehicle, shall be deemed as having an acceptable margin of error and the higher of the 2 figures shall be indicated on the new certificate of title, if the previous mileage was recorded within 90 days of the date of the current application for title and if there are no indications of fraud or malfeasance, or of altering or tampering with the odometer.
- (f) Any applicant for a certificate of title or a salvage certificate who receives an alternative salvage or junk certificate, or who receives a certificate of title with a brand or label indicating the vehicle was previously rebuilt prior out of state junk, previously branded, or flood, may contest the Secretary's designations by requesting an administrative hearing under Section 2-116 of this Code.
- (g) The Secretary may adopt any rules necessary to implement this Section.

(h) The Secretary, in the Secretary's discretion, may use any commercially available title history service to assist in determining the proper title designation of a motor vehicle before the issuance of a certificate of title.

625 ILCS 5/3-105 — Examination of records

Sec. 3-105. Examination of records. The Secretary of State, upon receiving application for a first certificate of title, shall check the identifying number of the vehicle shown in the application against the records of vehicles required to be maintained by Section 3-107 and against the record of stolen and converted vehicles required to be maintained by Section 4-107.

625 ILCS 5/3-106 — Certificate of title - Issuance - Records

Sec. 3-106. Certificate of title - Issuance - Records.

(a) The Secretary of State shall file each application received and, when satisfied as to its genuineness and regularity, and that no tax imposed by the "Use Tax Act" or the vehicle use tax, as imposed by Section 3-1001 of "The Illinois Vehicle Code", or pursuant to the "Municipal Use Tax Act" or pursuant to the "County Use Tax Act" is owed as evidenced by the receipt for payment or determination of exemption from the Department of Revenue provided for in Section 3-104 of this Act, and that the applicant is entitled to the issuance of a certificate of title, shall issue a certificate of title of the vehicle.

(b) The Secretary of State shall maintain a record of all certificates of title issued by him under a distinctive title number assigned to the vehicle; and, in the discretion of the Secretary of State, in any other method determined.

(c) The Secretary of State shall not issue a certificate of title, including a certificate of title issued in accordance with subsection

(b) of Section 3-109, to a manufactured home for which there has been recorded an affidavit of affixation pursuant to the Conveyance and Encumbrance of Manufactured Homes as Real Property and Severance Act unless with respect to the same manufactured home there has been recorded an affidavit of severance pursuant to the Conveyance and Encumbrance of Manufactured Homes as Real Property and Severance Act.

(d) The Secretary of State shall file, upon receipt, each affidavit of affixation and each affidavit of severance relating to a manufactured home that is delivered in accordance with the Conveyance and Encumbrance of Manufactured Homes as Real Property and Severance Act, when satisfied as to its genuineness and regularity.

(e) The Secretary of State shall maintain a record of each affidavit of affixation and each affidavit of severance filed in accordance with subsection

(d) of this Section. The record shall state the name of the owner of the related manufactured home, the name of manufacturer, model year, manufacturer's serial number, and any other data the Secretary of State prescribes.

(f) The Secretary of State shall file, upon receipt, each application for surrender of the Manufacturer's Statement of Origin relating to a manufactured home that is delivered in accordance with Section 3-116.1, when satisfied as to its genuineness and regularity.

(g) The Secretary of State shall file, upon receipt, each application for surrender of the certificate of title relating to a manufactured home that is delivered in accordance with Section 3-116.2, when satisfied as to its genuineness and regularity.

(h) The Secretary of State shall maintain a record, including a record in the form of a searchable electronic database accessible to the public, of each Manufacturer's Statement of Origin accepted for surrender as provided in Section 3-116.1. The record shall state the date the Manufacturer's Statement of Origin was accepted for surrender, the name of manufacturer, make, model name, model year, manufacturer's serial number, and any other data the Secretary of State prescribes.

(i) The Secretary of State shall maintain a record, including a record in the form of a searchable electronic database accessible to the public, of each manufactured home certificate of title accepted for surrender as provided in Section 3-116.2. The record shall state the date the certificate of title was accepted for surrender, the name of manufacturer, model year, manufacturer's serial number, and any other data the Secretary of State prescribes.

625 ILCS 5/3-107 — Contents and effect

Sec. 3-107. Contents and effect.

(a) Each certificate of title issued by the Secretary of State shall contain: 1. the date issued; 2. the name and address of the owner; 3. the names, addresses, and fax numbers or electronic addresses of any lienholders, in the order of priority as shown on the application or, if the application is based on a certificate of title, as shown on the certificate; 4. the title number assigned to the vehicle; 5. a description of the vehicle including, so far as the following data exists: its make, year-model, identifying number, type of body, whether new or used, as to house trailers as defined in Section 1-128 of this Code, and as to manufactured homes as defined in Section 1-144.03 of this Code, the square footage of the vehicle based upon the outside dimensions excluding the length of the tongue and hitch, and, if a new vehicle, the date of the first sale of the vehicle for use; 6. an odometer certification as provided for in this Code; and 7. any other data the Secretary of State prescribes. (a-5) In the event the applicant seeks to have the vehicle titled as a custom vehicle or street rod, that fact must be stated in the application. The custom vehicle or street rod must be inspected as required by Section 3-406 of this Code prior to issuance of the title. Upon successful completion of the inspection, the vehicle may be titled in the following manner. The make of the vehicle shall be listed as the make of the actual vehicle or the make it is designed to resemble (e.g., Ford or Chevrolet); the model of the vehicle shall be listed as custom vehicle or street rod; and the year of the vehicle shall be listed as the year the actual vehicle was manufactured or the year it is designed to resemble. A vehicle previously titled as other than a custom vehicle or street rod may be issued a corrected title reflecting the custom vehicle or street rod model if it otherwise meets the requirements for the designation. (a-10) In the event the applicant seeks to have the vehicle titled as a glider kit, that fact must be stated in the application. The glider kit must be inspected under Section 3-406 of this Code prior to issuance of the title. Upon successful completion of the inspection, the vehicle shall be titled in the following manner:

(1) the make of the vehicle shall be listed as the make of the chassis or the make it is designed to resemble;

(2) the model of the vehicle shall be listed as glider kit; and

(3) the year of the vehicle shall be listed as the year presented on the manufacturer's certificate of origin for the chassis, unless no year is presented, then it shall be listed as the year the application was received. The vehicle identification number of the chassis shall be assigned to the engine, transmission, and rear axle if the engine, transmission, and rear axle were not previously assigned a vehicle identification number after an inspection under Section 3-406.

(b) The certificate of title shall contain forms for assignment and warranty of title by the owner, and for assignment and warranty of title by a dealer, and may contain forms for applications for a certificate of title by a transferee, the naming of a lienholder and the assignment or release of the security interest of a lienholder. (b-5) The Secretary of State shall designate on a certificate of title a space where the owner of a vehicle may designate a beneficiary, to whom ownership of the vehicle shall pass in the event of the owner's death.

(c) A certificate of title issued by the Secretary of State is prima facie evidence of the facts appearing on it.

(d) A certificate of title for a vehicle is not subject to garnishment, attachment, execution or other judicial process, but this subsection does not prevent a lawful levy upon the vehicle.

(e) Any certificate of title issued by the Secretary of State is subject to a lien in favor of the State of Illinois for any fees or taxes required to be paid under this Act and as have not been paid, as provided for in this Code.

(f) Notwithstanding any other provision of law, a certificate of title issued by the Secretary of State to a manufactured home is prima facie evidence of the facts appearing on it, notwithstanding the fact that such manufactured home, at any time, shall have become affixed in any manner to real property.

625 ILCS 5/3-107.1 — Presumption of tenancy

Sec. 3-107.1. Presumption of tenancy. When a certificate of title is made out to 2 or more persons, it shall be presumed that the title is held as joint tenants with right of survivorship.

625 ILCS 5/3-108 — Delivery

Sec. 3-108. Delivery. The certificate of title shall be mailed or delivered to the first lienholder named in it or, if none, to the owner.

625 ILCS 5/3-109 — Registration without certificate of title; bond

Sec. 3-109. Registration without certificate of title; bond. If the Secretary of State is not satisfied as to the ownership of the vehicle, including, but not limited to, in the case of a manufactured home, a circumstance in which the manufactured home is covered by a Manufacturer's Statement of Origin that the owner of the manufactured home, after diligent search

and inquiry, is unable to produce, or that there are no undisclosed security interests in it, the Secretary of State may register the vehicle but shall:

- (a) Withhold issuance of a certificate of title until the applicant presents documents reasonably sufficient to satisfy the Secretary of State as to the applicant's ownership of the vehicle and that there are no undisclosed security interests in it;
- (b) As a condition of issuing a certificate of title, require the applicant to file with the Secretary of State a bond in the form prescribed by the Secretary of State and executed by the applicant, and either accompanied by the deposit of cash with the Secretary of State or also executed by a person authorized to conduct a surety business in this State. The bond shall be in an amount equal to one and one-half times the value of the vehicle as determined by the Secretary of State and conditioned to indemnify any prior owner and lienholder and any subsequent purchaser of the vehicle or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss or damage, including reasonable attorney's fees, by reason of the issuance of the certificate of title of the vehicle or on account of any defect in or undisclosed security interest upon the right, title and interest of the applicant in and to the vehicle. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond, and any deposit accompanying it, shall be returned at the end of 3 years or prior thereto if
 - (i) the vehicle is no longer registered in this State and the currently valid certificate of title is surrendered to the Secretary of State or (ii) in the case of a certificate of title to a manufactured home, the currently valid certificate of title is surrendered to the Secretary of State in accordance with Section 3-116.2; unless the Secretary of State has been notified of the pendency of an action to recover on the bond; or (b-5) Require the applicant to file with the Secretary of State an application for a provisional title in the form prescribed by the Secretary and executed by the applicant, and accompanied by a \$50 fee to be deposited in the CDLIS/AAMVAnet/NMVTIS Trust Fund. The Secretary shall designate by rule the documentation acceptable for an individual to apply for a provisional title. A provisional title shall be valid for 3 years and is nontransferable for the 3-year period. A provisional title shall be clearly marked and otherwise distinguished from a certificate of title. Three years after the issuance of a provisional title, the provisional title holder shall apply for the appropriate transferrable title in the applicant's name. If a claim of ownership for the vehicle is brought against a holder of a provisional title, then the provisional title holder shall apply for a bond under subsection
 - (b) of this Section for the amount of time remaining on the provisional title. A provisional title holder or an individual who asserts a claim to the motor vehicle may petition a circuit court of competent jurisdiction for an order to determine the ownership of the vehicle. A provisional title shall not be available to individuals or entities that rebuild, repair, store, or tow vehicles or have a claim against the vehicle under the Labor and Storage Lien Act or the Labor and Storage Lien (Small Amount) Act. Security deposited as a bond hereunder shall be placed by the Secretary of State in the custody of the State Treasurer. During July, annually, the Secretary shall compile a list of all bonds on deposit, pursuant to this Section, for more than 3 years and concerning which he has received no notice as to the pendency of any judicial proceeding that could affect the disposition thereof. Thereupon, he shall promptly send a notice by certified mail to the last known address of each depositor advising him that his bond will be subject to escheat to the State of Illinois if not claimed within 30 days after the mailing date of such notice. At the expiration of such time, the Secretary of State shall file with the State Treasurer an order directing the transfer of such deposit to the Road Fund in the State Treasury. Upon receipt of such order, the State Treasurer shall make such transfer, after converting to cash any other type of security. Thereafter any person having a legal claim against such deposit may enforce it by appropriate proceedings in the Court of Claims subject to the limitations prescribed for such Court. At the expiration of such limitation period such deposit shall escheat to the State of Illinois.

625 ILCS 5/3-110 — Refusing certificate of title

Sec. 3-110. Refusing certificate of title. The Secretary of State shall refuse issuance of a certificate of title if any required fee is not paid or if he has reasonable grounds to believe that:

- (a) the applicant is not the owner of the vehicle;
- (b) the application contains a false or fraudulent statement;
- (c) the applicant fails to furnish required information or documents or any additional information the Secretary of State reasonably requires; or
- (d) the applicant has not paid to the Secretary of State any fees or taxes due under this Act and have not been paid upon reasonable notice and demand. Except as provided in Section 3-116.2, the Secretary of State shall not refuse to issue a

certificate of title to a manufactured home by reason of the fact that, at any time, in any manner, it shall have been affixed to real property.

625 ILCS 5/3-111 — Lost, stolen or mutilated certificates

Sec. 3-111. Lost, stolen or mutilated certificates.

(a) If a certificate of title is lost, stolen, mutilated or destroyed or becomes illegible, the first lienholder or, if none, the owner or legal representative of the owner named in the certificate, as shown by the records of the Secretary of State, shall promptly make application to the Secretary of State for and may obtain a duplicate upon furnishing information satisfactory to the Secretary of State. The duplicate certificate of title shall contain the legend "This is a duplicate certificate and may be subject to the rights of a person under the original certificate." It shall be mailed to the first lienholder named in it or, if none, to the owner or the owner's designee. A certificate of title or a duplicate certificate of title issued by another State showing an Illinois address for the owner cannot be used to transfer ownership of a vehicle, except if the transfer is to or from an insurance company or a lienholder of the vehicle through repossession.

(b) The Secretary of State shall not issue a duplicate certificate of title to any person within 15 days after the issuance of an original certificate of title to such person.

(c) A person recovering an original certificate of title for which a duplicate has been issued shall promptly surrender the original certificate to the Secretary of State.

(d) An application for a duplicate certificate of title must state the current vehicle odometer reading at the time of application and that the stated odometer reading is one of the following: actual mileage, not the actual mileage or mileage is in excess of its mechanical limits.

(e) If a Display certificate of title is lost, stolen, mutilated or destroyed or becomes illegible, the owner or legal representative of the owner named in the original Display certificate of title and in the certificate of title, as shown by the records of the Secretary of State, shall promptly make application for and may obtain a duplicate upon furnishing information satisfactory to the Secretary of State. The duplicate Display certificate of title shall contain the legend "Duplicate Display Certificate of Title." It shall be mailed to the owner or legal representative of the owner named in the original Display certificate of title and in the certificate of title. Such duplicate Display certificate of title shall be attached and displayed in the same manner and in the same place as the original Display certificate of title would have been attached and displayed had it not been lost, stolen, mutilated or destroyed or had it not become illegible.

625 ILCS 5/3-111.1 — Corrected certificates

Sec. 3-111.1. Corrected certificates. An application for a corrected certificate of title must state the current vehicle odometer reading at the time of application and that the stated odometer reading is one of the following: actual mileage, not the actual mileage or mileage is in excess of its mechanical limits. The corrected certificate issued under this Section shall contain the notation "corrected". A certificate of title or a corrected certificate of title issued by another State showing an Illinois address for the owner cannot be used to transfer ownership of a vehicle, except if the transfer is to or from an insurance company or a lienholder of the vehicle through repossession. The owner of a vehicle with a certificate of title or duplicate certificate of title issued by another state showing an Illinois address cannot transfer ownership of the vehicle without first converting the certificate of title to an Illinois certificate of title, except if the transfer is to or from an insurance company or a lienholder of the vehicle through repossession.

625 ILCS 5/3-112 — Transfer

Sec. 3-112. Transfer.

(a) If an owner transfers his interest in a vehicle, other than by the creation of a security interest, at the time of the delivery of the vehicle he shall execute to the transferee an assignment and warranty of title in the space provided on the certificate of title, or as the Secretary of State prescribes, and cause the certificate and assignment to be mailed or delivered to the transferee or to the Secretary of State. If the vehicle is subject to a tax under the Mobile Home Local Services Tax Act in a county with a population of less than 3,000,000, the owner shall also provide to the transferee a certification by the treasurer of the county in which the vehicle is situated that all taxes imposed upon the vehicle for the years the owner was the actual titleholder of the vehicle have been paid. The transferee shall be liable only for the taxes he or she incurred while he or she was the actual titleholder of the mobile home. The county treasurer shall refund any amount of taxes paid by the transferee that were imposed in years when the transferee was not the actual titleholder. The provisions of this amendatory Act of 1997 (P.A. 90-542) apply retroactively to January 1, 1996. In no event may the

county treasurer refund amounts paid by the transferee during any year except the 10 years immediately preceding the year in which the refund is made. If the owner is a licensed dealer who has purchased the vehicle and is holding it for resale, in lieu of acquiring a certification from the county treasurer he shall forward the certification received from the previous owner to the next buyer of the vehicle. The owner shall cause the certification to be mailed or delivered to the Secretary of State with the certificate of title and assignment.

(b) Except as provided in Section 3-113, the transferee shall, promptly and within 20 days after delivery to him of the vehicle and the assigned title, execute the application for a new certificate of title in the space provided therefor on the certificate or as the Secretary of State prescribes, and cause the certificate and application to be mailed or delivered to the Secretary of State.

(c) Upon request of the owner or transferee, a lienholder in possession of the certificate of title shall, unless the transfer was a breach of his security agreement, either deliver the certificate to the transferee for delivery to the Secretary of State or, upon receipt from the transferee of the owner's assignment, the transferee's application for a new certificate and the required fee, mail or deliver them to the Secretary of State. The delivery of the certificate does not affect the rights of the lienholder under his security agreement.

(d) If a security interest is reserved or created at the time of the transfer, the certificate of title shall be retained by or delivered to the person who becomes the lienholder, and the parties shall comply with the provisions of Section 3-203.

(e) Except as provided in Section 3-113 and as between the parties, a transfer by an owner is not effective until the provisions of this Section and Section 3-115 have been complied with; however, an owner who has delivered possession of the vehicle to the transferee and has complied with the provisions of this Section and Section 3-115 requiring action by him as not liable as owner for any damages thereafter resulting from operation of the vehicle.

(f) The Secretary of State shall not process any application for a transfer of an interest in a vehicle if any fees or taxes due under this Act from the transferor or the transferee have not been paid upon reasonable notice and demand.

(g) If the Secretary of State receives an application for transfer of a vehicle subject to a tax under the Mobile Home Local Services Tax Act in a county with a population of less than 3,000,000, such application must be accompanied by the required certification by the county treasurer or tax assessor authorizing the issuance of the title.

625 ILCS 5/3-112.1 — Odometer

Sec. 3-112.1. Odometer.

(a) All titles issued by the Secretary of State beginning January, 1990, shall provide for an odometer certification substantially as follows: "I certify to the best of my knowledge that the odometer reading is and reflects the actual mileage of the vehicle unless one of the following statements is checked. () 1. The mileage stated is in excess of its mechanical limits. () 2. The odometer reading is not the actual mileage. Warning - Odometer Discrepancy."

(b) When executing any transfer of title which contains the odometer certification as described in paragraph

(a) above, each transferor of a motor vehicle must supply on the title form the following information:

(1) The odometer reading at the time of transfer and an indication if the mileage is in excess of its mechanical limits or if it is not the actual mileage;

(2) The date of transfer;

(3) The transferor's printed name and signature; and

(4) The transferee's printed name and address.

(c) The transferee must sign on the title form indicating that he or she is aware of the odometer certification made by the transferor.

(d) The transferor will not be required to disclose the current odometer reading and the transferee will not have to acknowledge such disclosure under the following circumstances:

(1) A vehicle having a Gross Vehicle Weight Rating of more than 16,000 pounds;

(2) A vehicle that is not self-propelled;

(3) A vehicle that: (A) before January 1, 2031, is model year 2010 or older; or (B) after January 1, 2031, is 20 years old or older;

(4) A vehicle sold directly by the manufacturer to any agency of the United States; and

(5) A vehicle manufactured without an odometer.

(e) When the transferor signs the title transfer such transferor acknowledges that he or she is aware that Federal regulations and State law require him or her to state the odometer mileage upon transfer of ownership. An inaccurate or untruthful statement with intent to defraud subjects the transferor to liability for damages to the transferee pursuant to the federal Motor Vehicle Information and Cost Act of 1972, P.L. 92-513 as amended by P.L. 94-364. No transferor shall be liable for damages as provided under this Section who transfers title to a motor vehicle which has an odometer reading that has been altered or tampered with by a previous owner, unless that transferor knew or had reason to know of such alteration or tampering and sold such vehicle with an intent to defraud. A cause of action is hereby created by which any person who, with intent to defraud, violates any requirement imposed under this Section shall be liable in an amount equal to the sum of:

(1) three times the amount of actual damages sustained or \$1,500, whichever is the greater; and

(2) in the case of any successful action to enforce the foregoing liability, the costs of the action together with reasonable attorney fees as determined by the court. Any recovery based on a cause of action under this Section shall be offset by any recovery made pursuant to the federal Motor Vehicle Information and Cost Savings Act of 1972.

(f) The provisions of this Section shall not apply to any motorcycle, motor driven cycle, moped, antique vehicle, or expanded-use antique vehicle.

(g) The Secretary of State may adopt rules and regulations providing for a transition period for all non-conforming titles.

625 ILCS 5/3-113 — Transfer to or from dealer; records

Sec. 3-113. Transfer to or from dealer; records.

(a) After a dealer buys a vehicle and holds it for resale, the dealer must procure the certificate of title from the owner or the lienholder. The dealer may hold the certificate until he or she transfers the vehicle to another person. Upon transferring the vehicle to another person, the dealer shall promptly and within 20 days execute the assignment and warranty of title by a dealer, showing the names and addresses of the transferee and of any lienholder holding a security interest created or reserved at the time of the resale, in the spaces provided therefor on the certificate or as the Secretary of State prescribes, and mail or deliver the certificate to the Secretary of State with the transferee's application for a new certificate, except as provided in Section 3-117.2. A dealer has complied with this Section if the date of the mailing of the certificate, as indicated by the postmark, is within 20 days of the date on which the vehicle was transferred to another person.

(b) The Secretary of State may decline to process any application for a transfer of an interest in a vehicle if any fees or taxes due under this Code from the transferor or the transferee have not been paid upon reasonable notice and demand.

(c) Any person who violates this Section shall be guilty of a petty offense.

(d) Beginning January 1, 2014 and continuing until 90 days after the effective date of this amendatory Act of the 102nd General Assembly, the Secretary of State is authorized to impose a delinquent vehicle dealer transfer fee of \$20 if the certificate of title is received by the Secretary from the dealer 30 days but less than 60 days after the date of sale; however, if the certificate of title is received by the Secretary from the dealer 60 days but less than 90 days after the date of sale, the delinquent dealer transfer fee shall be \$35. Beginning 90 days after the effective date of this amendatory Act of the 102nd General Assembly, the Secretary of State is authorized to impose a delinquent vehicle dealer transfer fee of \$10 if the certificate of title is received by the Secretary from the dealer more than 45 days but less than 60 days after the date of sale; however, if the certificate of title is received by the Secretary from the dealer 60 or more days but less than 90 days after the date of sale, the delinquent dealer transfer fee shall be \$20. If the certificate of title is received by the Secretary from the dealer 90 or more days but less than 120 days after the date of sale, the delinquent vehicle dealer transfer fee shall be \$65. If the certificate of title is received by the Secretary from the dealer 120 days or more after the date of the sale, the delinquent vehicle dealer transfer fee shall be \$100. All monies collected under this subsection shall be deposited into the CDLIS/AAMVAnet/NMVTIS Trust Fund.

(e) Beginning January 1, 2022, the Secretary of State is authorized to issue a certificate of title in the name of the dealership to a licensed dealer under Chapter 5 for \$20 if the surrendered certificate of title has no space to assign the certificate of title again.

(f) Any licensee under Chapter 5 who sells, transfers, or wholesales a vehicle out of State shall mail the certificate of title to the physical business address in the requisite jurisdiction in lieu of transferring title at the time of sale.

625 ILCS 5/3-114 — Transfer by operation of law

Sec. 3-114. Transfer by operation of law.

(a) If the interest of an owner in a vehicle passes to another other than by voluntary transfer, the transferee shall, except as provided in paragraph (b), promptly mail or deliver within 20 days to the Secretary of State the last certificate of title, if available, proof of the transfer, and his application for a new certificate in the form the Secretary of State prescribes. It shall be unlawful for any person having possession of a certificate of title for a motor vehicle, semi-trailer, or house car by reason of his having a lien or encumbrance on such vehicle, to fail or refuse to deliver such certificate to the owner, upon the satisfaction or discharge of the lien or encumbrance, indicated upon such certificate of title.

(b) If the interest of an owner in a vehicle passes to another under the provisions of the Small Estates provisions of the Probate Act of 1975 the transferee shall promptly mail or deliver to the Secretary of State, within 120 days, the last certificate of title, if available, the documentation required under the provisions of the Probate Act of 1975, and an application for certificate of title. The Small Estate Affidavit form shall be furnished by the Secretary of State. The transfer may be to the transferee or to the nominee of the transferee.

(c) If the interest of an owner in a vehicle passes to another under other provisions of the Probate Act of 1975, as amended, and the transfer is made by a representative or guardian, such transferee shall promptly mail or deliver to the Secretary of State, the last certificate of title, if available, and a certified copy of the letters of office or guardianship, and an application for certificate of title. Such application shall be made before the estate is closed. The transfer may be to the transferee or to the nominee of the transferee.

(d) If the interest of an owner in joint tenancy passes to the other joint tenant with survivorship rights as provided by law, the transferee shall promptly mail or deliver to the Secretary of State, the last certificate of title, if available, proof of death of the one joint tenant and survivorship of the surviving joint tenant, and an application for certificate of title. Such application shall be made within 120 days after the death of the joint tenant. The transfer may be to the transferee or to the nominee of the transferee. (d-5) If the interest of an owner passes to the owner's spouse or if the spouse otherwise acquires ownership of the vehicle, then the transferee shall promptly mail or deliver to the Secretary of State, proof of

(i) the owner's death; (ii) the transfer or acquisition of ownership; and (iii) proof of the marital relationship between the owner and the transferee, along with the last certificate of title, if available, and an application for certificate of title along with the appropriate fees and taxes, if applicable. The application shall be made within 180 days after the death of the owner.

(e) The Secretary of State shall transfer a decedent's vehicle title to any legatee, representative or heir of the decedent who submits to the Secretary a death certificate and an affidavit by an attorney at law on the letterhead stationery of the attorney at law stating the facts of the transfer.

(f) Repossession with assignment of title. In all cases wherein a lienholder has repossessed a vehicle by other than judicial process and holds it for resale under a security agreement, and the owner of record has executed an assignment of the existing certificate of title after default, the lienholder may proceed to sell or otherwise dispose of the vehicle as authorized under the Uniform Commercial Code. Upon selling the vehicle to another person, the lienholder need not send the certificate of title to the Secretary of State, but shall promptly and within 20 days mail or deliver to the purchaser as transferee the existing certificate of title for the repossessed vehicle, reflecting the release of the lienholder's security interest in the vehicle. The application for a certificate of title made by the purchaser shall comply with subsection

(a) of Section 3-104 and be accompanied by the existing certificate of title for the repossessed vehicle. The lienholder shall execute the assignment and warranty of title showing the name and address of the purchaser in the spaces provided therefor on the certificate of title or as the Secretary of State prescribes. The lienholder shall complete the assignment of title in the certificate of title to reflect the transfer of the vehicle to the lienholder and also a reassignment to reflect the transfer from the lienholder to the purchaser. For this purpose, the lienholder is specifically authorized to complete and execute the space reserved in the certificate of title for a dealer reassignment, notwithstanding that the lienholder is not a licensed dealer. Nothing herein shall be construed to mean that the lienholder is taking title to the repossessed vehicle for purposes of liability for retailer occupation, vehicle use, or other tax with respect to the proceeds from the repossession sale. Delivery of the existing certificate of title to the purchaser shall be deemed disclosure to the purchaser of the owner of the vehicle. (f-5) Repossession without assignment of title. Subject to subsection (f-30), in all cases wherein a lienholder has repossessed a vehicle by other than judicial process and holds it for resale under a security agreement, and the owner of record has not executed an assignment of the existing certificate of title, the lienholder shall comply with

the following provisions:

(1) Prior to sale, the lienholder shall deliver or mail to the owner at the owner's last known address and to any other lienholder of record, a notice of redemption setting forth the following information:

(i) the name of the owner of record and in bold type at or near the top of the notice a statement that the owner's vehicle was repossessed on a specified date for failure to make payments on the loan (or other reason), (ii) a description of the vehicle subject to the lien sufficient to identify it, (iii) the right of the owner to redeem the vehicle, (iv) the lienholder's intent to sell or otherwise dispose of the vehicle after the expiration of 21 days from the date of mailing or delivery of the notice, and

(v) the name, address, and telephone number of the lienholder from whom information may be obtained concerning the amount due to redeem the vehicle and from whom the vehicle may be redeemed under Section 9-623 of the Uniform Commercial Code. At the lienholder's option, the information required to be set forth in this notice of redemption may be made a part of or accompany the notification of sale or other disposition required under Section 9-611 of the Uniform Commercial Code, but none of the information required by this notice shall be construed to impose any requirement under Article 9 of the Uniform Commercial Code.

(2) With respect to the repossession of a vehicle used primarily for personal, family, or household purposes, the lienholder shall also deliver or mail to the owner at the owner's last known address an affidavit of defense. The affidavit of defense shall accompany the notice of redemption required in subdivision (f-5)(1) of this Section. The affidavit of defense shall

(i) identify the lienholder, owner, and the vehicle; (ii) provide space for the owner to state the defense claimed by the owner; and (iii) include an acknowledgment by the owner that the owner may be liable to the lienholder for fees, charges, and costs incurred by the lienholder in establishing the insufficiency or invalidity of the owner's defense. To stop the transfer of title, the affidavit of defense must be received by the lienholder no later than 21 days after the date of mailing or delivery of the notice required in subdivision (f-5)(1) of this Section. If the lienholder receives the affidavit from the owner in a timely manner, the lienholder must apply to a court of competent jurisdiction to determine if the lienholder is entitled to possession of the vehicle.

(3) Upon selling the vehicle to another person, the lienholder need not send the certificate of title to the Secretary of State, but shall promptly and within 20 days mail or deliver to the purchaser as transferee

(i) the existing certificate of title for the repossessed vehicle, reflecting the release of the lienholder's security interest in the vehicle; and (ii) an affidavit of repossession made by or on behalf of the lienholder which provides the following information: that the vehicle was repossessed, a description of the vehicle sufficient to identify it, whether the vehicle has been damaged in excess of 50% of its fair market value as required under subdivision (b)(3) of Section 3-117.1, that the owner and any other lienholder of record were given the notice required in subdivision (f-5)(1) of this Section, that the owner of record was given the affidavit of defense required in subdivision (f-5)(2) of this Section, that the interest of the owner was lawfully terminated or sold pursuant to the terms of the security agreement, and the purchaser's name and address. If the vehicle is damaged in excess of 50% of its fair market value, the lienholder shall make application for a salvage certificate under Section 3-117.1 and transfer the vehicle to a person eligible to receive assignments of salvage certificates identified in Section 3-118.

(4) The application for a certificate of title made by the purchaser shall comply with subsection

(a) of Section 3-104 and be accompanied by the affidavit of repossession furnished by the lienholder and the existing certificate of title for the repossessed vehicle. The lienholder shall execute the assignment and warranty of title showing the name and address of the purchaser in the spaces provided therefor on the certificate of title or as the Secretary of State prescribes. The lienholder shall complete the assignment of title in the certificate of title to reflect the transfer of the vehicle to the lienholder and also a reassignment to reflect the transfer from the lienholder to the purchaser. For this purpose, the lienholder is specifically authorized to execute the assignment on behalf of the owner as seller if the owner has not done so and to complete and execute the space reserved in the certificate of title for a dealer reassignment, notwithstanding that the lienholder is not a licensed dealer. Nothing herein shall be construed to mean that the lienholder is taking title to the repossessed vehicle for purposes of liability for retailer occupation, vehicle use, or other tax with respect to the proceeds from the repossession sale. Delivery of the existing certificate of title to the purchaser shall be deemed disclosure to the purchaser of the owner of the vehicle. In the event the lienholder does not hold the certificate of title for the repossessed vehicle, the lienholder shall make application for and may obtain a new certificate of title in the name of the lienholder upon furnishing information satisfactory to the Secretary of State. Upon receiving the new

certificate of title, the lienholder may proceed with the sale described in subdivision (f-5)(3), except that upon selling the vehicle the lienholder shall promptly and within 20 days mail or deliver to the purchaser the new certificate of title reflecting the assignment and transfer of title to the purchaser.

(5) Neither the lienholder nor the owner shall file with the Office of the Secretary of State the notice of redemption or affidavit of defense described in subdivisions (f-5)(1) and (f-5)(2) of this Section. The Office of the Secretary of State shall not determine the merits of an owner's affidavit of defense, nor consider any allegations or assertions regarding the validity or invalidity of a lienholder's claim to the vehicle or an owner's asserted defenses to the repossession action. (f-7) Notice of reinstatement in certain cases.

(1) Subject to subsection (f-30), if, at the time of repossession by a lienholder that is seeking to transfer title pursuant to subsection (f-5), the owner has paid an amount equal to 30% or more of the deferred payment price or total of payments due, the owner may, within 21 days of the date of repossession, reinstate the contract or loan agreement and recover the vehicle from the lienholder by tendering in a lump sum

(i) the total of all unpaid amounts, including any unpaid delinquency or deferral charges due at the date of reinstatement, without acceleration; and (ii) performance necessary to cure any default other than nonpayment of the amounts due; and (iii) all reasonable costs and fees incurred by the lienholder in retaking, holding, and preparing the vehicle for disposition and in arranging for the sale of the vehicle. Reasonable costs and fees incurred by the lienholder include without limitation repossession and storage expenses and, if authorized by the contract or loan agreement, reasonable attorneys' fees and collection agency charges.

(2) Tender of payment and performance pursuant to this limited right of reinstatement restores to the owner his rights under the contract or loan agreement as though no default had occurred. The owner has the right to reinstate the contract or loan agreement and recover the vehicle from the lienholder only once under this subsection. The lienholder may, in the lienholder's sole discretion, extend the period during which the owner may reinstate the contract or loan agreement and recover the vehicle beyond the 21 days allowed under this subsection, and the extension shall not subject the lienholder to liability to the owner under the laws of this State.

(3) The lienholder shall deliver or mail written notice to the owner at the owner's last known address, within 3 business days of the date of repossession, of the owner's right to reinstate the contract or loan agreement and recover the vehicle pursuant to the limited right of reinstatement described in this subsection. At the lienholder's option, the information required to be set forth in this notice of reinstatement may be made part of or accompany the notice of redemption required in subdivision (f-5)(1) of this Section and the notification of sale or other disposition required under Section 9-611 of the Uniform Commercial Code, but none of the information required by this notice of reinstatement shall be construed to impose any requirement under Article 9 of the Uniform Commercial Code.

(4) The reinstatement period, if applicable, and the redemption period described in subdivision (f-5)(1) of this Section, shall run concurrently if the information required to be set forth in the notice of reinstatement is part of or accompanies the notice of redemption. In any event, the 21 day redemption period described in subdivision (f-5)(1) of this Section shall commence on the date of mailing or delivery to the owner of the information required to be set forth in the notice of redemption, and the 21 day reinstatement period described in this subdivision, if applicable, shall commence on the date of mailing or delivery to the owner of the information required to be set forth in the notice of reinstatement.

(5) The Office of the Secretary of State shall not determine the merits of an owner's claim of right to reinstatement, nor consider any allegations or assertions regarding the validity or invalidity of a lienholder's claim to the vehicle or an owner's asserted right to reinstatement. Where a lienholder is subject to licensing and regulatory supervision by the State of Illinois, the lienholder shall be subject to all of the powers and authority of the lienholder's primary State regulator to enforce compliance with the procedures set forth in this subsection (f-7). (f-10) Repossession by judicial process. In all cases wherein a lienholder has repossessed a vehicle by judicial process and holds it for resale under a security agreement, order for replevin, or other court order establishing the lienholder's right to possession of the vehicle, the lienholder may proceed to sell or otherwise dispose of the vehicle as authorized under the Uniform Commercial Code or the court order. Upon selling the vehicle to another person, the lienholder need not send the certificate of title to the Secretary of State, but shall promptly and within 20 days mail or deliver to the purchaser as transferee

(i) the existing certificate of title for the repossessed vehicle reflecting the release of the lienholder's security interest in the vehicle; (ii) a certified copy of the court order; and (iii) a bill of sale identifying the new owner's name and address and the year, make, model, and vehicle identification number of the vehicle. The application for a certificate of title made by the purchaser shall comply with subsection

(a) of Section 3-104 and be accompanied by the certified copy of the court order furnished by the lienholder and the existing certificate of title for the repossessed vehicle. The lienholder shall execute the assignment and warranty of title showing the name and address of the purchaser in the spaces provided therefor on the certificate of title or as the Secretary of State prescribes. The lienholder shall complete the assignment of title in the certificate of title to reflect the transfer of the vehicle to the lienholder and also a reassignment to reflect the transfer from the lienholder to the purchaser. For this purpose, the lienholder is specifically authorized to execute the assignment on behalf of the owner as seller if the owner has not done so and to complete and execute the space reserved in the certificate of title for a dealer reassignment, notwithstanding that the lienholder is not a licensed dealer. Nothing herein shall be construed to mean that the lienholder is taking title to the repossessed vehicle for purposes of liability for retailer occupation, vehicle use, or other tax with respect to the proceeds from the repossession sale. Delivery of the existing certificate of title to the purchaser shall be deemed disclosure to the purchaser of the owner of the vehicle. In the event the lienholder does not hold the certificate of title for the repossessed vehicle, the lienholder shall make application for and may obtain a new certificate of title in the name of the lienholder upon furnishing information satisfactory to the Secretary of State. Upon receiving the new certificate of title, the lienholder may proceed with the sale described in this subsection, except that upon selling the vehicle the lienholder shall promptly and within 20 days mail or deliver to the purchaser the new certificate of title reflecting the assignment and transfer of title to the purchaser. (f-15) The Secretary of State shall not issue a certificate of title to a purchaser under subsection (f), (f-5), or (f-10) of this Section, unless the person from whom the vehicle has been repossessed by the lienholder is shown to be the last registered owner of the motor vehicle. The Secretary of State may provide by rule for the standards to be followed by a lienholder in assigning and transferring certificates of title with respect to repossessed vehicles. (f-20) If applying for a salvage certificate or a junking certificate, the lienholder shall within 20 days make an application to the Secretary of State for a salvage certificate or a junking certificate, as set forth in this Code. The Secretary of State shall not issue a salvage certificate or a junking certificate to such lienholder unless the person from whom such vehicle has been repossessed is shown to be the last registered owner of such motor vehicle and such lienholder establishes to the satisfaction of the Secretary of State that he is entitled to such salvage certificate or junking certificate. The Secretary of State may provide by rule for the standards to be followed by a lienholder in order to obtain a salvage certificate or junking certificate for a repossessed vehicle. (f-25) If the interest of an owner in a mobile home, as defined in the Mobile Home Local Services Tax Act, passes to another under the provisions of the Mobile Home Local Services Tax Enforcement Act, the transferee shall promptly mail or deliver to the Secretary of State

(i) the last certificate of title, if available, (ii) a certified copy of the court order ordering the transfer of title, and (iii) an application for certificate of title. (f-30) Bankruptcy. If the repossessed vehicle is the subject of a bankruptcy proceeding or discharge:

(1) the lienholder may proceed to sell or otherwise dispose of the vehicle as authorized by the Bankruptcy Code and the Uniform Commercial Code;

(2) the notice of redemption, affidavit of defense, and notice of reinstatement otherwise required to be sent by the lienholder to the owner of record or other lienholder of record under this Section are not required to be delivered or mailed;

(3) the requirement to delay disposition of the vehicle for 21 days,

(i) from the mailing or delivery of the notice of redemption under subdivision (f-5)(1) of this Section, (ii) from the mailing or delivery of the affidavit of defense under subdivision (f-5)(2) of this Section, or (iii) from the date of repossession when the owner is entitled to a notice of reinstatement under subsection (f-7) of this Section, does not apply;

(4) the affidavit of repossession that is required under subdivision (f-5)(3) shall contain a notation of "bankruptcy" where the affidavit requires the date of the mailing or delivery of the notice of redemption. The notation of "bankruptcy" means the lienholder makes no sworn representations regarding the mailing or delivery of the notice of redemption or affidavit of defense or lienholder's compliance with the requirements that otherwise apply to the notices listed in this subsection (f-30), and makes no sworn representation that the lienholder assumes liability or costs for any litigation that may arise from the issuance of a certificate of title based on the excluded representations;

(5) the right of redemption, the right to assert a defense to the transfer of title, and reinstatement rights under this Section do not apply; and

(6) references to judicial process and court orders in subsection (f-10) of this Section do not include bankruptcy proceedings or orders.

(g) A person holding a certificate of title whose interest in the vehicle has been extinguished or transferred other than by voluntary transfer shall mail or deliver the certificate, within 20 days upon request of the Secretary of State. The delivery of the certificate pursuant to the request of the Secretary of State does not affect the rights of the person surrendering the certificate, and the action of the Secretary of State in issuing a new certificate of title as provided herein is not conclusive upon the rights of an owner or lienholder named in the old certificate.

(h) The Secretary of State may decline to process any application for a transfer of an interest in a vehicle hereunder if any fees or taxes due under this Act from the transferor or the transferee have not been paid upon reasonable notice and demand.

(i) The Secretary of State shall not be held civilly or criminally liable to any person because any purported transferor may not have had the power or authority to make a transfer of any interest in any vehicle or because a certificate of title issued in error is subsequently used to commit a fraudulent act.

625 ILCS 5/3-114.1 — Transfers to and from charitable organizations

Sec. 3-114.1. Transfers to and from charitable organizations. When a charitable not-for-profit organization that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code becomes the recipient of a motor vehicle by means of a donation from an individual, the organization need not send the certificate of title to the Secretary of State. Upon transferring the motor vehicle, the organization shall promptly and within 20 days execute the reassignment to reflect the transfer from the organization to the purchaser. The organization is specifically authorized to complete and execute the space reserved in the certificate of title for a dealer reassignment, notwithstanding that the organization is not a licensed dealer. Nothing in this Section shall be construed to require the organization to become a licensed vehicle dealer.

625 ILCS 5/3-115 — Fees - Registration cards - License plates

Sec. 3-115. Fees - Registration cards - License plates.

(a) An application for a certificate of title shall be accompanied by an application for, or a transfer of, registration of the vehicle.

(b) An application for the naming of a lienholder or his assignee on a certificate of title shall be accompanied by the required fee when mailed or delivered to the Secretary of State.

(c) A transferor of a vehicle, other than a dealer transferring a new vehicle, shall deliver to the transferee at the time of the delivery of possession of the vehicle the properly assigned certificate of title of this vehicle.

(d) All applications shall be accompanied with the required fee or tax.

625 ILCS 5/3-116 — When Secretary of State to issue a certificate of title

Sec. 3-116. When Secretary of State to issue a certificate of title.

(a) The Secretary of State, upon receipt of a properly assigned certificate of title, with an application for a certificate of title, the required fee and any other documents required by law, shall issue a new certificate of title in the name of the transferee as owner and mail it to the first lienholder named in it or, if none, to the owner or owner's designee.

(b) The Secretary of State, upon receipt of an application for a new certificate of title by a transferee other than by voluntary transfer, with proof of the transfer, the required fee and any other documents required by law, shall issue a new certificate of title in the name of the transferee as owner. (b-5) The Secretary of State, upon receipt of an application for a certificate of title and the required fee, may issue a certificate of title to an out-of-state resident if the out-of-state resident is a bona fide purchaser of a vehicle or a manufactured home from a dealer licensed in this State under Section 5-101, 5-101.2, or 5-102 of this Code and the licensed dealer files for bankruptcy, surrenders his or her license, or is otherwise no longer operating as a licensed dealer and does not properly transfer the title application to the bona fide purchaser prior to the licensed dealer's business closure.

(c) Any person, firm or corporation, who shall knowingly possess, buy, sell, exchange or give away, or offer to buy, sell, exchange or give away the certificate of title to any motor vehicle which is a junk or salvage, or who shall fail to surrender the certificate of title to the Secretary of State as required under the provisions of this Section and Section 3-117.2, shall be guilty of Class 3 felony.

(d) The Secretary of State shall file and retain for four

(4) years a record of every surrendered certificate of title or proof of ownership accepted by the Secretary of State, the file to be maintained so as to permit the tracing of title of the vehicle designated therein. Such filing and retention requirements shall be in addition to and not in substitution for the recordkeeping requirements set forth in Section 3-106 of this Code, which recordkeeping requirements are not limited to any period of time.

(e) The Secretary of State, upon receipt of an application for corrected certificate of title, with the original title, the required fee and any other required documents, shall issue a corrected certificate of title in the name of the owner and mail it to the first lienholder named in it or, if none, to the owner or owner's designee.

(f) The Secretary of State, upon receipt of a certified copy of a court order awarding ownership to an applicant along with an application for a certificate of title and the required fee, shall issue a certificate of title to the applicant.

625 ILCS 5/3-116.1 — Surrender of Manufacturer's Statement of Origin to a manufactured home

Sec. 3-116.1. Surrender of Manufacturer's Statement of Origin to a manufactured home.

(a) The owner (all, if more than one) of a manufactured home that is covered by a Manufacturer's Statement of Origin and that is affixed to a permanent foundation as defined in the Conveyance and Encumbrance of Manufactured Homes as Real Property and Severance Act, or which the owner intends to affix to a permanent foundation as defined in the Conveyance and Encumbrance of Manufactured Homes as Real Property and Severance Act, may surrender the Manufacturer's Statement of Origin to the manufactured home to the Secretary of State by filing with the Secretary of State an application for surrender of Manufacturer's Statement of Origin containing or accompanied by:

(1) the name, residence, and mailing address of the owner;

(2) a description of the manufactured home including the name of the manufacturer, the make, the model name, the model year, the dimensions, and the vehicle identification number of the manufactured home and whether it is new or used, and any other information the Secretary of State requires;

(3) the date of purchase by the owner of the manufactured home, the name and address of the person from whom the home was acquired, and the names and addresses of any security interest holders and lienholders in the order of their apparent priority;

(4) a statement signed by the owner, stating either

(i) any facts or information known to the owner that could reasonably affect the validity of the title to the manufactured home or the existence or non-existence of a security interest in or lien on it or (ii) that no such facts or information are known to the owner;

(5) a certified copy of the recorded affidavit of affixation in accordance with the Conveyance and Encumbrance of Manufactured Homes as Real Property and Severance Act;

(6) the original Manufacturer's Statement of Origin;

(7) the name and mailing address of each owner of the manufactured home or such owner's designee wishing to receive written acknowledgment of surrender from the Secretary of State; and

(8) any other information and documents the Secretary of State reasonably requires to identify the owner of the manufactured home and to enable him or her to determine whether the owner satisfied the requirements of the Conveyance and Encumbrance of Manufactured Homes as Real Property and Severance Act and is entitled to surrender the Manufacturer's Statement of Origin, and the existence or non-existence of security interests in or liens on the manufactured home.

(b) When satisfied as to the genuineness and regularity of the surrender of a Manufacturer's Statement of Origin to a manufactured home, payment of any applicable fees and upon satisfaction of the requirements of subsection

(a) of this Section, the Secretary of State shall

(i) cancel the Manufacturer's Statement of Origin and update his or her records in accordance with the provisions of Section 3-106 and (ii) provide written acknowledgment of compliance with the provisions of this Section to each person identified on the application for surrender of Manufacturer's Statement of Origin pursuant to subsection (a)(7) of this Section.

(c) Upon satisfaction of the requirements of this Section, a manufactured home shall be conveyed and encumbered as provided in the Conveyance and Encumbrance of Manufactured Homes as Real Property and Severance Act. If the application to surrender a Manufacturer's Statement of Origin is delivered to the Secretary of State within 60 days of

recording the related affidavit of affixation with the recording officer in the county in which the real property to which the manufactured home is or shall be affixed and the application is thereafter accepted by the Secretary of State, the requirements of this Section shall be deemed satisfied as of the date the affidavit of affixation is recorded.

(d) Upon written request by a person identified on the application for surrender of Manufacturer's Statement of Origin pursuant to subsection (a)(7) of this Section, the Secretary of State shall provide written acknowledgment of compliance with the provisions of this Section.

625 ILCS 5/3-116.2 — Application for surrender of title

Sec. 3-116.2. Application for surrender of title.

(a) The owner (all, if more than one) of a manufactured home that is covered by a certificate of title, including, if applicable, a certificate of title issued in accordance with subsection

(b) of Section 3-109, and that is permanently affixed to real property as defined in the Conveyance and Encumbrance of Manufactured Homes as Real Property and Severance Act, or which the owner intends to permanently affix to real property as defined in the Conveyance and Encumbrance of Manufactured Homes as Real Property and Severance Act, may surrender the certificate of title to the manufactured home to the Secretary of State by filing with the Secretary of State an application for surrender of title containing or accompanied by:

(1) the name, residence, and mailing address of the owner;

(2) a description of the manufactured home including the name of the manufacturer, the make, the model name, the model year, the dimensions, and the vehicle identification number or numbers of the manufactured home and whether it is new or used and any other information the Secretary of State requires;

(3) the date of purchase by the owner of the manufactured home, the name and address of the person from whom the home was acquired and the names and addresses of any security interest holders and lienholders in the order of their apparent priority;

(4) a statement signed by the owner, stating either,

(i) any facts or information known to the owner that could reasonably affect the validity of the title to the manufactured home or the existence or non-existence of a security interest in or lien on it; or (ii) that no such facts or information are known to the owner;

(5) a certified copy of the affidavit of affixation in accordance with the Conveyance and Encumbrance of Manufactured Homes as Real Property and Severance Act;

(6) the original certificate of title;

(7) the name and mailing address of each owner of the manufactured home or such owner's designee wishing written acknowledgment of surrender from the Secretary of State;

(8) a release of security interests (if any) pursuant to Section 3-205 of this Code; and

(9) any other information and documents the Secretary of State reasonably requires to identify the owner of the manufactured home and to enable him or her to determine whether the owner satisfied the requirements of the Conveyance and Encumbrance of Manufactured Homes as Real Property and Severance Act and is entitled to surrender the certificate of title and the existence or non-existence of security interests in or liens on the manufactured home.

(b) The Secretary of State shall not accept for surrender a certificate of title to a manufactured home unless and until all security interests or liens perfected pursuant to Sections 3-106 and 3-202 have been released.

(c) When satisfied as to the genuineness and regularity of the surrender of a certificate of title to a manufactured home, payment of any applicable fees and upon satisfaction of the requirements of subsections

(a) and

(b) of this Section, the Secretary of State shall

(i) cancel the certificate of title and update his or her records in accordance with the provisions of Section 3-106 and (ii) provide written acknowledgment of compliance with the provisions of this Section to each person identified on the application for surrender of title pursuant to subsection (a)(7) of this Section.

(d) Upon satisfaction of the requirements of this Section, a manufactured home shall be conveyed and encumbered as provided in the Conveyance and Encumbrance of Manufactured Homes as Real Property and Severance Act. If the

application to surrender a certificate of title is delivered to the Secretary of State within 60 days of recording the related affidavit of affixation with the recording officer in the county in which the real property to which the manufactured home is or shall be affixed, and the application is thereafter accepted by the Secretary of State, the requirements of this Section shall be deemed satisfied as of the date the affidavit of affixation is recorded.

(e) Upon written request by a person identified on the application for surrender of title pursuant to subsection (a)(7) of this Section, the Secretary of State shall provide written acknowledgment of compliance with the provisions of this Section.

625 ILCS 5/3-116.3 — Application for a certificate of title to a severed manufactured home

Sec. 3-116.3. Application for a certificate of title to a severed manufactured home.

(a) Notwithstanding any other provision of law, where a manufactured home has been affixed to a permanent foundation, and an affidavit of affixation has been recorded as part of the real property records in the county in which the manufactured home is located in accordance with the Conveyance and Encumbrance of Manufactured Homes as Real Property and Severance Act, and where the manufactured home subsequently is detached or severed from the real property, the owner (all, if more than one) of the manufactured home shall, unless exempted by other provisions of this Code, apply for a new certificate of title by filing with the Secretary of State an application for a certificate of title to a manufactured home, to be issued in accordance with subsection

(b) of Section 3-109, containing or accompanied by:

(1) the name, residence, and mailing address of the owner;

(2) a description of the manufactured home, including the name of the manufacturer, the make, the model name, the model year, the dimensions, and the vehicle identification number or numbers of the manufactured home and whether it is new or used, and any other information the Secretary of State requires;

(3) a statement signed by the applicant, stating either:

(i) any facts or information known to the applicant that could reasonably affect the validity of the title of the manufactured home or the existence or non-existence of any security interest in or lien on it or (ii) that no such facts or information are known to the applicant;

(4) a certified copy of the recorded affidavit of severance provided in accordance with the Conveyance and Encumbrance of Manufactured Homes as Real Property and Severance Act; and

(5) any other information and documents the Secretary of State reasonably requires.

(b) Upon satisfaction of the requirements of subsection

(a) of this Section and subsection

(b) of Section 3-109, the Secretary of State shall issue a new certificate of title pursuant to subsection

(b) of Section 3-109 and update his or her records in accordance with the provisions of Section 3-106.

(c) Immediately upon satisfaction of the requirements of this Section and thereafter, a manufactured home shall be conveyed and encumbered as personal property.

(d) The satisfaction of the requirements of this Section with respect to a manufactured home shall have no effect on the manner in which such manufactured home is taxed pursuant to the Property Tax Code or the Mobile Home Local Services Tax Act.

625 ILCS 5/3-117.1 — When junking certificates or salvage certificates must be obtained

Sec. 3-117.1. When junking certificates or salvage certificates must be obtained.

(a) Except as provided in Chapter 4 and Section 3-117.3 of this Code, a person who possesses a junk vehicle shall within 15 days cause the certificate of title, salvage certificate, certificate of purchase, or a similarly acceptable out-of-state document of ownership to be surrendered to the Secretary of State along with an application for a junking certificate, except as provided in Section 3-117.2, whereupon the Secretary of State shall issue to such a person a junking certificate, which shall authorize the holder thereof to possess, transport, or, by an endorsement, transfer ownership in such junked vehicle, and a certificate of title shall not again be issued for such vehicle. The owner of a junk vehicle is not required to surrender the certificate of title under this subsection if

(i) there is no lienholder on the certificate of title or (ii) the owner of the junk vehicle has a valid lien release from the lienholder releasing all interest in the vehicle and the owner applying for the junk certificate matches the current record on

the certificate of title file for the vehicle. A licensee who possesses a junk vehicle and a Certificate of Title, Salvage Certificate, Certificate of Purchase, or a similarly acceptable out-of-state document of ownership for such junk vehicle, may transport the junk vehicle to another licensee prior to applying for or obtaining a junking certificate, by executing a uniform invoice. The licensee transferor shall furnish a copy of the uniform invoice to the licensee transferee at the time of transfer. In any case, the licensee transferor shall apply for a junking certificate in conformance with Section 3-117.1 of this Chapter. The following information shall be contained on a uniform invoice:

- (1) The business name, address, and dealer license number of the person disposing of the vehicle, junk vehicle, or vehicle cowl;
- (2) The name and address of the person acquiring the vehicle, junk vehicle, or vehicle cowl and, if that person is a dealer, the Illinois or out-of-state dealer license number of that dealer;
- (3) The date of the disposition of the vehicle, junk vehicle, or vehicle cowl;
- (4) The year, make, model, color, and description of each vehicle, junk vehicle, or vehicle cowl disposed of by such person;
- (5) The manufacturer's vehicle identification number, Secretary of State identification number, or Illinois State Police number for each vehicle, junk vehicle, or vehicle cowl part disposed of by such person;
- (6) The printed name and legible signature of the person or agent disposing of the vehicle, junk vehicle, or vehicle cowl; and
- (7) The printed name and legible signature of the person accepting delivery of the vehicle, junk vehicle, or vehicle cowl. The Secretary of State may certify a junking manifest in a form prescribed by the Secretary of State that reflects those vehicles for which junking certificates have been applied or issued. A junking manifest may be issued to any person and it shall constitute evidence of ownership for the vehicle listed upon it. A junking manifest may be transferred only to a person licensed under Section 5-301 of this Code as a scrap processor. A junking manifest will allow the transportation of those vehicles to a scrap processor prior to receiving the junk certificate from the Secretary of State.

(b) An application for a salvage certificate shall be submitted to the Secretary of State in any of the following situations:

(1) When an insurance company makes a payment of damages on a total loss claim for a vehicle, the insurance company shall be deemed to be the owner of such vehicle and the vehicle shall be considered to be salvage except that ownership of

(i) a vehicle that has incurred only hail damage that does not affect the operational safety of the vehicle or (ii) any vehicle 9 model years of age or older may, by agreement between the registered owner and the insurance company, be retained by the registered owner of such vehicle. The insurance company shall promptly deliver or mail within 20 days the certificate of title along with proper application and fee to the Secretary of State, and a salvage certificate shall be issued in the name of the insurance company. Notwithstanding the foregoing, an insurer making payment of damages on a total loss claim for the theft of a vehicle shall not be required to apply for a salvage certificate unless the vehicle is recovered and has incurred damage that initially would have caused the vehicle to be declared a total loss by the insurer. (1.1) When a vehicle of a self-insured company is to be sold in the State of Illinois and has sustained damaged by collision, fire, theft, rust corrosion, or other means so that the self-insured company determines the vehicle to be a total loss, or if the cost of repairing the damage, including labor, would be greater than 70% of its fair market value without that damage, the vehicle shall be considered salvage. The self-insured company shall promptly deliver the certificate of title along with proper application and fee to the Secretary of State, and a salvage certificate shall be issued in the name of the self-insured company. A self-insured company making payment of damages on a total loss claim for the theft of a vehicle may exchange the salvage certificate for a certificate of title if the vehicle is recovered without damage. In such a situation, the self-insured shall fill out and sign a form prescribed by the Secretary of State which contains an affirmation under penalty of perjury that the vehicle was recovered without damage and the Secretary of State may, by rule, require photographs to be submitted.

(2) When a vehicle the ownership of which has been transferred to any person through a certificate of purchase from acquisition of the vehicle at an auction, other dispositions as set forth in Sections 4-208 and 4-209 of this Code, or a lien arising under Section 18a-501 of this Code shall be deemed salvage or junk at the option of the purchaser. The person acquiring such vehicle in such manner shall promptly deliver or mail, within 20 days after the acquisition of the vehicle, the certificate of purchase, the proper application and fee, and, if the vehicle is an abandoned mobile home under the Abandoned Mobile Home Act, a certification from a local law enforcement agency that the vehicle was purchased or

acquired at a public sale under the Abandoned Mobile Home Act to the Secretary of State and a salvage certificate or junking certificate shall be issued in the name of that person. The salvage certificate or junking certificate issued by the Secretary of State under this Section shall be free of any lien that existed against the vehicle prior to the time the vehicle was acquired by the applicant under this Code.

(3) A vehicle which has been repossessed by a lienholder shall be considered to be salvage only when the repossessed vehicle, on the date of repossession by the lienholder, has sustained damage by collision, fire, theft, rust corrosion, or other means so that the cost of repairing such damage, including labor, would be greater than 50% of its fair market value without such damage. If the lienholder determines that such vehicle is damaged in excess of 50% of such fair market value, the lienholder shall, before sale, transfer, or assignment of the vehicle, make application for a salvage certificate, and shall submit with such application the proper fee and evidence of possession. If the facts required to be shown in subsection

(f) of Section 3-114 are satisfied, the Secretary of State shall issue a salvage certificate in the name of the lienholder making the application. In any case wherein the vehicle repossessed is not damaged in excess of 50% of its fair market value, the lienholder shall comply with the requirements of subsections (f), (f-5), and (f-10) of Section 3-114, except that the affidavit of repossession made by or on behalf of the lienholder shall also contain an affirmation under penalty of perjury that the vehicle on the date of sale is not damaged in excess of 50% of its fair market value. If the facts required to be shown in subsection

(f) of Section 3-114 are satisfied, the Secretary of State shall issue a certificate of title as set forth in Section 3-116 of this Code. The Secretary of State may by rule or regulation require photographs to be submitted.

(4) A vehicle which is a part of a fleet of more than 5 commercial vehicles registered in this State or any other state or registered proportionately among several states shall be considered to be salvage when such vehicle has sustained damage by collision, fire, theft, rust, corrosion or similar means so that the cost of repairing such damage, including labor, would be greater than 50% of the fair market value of the vehicle without such damage. If the owner of a fleet vehicle desires to sell, transfer, or assign his interest in such vehicle to a person within this State other than an insurance company licensed to do business within this State, and the owner determines that such vehicle, at the time of the proposed sale, transfer or assignment is damaged in excess of 50% of its fair market value, the owner shall, before such sale, transfer or assignment, make application for a salvage certificate. The application shall contain with it evidence of possession of the vehicle. If the fleet vehicle at the time of its sale, transfer, or assignment is not damaged in excess of 50% of its fair market value, the owner shall so state in a written affirmation on a form prescribed by the Secretary of State by rule or regulation. The Secretary of State may by rule or regulation require photographs to be submitted. Upon sale, transfer or assignment of the fleet vehicle the owner shall mail the affirmation to the Secretary of State.

(5) A vehicle that has been submerged in water to the point that rising water has reached over the door sill and has entered the passenger or trunk compartment is a "flood vehicle". A flood vehicle shall be considered to be salvage only if the vehicle has sustained damage so that the cost of repairing the damage, including labor, would be greater than 50% of the fair market value of the vehicle without that damage. The salvage certificate issued under this Section shall indicate the word "flood", and the word "flood" shall be conspicuously entered on subsequent titles for the vehicle. A person who possesses or acquires a flood vehicle that is not damaged in excess of 50% of its fair market value shall make application for title in accordance with Section 3-116 of this Code, designating the vehicle as "flood" in a manner prescribed by the Secretary of State. The certificate of title issued shall indicate the word "flood", and the word "flood" shall be conspicuously entered on subsequent titles for the vehicle.

(6) When any licensed rebuilder, repairer, new or used vehicle dealer, or remittance agent has submitted an application for title to a vehicle (other than an application for title to a rebuilt vehicle) that he or she knows or reasonably should have known to have sustained damages in excess of 50% of the vehicle's fair market value without that damage; provided, however, that any application for a salvage certificate for a vehicle recovered from theft and acquired from an insurance company shall be made as required by paragraph

(1) of this subsection (b).

(c) Any person who without authority acquires, sells, exchanges, gives away, transfers or destroys or offers to acquire, sell, exchange, give away, transfer or destroy the certificate of title to any vehicle which is a junk or salvage vehicle shall be guilty of a Class 3 felony.

(d) Except as provided under subsection (a), any person who knowingly fails to surrender to the Secretary of State a certificate of title, salvage certificate, certificate of purchase or a similarly acceptable out-of-state document of ownership as required under the provisions of this Section is guilty of a Class A misdemeanor for a first offense and a Class 4 felony for a subsequent offense; except that a person licensed under this Code who violates paragraph

(5) of subsection

(b) of this Section is guilty of a business offense and shall be fined not less than \$1,000 nor more than \$5,000 for a first offense and is guilty of a Class 4 felony for a second or subsequent violation.

(e) Any vehicle which is salvage or junk may not be driven or operated on roads and highways within this State. A violation of this subsection is a Class A misdemeanor. A salvage vehicle displaying valid special plates issued under Section 3-601(b) of this Code, which is being driven to or from an inspection conducted under Section 3-308 of this Code, is exempt from the provisions of this subsection. A salvage vehicle for which a short term permit has been issued under Section 3-307 of this Code is exempt from the provisions of this subsection for the duration of the permit.

625 ILCS 5/3-117.2 — Junk vehicle notification

Sec. 3-117.2. Junk vehicle notification. Beginning July 1, 1989 a person licensed as a scrap processor or automotive parts recycler pursuant to Section 5-301 of this Code who acquires a properly assigned Certificate of Title, a Salvage Certificate, a Certificate of Purchase, or a similarly acceptable out-of-state document of ownership pursuant to Section 5-401.3 of this Code, shall within 15 days of acquiring such document, submit it to the Secretary of State along with a Junk Vehicle Notification, the form and manner for which shall be as prescribed by Secretary of State rule or regulation. A scrap processor or automotive parts recycler who acquires the above named documents of ownership pursuant to Section 5-401.3 shall not be required to apply for or obtain a junking certificate. The information contained on a Junk Vehicle Notification shall be duly recorded by the Secretary of State upon the receipt of such Notification. The Secretary of State shall not again issue a Certificate of Title or Salvage Certificate for any vehicle listed on a Junk Vehicle Notification.

625 ILCS 5/3-117.3 — Junking or salvage certificates; insurance company; salvage dealer

Sec. 3-117.3. Junking or salvage certificates; insurance company; salvage dealer.

(a) For purposes of this Section, "salvage dealer" means a licensed dealer who primarily sells salvage vehicles on behalf of insurance companies and obtains a "salvage dealer" designation through the used dealer application process under Section 5-102 of this Code.

(b) Notwithstanding any other provision of law to the contrary, an insurance company or salvage dealer may, after completing a record search for any owner of a vehicle or a lienholder of record, obtain free of any lien a junking certificate or salvage certificate in the insurance company's name by submitting an application for a junking certificate or salvage certificate to the Secretary of State. The application shall include proof of full payment, in whole or in part, to the vehicle owner or, if applicable, any lienholder of record and proof of notice to the vehicle owner and any lienholder via certified mail or other proof of service that a transfer of title shall occur no earlier than 30 days after the date the notice is sent. Upon approval of the application, the Secretary shall issue to the insurance company a junking certificate or salvage certificate free of any lien in the insurance company's name. For the purposes of this subsection, "proof of full payment" means either a photocopy of a deposited insurance claim check or, for an electronic claims payment, a screen shot from the insurer's proprietary claim system that shows the payee, the amount paid, and the date of payment. No other additional requirements shall be required of the insurer. An insurance company or salvage dealer shall not sell a salvage vehicle with a title obtained under this subsection

(b) to anyone not authorized to buy salvage vehicles under this Code. This subsection

(b) shall apply only to a motor vehicle titled in this State that has been through an insurance claims process and the owner of the vehicle or lienholder, if applicable, has received compensation in exchange for relinquishing the ownership rights of the vehicle to an insurance company licensed under the Illinois Insurance Code and the insurance company is unable to obtain an endorsed certificate of title within 30 days of payment to the owner or lienholder.

(c) Notwithstanding any other provision of law to the contrary, a salvage dealer may, after completing a record search for any owner of a vehicle or a lienholder of record, obtain free of any lien a junking certificate or salvage certificate in his or her name by submitting an application for a junking certificate or a salvage certificate to the Secretary of State which shall include, but is not limited to, proof of notice via certified mail or other proof of service to the vehicle owner or any

lienholder that a transfer of title shall occur no earlier than 30 days after the date the notice is sent. The notice shall inform the vehicle owner or lienholder that upon payment of any applicable charges, the vehicle may be removed from the salvage dealer's facility. Upon approval of the application, the Secretary shall issue to the salvage dealer a junking certificate or salvage certificate free of any lien in the salvage dealer's name. A salvage dealer shall not sell a salvage vehicle with a title obtained under this subsection

(c) to anyone not authorized to buy salvage vehicles under this Code. This subsection

(c) shall apply only to a motor vehicle titled in this State and in possession of a salvage dealer by request of an insurance company licensed under the Illinois Insurance Code to take possession of the motor vehicle subject to an insurance claim and the insurance company denies coverage of the vehicle or does not take ownership of the vehicle within 45 days of possession by the salvage dealer.

(d) A vehicle owner or lienholder may send notice of dispute of the transfer of title under this Section within 30 days after the required notice is sent by the insurance company or salvage dealer. If a dispute between a vehicle owner or lienholder and an insurance company or salvage dealer cannot be resolved within 45 days after the required notice to the vehicle owner or lienholder is sent, the vehicle owner or lienholder, within 90 days after sending notice of dispute, shall petition a court of competent jurisdiction for an order to determine ownership of the vehicle and shall notify the Secretary of State of the filing of the petition. If a vehicle owner or lienholder does not file a petition within the 90-day period, the title to the vehicle shall be issued to the insurance company or salvage dealer under this Section.

(e) Any person who without authority acquires, sells, exchanges, gives away, transfers, or destroys or offers to acquire, sell, exchange, give away, transfer, or destroy the certificate of title to any vehicle which is a junk or salvage vehicle shall be guilty of a Class 3 felony.

(f) Any person who knowingly fails to surrender to the Secretary of State a certificate of title, salvage certificate, or certificate of purchase is guilty of a Class A misdemeanor for a first offense and a Class 4 felony for a second and subsequent offense.

(g) Any vehicle which is salvage or junk may not be driven or operated on roads and highways within this State. A violation of this subsection

(g) is a Class A misdemeanor. A salvage vehicle displaying valid special plates issued under subsection

(b) of Section 3-601 of this Code, which is being driven to or from an inspection conducted under Section 3-308 of this Code, is exempt from the provisions of this subsection (g). A salvage vehicle for which a short term permit has been issued under Section 3-307 of this Code is exempt from the provisions of this subsection

(g) for the duration of the permit.

(h) The Secretary of State may adopt any rules necessary to implement this Section.

625 ILCS 5/3-117.5 — Automatic processing of applications for salvage or junking certificates; salvage dealer; bond

Sec. 3-117.5. Automatic processing of applications for salvage or junking certificates; salvage dealer; bond.

(a) Notwithstanding any other provision of law to the contrary and subject to the requirements of this Section, if a salvage dealer as defined under Section 3-117.3 posts annually a bond in the amount of \$100,000, up to a maximum aggregate amount of \$100,000, with the Secretary of State, the Secretary of State shall automatically process any properly submitted application by the salvage dealer for a salvage certificate or junking certificate pursuant to Section 3-117.1 and issue the appropriate salvage certificate or junking certificate. The Secretary of State Vehicle Services Department may conduct random samplings of automatically processed applications submitted by a salvage dealer under this Section to ensure that the salvage dealer's applications for salvage certificates or junking certificates are accurate. Applications for salvage certificates or junking certificates submitted by a salvage dealer that are not accompanied by the most current certificate of title are not eligible for automatic processing, including, but not limited to, applications accompanied by an affidavit or a uniform invoice or certificate of purchase under Section 3-117.1.

(b) If a salvage dealer fails to properly submit applications for salvage certificates or junking certificates at an 85% rate of accuracy or greater, then the Secretary of State Vehicle Services Department may suspend that salvage dealer's right to automatic processing of applications for salvage certificates or junking certificates for a period of not less than 90 days. Prior to the initial suspension of a salvage dealer's right to automatic processing of applications for salvage certificates or junking certificates, the Secretary of State Vehicle Services Department shall provide notice to the salvage dealer of the

processing errors or defects and provide the salvage dealer with an opportunity to cure the processing errors or defects within a reasonable period, which shall not be less than 14 days. If the same processing errors or defects that are contained in the initial notice to the salvage dealer are repeated a second time by a salvage dealer within a 12-month period from the date of the initial notice, then the Secretary of State Vehicle Services Department shall suspend that salvage dealer's right to automatic processing of applications for salvage certificates or junking certificates for a period of not less than 90 days. If the same processing errors or defects that are contained in the initial notice to a salvage dealer are repeated a third time by the salvage dealer within a 12-month period from the date of the initial notice, then the Secretary of State Vehicle Services Department shall suspend that salvage dealer's right to automatic processing of applications for salvage certificates or junking certificates for a period of not less than 180 days.

(c) After a salvage dealer's right to automatic processing of applications for salvage certificates or junking certificates has been suspended and the applicable suspension period has been served, the salvage dealer may request reinstatement of the right to automatic processing of applications for salvage certificates or junking certificates by demonstrating to the Secretary of State Vehicle Services Department that the salvage dealer has corrected the processing errors or defects that resulted in the suspension. The Secretary of State Vehicle Services Department, after meeting and conferring with the salvage dealer, shall have the sole discretion, subject to the appeal rights in subsection (d), to determine whether to grant the salvage dealer's request for reinstatement.

(d) A salvage dealer may appeal a suspension or a denial of a request for reinstatement of the right to automatic processing of applications for salvage certificates or junking certificates directly to the Secretary of State.

(e) The annual bond posted as required by this Section shall be held by the Secretary of State to secure compensation for an owner of a vehicle if it is determined that the salvage dealer caused the improper transfer of ownership of the vehicle without performing the required procedures set forth in this Chapter. After providing the salvage dealer with a reasonable opportunity to provide proof of its due diligence relating to the disputed transaction and after meeting and conferring with the salvage dealer, the Secretary of State Vehicle Services Department shall determine whether the certificate of title of the vehicle was improperly transferred out of the owner's name by the salvage dealer. This determination shall create a rebuttable presumption that the vehicle was improperly transferred out of the owner's name by the salvage dealer. Upon such a determination by the Secretary of State Vehicle Services Department, if the salvage dealer does not compensate the vehicle owner for the value of the improperly transferred certificate of title, the owner of the vehicle shall have the right to seek reimbursement from the posted bond for the loss of the vehicle under a Court of Claims proceeding.

(f) The security deposited as an annual bond pursuant to this Section shall be placed by the Secretary of State in the custody of the State Treasurer. Thereafter, any person with a claim against the bond may enforce the claim through an appropriate proceeding in the Court of Claims, subject to the limitations prescribed for the Court of Claims.

625 ILCS 5/3-118 — Application for salvage or junking certificate; contents

Sec. 3-118. Application for salvage or junking certificate; contents.

(a) An application for a salvage certificate or junking certificate shall be made upon the forms prescribed by the Secretary of State and contain: 1. The name and address of the owner; 2. A description of the vehicle including, so far as the following data exists: its make, year-model, identifying number, type of body, whether new or used; 3. The date of purchase by applicant; and 4. Any further information reasonably required by the Secretary of State.

(b) The application for salvage certificate must also contain the current odometer reading and that the stated odometer reading is one of the following: actual mileage, not the actual mileage or mileage is in excess of its mechanical limits. (b-5) Each application for a salvage certificate for a motor vehicle shall be verified by the National Motor Vehicle Title Information System (NMVTIS) for a vehicle history report prior to the Secretary issuing a salvage certificate.

(c) A salvage certificate may be assigned to any person licensed under this Act as a rebuilder, automotive parts recycler, or scrap processor, or to an out-of-state salvage vehicle buyer. A salvage certificate for a vehicle that has come from a police impoundment may be assigned to a municipal fire department. A junking certificate may be assigned to anyone. A salvage certificate may be assigned to one person to whom a salvage certificate may be assigned pursuant to this Section.

625 ILCS 5/3-118.1

Sec. 3-118.1. Whenever a certificate of title is issued for a vehicle with respect to which a salvage certificate has been previously issued, the new certificate of title shall bear the notation "REBUILT". However, insurance companies or

persons licensed under Section 5-301 who are also licensed as a used vehicle dealer under Section 5-102 of this Code may exchange a salvage certificate for a certificate of title which does not bear the notation "REBUILT" when there is submitted with the application satisfactory proof that the salvage certificate was obtained because of a claim of total loss from theft and the vehicle was recovered without structural damage caused by collision, fire, flood, theft, rust, or corrosion. The Secretary may adopt rules governing the issuance of titles authorized under this Section.

625 ILCS 5/3-201 — Excepted liens and security interests

Sec. 3-201. Excepted liens and security interests. This Article does not apply to or affect:

- (a) A lien given by statute or rule of law to a supplier of services or materials for the vehicle;
- (b) A lien given by statute to the United States, this State or any political subdivision of this State, except liens on trailer coaches and mobile homes for public assistance, as provided in Section 3-12 (now repealed) of the Illinois Public Aid Code.
- (c) A security interest in a vehicle created by a manufacturer or dealer who holds the vehicle for sale, but a buyer in the ordinary course of trade from the manufacturer or dealer takes free of the security interest.

625 ILCS 5/3-201.1 — Terminal rent adjustment clause leases

Sec. 3-201.1. Terminal rent adjustment clause leases. In the case of motor vehicles or trailers, a transaction does not create a sale or a security interest merely because it provides that the rental price is permitted or required to be adjusted under the agreement either upward or downward by reference to the amount realized upon sale or other disposition of the motor vehicle or trailer.

625 ILCS 5/3-202 — Perfection of security interest

Sec. 3-202. Perfection of security interest.

- (a) Unless excepted by Section 3-201, a security interest in a vehicle of a type for which a certificate of title is required is not valid against subsequent transferees or lienholders of the vehicle unless perfected as provided in this Act. A purchase money security interest in a manufactured home is perfected against the rights of judicial lien creditors and execution creditors on and after the date such purchase money security interest attaches.
- (b) A security interest is perfected by the delivery to the Secretary of State of the existing certificate of title, if any, an application for a certificate of title containing the name and address of the lienholder and the required fee. The security interest is perfected as of the time of its creation if the delivery to the Secretary of State is completed within 30 days after the creation of the security interest or receipt by the new lienholder of the existing certificate of title from a prior lienholder or licensed dealer, otherwise as of the time of the delivery.
- (c) If a vehicle is subject to a security interest when brought into this State, the validity of the security interest is determined by the law of the jurisdiction where the vehicle was when the security interest attached, subject to the following: 1. If the parties understood at the time the security interest attached that the vehicle would be kept in this State and it was brought into this State within 30 days thereafter for purposes other than transportation through this State, the validity of the security interest in this State is determined by the law of this State. 2. If the security interest was perfected under the law of the jurisdiction where the vehicle was when the security interest attached, the following rules apply: (A) If the name of the lienholder is shown on an existing certificate of title issued by that jurisdiction, his security interest continues perfected in this State. (B) If the name of the lienholder is not shown on an existing certificate of title issued by that jurisdiction, a security interest may be perfected by the lienholder delivering to the Secretary of State the prescribed notice and by payment of the required fee. Such security interest is perfected as of the time of delivery of the prescribed notice and payment of the required fee. 3. If the security interest was not perfected under the law of the jurisdiction where the vehicle was when the security interest attached, it may be perfected in this State; in that case perfection dates from the time of perfection in this State. 4. A security interest may be perfected under paragraph 3 of this subsection either as provided in subsection
- (b) or by the lienholder delivering to the Secretary of State a notice of security interest in the form the Secretary of State prescribes and the required fee.
- (d) Except as otherwise provided in Sections 3-116.1, 3-116.2, 3-207, and the Conveyance and Encumbrance of Manufactured Homes as Real Property and Severance Act, after a certificate of title has been issued for a manufactured home and as long as the manufactured home is subject to any security interest perfected pursuant to this Section, the

Secretary of State shall not file an affidavit of affixation, nor cancel the Manufacturer's Statement of Origin, nor revoke the certificate of title, nor issue a certificate of title under Section 3-106, and, in any event, the validity and priority of any security interest perfected pursuant to this Section shall continue, notwithstanding the provision of any other law.

625 ILCS 5/3-203 — Security interest

Sec. 3-203. Security interest. If an owner creates a security interest in a vehicle:

(a) The owner shall immediately execute the application, in the space provided therefor on the certificate of title or on a separate form the Secretary of State prescribes, to name the lienholder on the certificate, showing the name and address of the lienholder and cause the certificate, application and the required fee to be delivered to the lienholder.

(b) The lienholder shall immediately cause the certificate, application and the required fee to be mailed or delivered to the Secretary of State.

(c) Upon request of the owner or subordinate lienholder, a lienholder in possession of the certificate of title shall either mail or deliver the certificate to the subordinate lienholder for delivery to the Secretary of State or, upon receipt from the subordinate lienholder of the owner's application and the required fee, mail or deliver them to the Secretary of State with the certificate. The delivery of the certificate does not affect the rights of the first lienholder under his security agreement.

(d) Upon receipt of the certificate of title, application and the required fee, the Secretary of State shall issue a new certificate containing the name and address of the new lienholder, and mail the certificate to the first lienholder named in it.

625 ILCS 5/3-204 — Assignment by lienholder

Sec. 3-204. Assignment by lienholder.

(a) A lienholder may assign, absolutely or otherwise, his security interest in the vehicle to a person other than the owner without affecting the interest of the owner or the validity of the security interest, but any person without notice of the assignment is protected in dealing with the lienholder as the holder of the security interest and the lienholder remains liable for any obligations as lienholder until the assignee is named as lienholder on the certificate.

(b) The assignee may, but need not to perfect the assignment, have the certificate of title issued with the assignee named as lienholder, upon delivering to the Secretary of State the certificate and an assignment by the lienholder named in the certificate in the form the Secretary of State prescribes.

625 ILCS 5/3-205 — Release of security interest

Sec. 3-205. Release of security interest.

(a) Within 21 days after receiving payment to satisfy a security interest in a vehicle for which the certificate of title is in the possession of the lienholder, he shall execute a release of his security interest, and mail or deliver the certificate and release to the next lienholder named therein, or, if none, to the owner or any person who delivers to the lienholder an authorization from the owner to receive the certificate. If the payment is in the form of cash, a cashier's check, or a certified check, the number of days is reduced to 10 business days. If the owner desires a new certificate reflecting no lien, the certificate and release from the lienholder may be submitted to the Secretary of State, along with the prescribed application and required fee, for issuance of that new certificate.

(b) Within 21 days after receiving payment to satisfy a security interest in a vehicle for which the certificate of title is in the possession of a prior lienholder, the lienholder whose security interest is satisfied shall execute a release and deliver the release to the owner or any person who delivers to the lienholder an authorization from the owner to receive it. If the payment is in the form of cash, a cashier's check, or a certified check, the number of days is reduced to 10 business days. The lienholder in possession of the certificate of title may either deliver the certificate to the owner, or the person authorized by him, for delivery to the Secretary of State, or, upon receipt of the release, may mail or may deliver the certificate and release, along with prescribed application and require fee, to the Secretary of State, who shall issue a new certificate.

(c) In addition to any other penalty, a lienholder who fails to execute a release of his or her security interest or who fails to mail or deliver the certificate and release within the time limit provided in subsection

(a) or

(b) is liable to the person or entity that was supposed to receive the release or certificate for \$150 plus reasonable attorney fees and court costs. An action under this Section may be brought in small claims court or in any other appropriate court.

(d) The holder of a security interest in or a lien on a manufactured home may deliver lien release documents to any person to facilitate conveying or encumbering the manufactured home. Any person receiving any such documents so delivered holds the documents in trust for the security interest holder or the lienholder.

625 ILCS 5/3-206 — Duty of lienholder

Sec. 3-206. Duty of lienholder. A lienholder named in a certificate of title shall, upon written request of the owner or of another lienholder named on the certificate, disclose any pertinent information as to his security agreement and the indebtedness secured by it.

625 ILCS 5/3-207 — Exclusiveness of procedure

Sec. 3-207. Exclusiveness of procedure. The method provided in this Act of perfecting and giving notice of security interests subject to this Act is exclusive. Security interests subject to this Act are hereby exempted from the provisions of law which otherwise require or relate to the recording or filing of instruments creating or evidencing security interests in vehicles including chattel mortgages and conditional sale agreements, provided, however, that with respect to a manufactured home that is or will be affixed to a permanent foundation, upon recordation of an affidavit of affixation pursuant to the Conveyance and Encumbrance of Manufactured Homes as Real Property and Severance Act and satisfaction of the requirements of Section 3-116.1 or 3-116.2, as applicable, any perfection or termination of a security interest with respect to such permanently affixed property shall be governed by the laws applicable to real property.

625 ILCS 5/3-208 — Suspension or revocation of certificates

Sec. 3-208. Suspension or revocation of certificates.

(a) The Secretary of State may suspend or revoke a certificate of title, upon notice and reasonable opportunity to be heard in accordance with Section 2-118, when authorized by any other provision of law or if he finds: 1. The certificate of title was fraudulently procured or erroneously issued, or 2. The vehicle has been scrapped, dismantled or destroyed. Except as provided in Section 3-116.2, the Secretary of State shall not suspend or revoke a certificate of title to a manufactured home by reason of the fact that, at any time, it shall have become affixed in any manner to real property.

(b) Suspension or revocation of a certificate of title does not, in itself, affect the validity of a security interest noted on it.

(c) When the Secretary of State suspends or revokes a certificate of title, the owner or person in possession of it shall, immediately upon receiving notice of the suspension or revocation, mail or deliver the certificate to the Secretary of State.

(d) The Secretary of State may seize and impound any certificate of title which has been suspended or revoked.

625 ILCS 5/3-209 — Powers of Secretary of State

Sec. 3-209. Powers of Secretary of State.

(a) The Secretary of State shall prescribe and provide suitable forms of applications, certificates of title, notices of security interests, and all other notices and forms necessary to carry out the provisions of this chapter.

(b) The Secretary of State may: 1. Make necessary investigations to procure information required to carry out the provisions of this Act. 2. Assign a new identifying number to a vehicle if it has none, or its identifying number is destroyed or obliterated, or its motor is changed, and shall either issue a new certificate of title showing the new identifying number or make an appropriate endorsement on the original certificate. 3. Remove a franchise affiliate's lien so that the franchise affiliate may pursue the balance of the lien with the defunct dealership instead of the constituent. This item applies if a franchise dealer neglects to pay off a trade-in vehicle's lien, and that lien is held by the franchise affiliate. The Secretary shall make this determination pursuant to an investigation by the Secretary of State Department of Police.

625 ILCS 5/3-210 — Court review

Sec. 3-210. Court review. A person aggrieved by an act or omission to act of the Secretary of State under this Article is also entitled to a review thereof by the Circuit Court of Sangamon County in accordance with the Administrative Review Law, as amended.

625 ILCS 5/3-301 — New certificate of title for rebuilt vehicle

Sec. 3-301. New certificate of title for rebuilt vehicle.

(a) For vehicles 8 model years of age or newer, the Secretary of State shall issue a new certificate of title to any rebuilt vehicle or any vehicle which previously had been titled as salvage in this State or any other jurisdiction upon the successful inspection of the vehicle in accordance with Section 3-308 of this Article.

(b) Vehicles more than 8 model years old shall not be required to complete a successful inspection required under Section 3-308 of this Code before being issued a new certificate of title as provided under this Section.

(c) Vehicles designated as flood vehicles that have sustained damage greater than 50% of their fair market value with that damage shall be required to complete a successful inspection required under Section 3-308 of this Code before being issued a new certificate of title provided under paragraph (5), subsection

(b) of Section 3-117.1.

625 ILCS 5/3-302 — Application for title; contents

Sec. 3-302. Application for title; contents. Every application for a certificate of title for a rebuilt vehicle shall be made upon a form prescribed by the Secretary of State, and shall include the following: 1. The name, residence and mailing address of the owner; 2. A description of the vehicle including, so far as the following data exists: its make, year-model, identifying number, type of body, whether new or used, and as to vehicles of the second division, whether for-hire, not-for-hire, or both for-hire and not-for-hire; 3. The date of purchase by applicant, the name and address of the person from whom the vehicle was acquired and the names and addresses of any lienholders in the order of their priority; 4. The current odometer reading at the time of transfer and that the stated odometer reading is one of the following: actual mileage, not the actual mileage or mileage is in excess of its mechanical limits; and 5. Any further information the Secretary of State reasonably requires to identify the vehicle and to enable him to determine whether the owner is entitled to a certificate of title and the existence or nonexistence of security interests in the vehicle.

625 ILCS 5/3-303 — Application for title - attachments

Sec. 3-303. Application for title - attachments. Every application for a certificate of title for a rebuilt vehicle shall be accompanied by the following: 1. The salvage certificate or out-of-state title certificate previously issued for the rebuilt vehicle; 2. Bills of sale and other documents evidencing the acquisition of all essential parts used to rebuild the vehicle; 3. Photographs of the rebuilt vehicle if required by rule of the Secretary of State; 4. A Certificate of Safety furnished by the Department of Transportation as set forth in Section 13-109; 5. A listing of all replaced essential parts of the rebuilt vehicle, and the identification number of the vehicle or vehicles from which the essential parts originated; and 6. Where the party has contracted for the rebuilding of the vehicle pursuant to Section 3-304, a copy of the contract and the form executed by the rebuilder.

625 ILCS 5/3-304 — Application for title - affirmation

Sec. 3-304. Application for title - affirmation.

(a) The applicant applying for a certificate of title for a rebuilt vehicle shall sign a written affirmation which states the following: 1. The applicant (A) is a licensed rebuilder and personally rebuilt the vehicle; (B) is a licensed builder and personally supervised its rebuilding; or (C) contracted for rebuilding with a licensed rebuilder; 2. The applicant personally inspected the completed vehicle, and it complies with all safety requirements set forth in this Code and any regulations promulgated thereunder by the Secretary of State; 3. The identification numbers of the rebuilt vehicle and its parts have not, to the knowledge of the applicant, been removed, destroyed, falsified, altered or defaced; 4. The salvage certificate or out-of-state title certificate attached to the application has not, to the knowledge of the applicant, been forged, falsified, altered or counterfeited; and 5. All information contained on the application and its attachments is true and correct to the knowledge of the applicant.

(b) If the applicant states that he or she has contracted for rebuilding with a licensed rebuilder, the applicant shall submit a statement from the rebuilder, in the form designated by the Secretary, stating that all of the supporting documentation and the contents of the application are, to the best of the rebuilder's knowledge and belief, complete, true, and correct.

625 ILCS 5/3-305 — Inspection fee

Sec. 3-305. Inspection fee. The fee for the inspection of a rebuilt vehicle shall be \$94. All such fees received by the Secretary of State shall be disbursed under subsection

(g) of Section 2-119 of this Code.

625 ILCS 5/3-306 — Retention of documents

Sec. 3-306. Retention of documents. The original documents required to be submitted to the Secretary of State pursuant to Sections 3-301 through 3-305 shall be retained by the Secretary of State for a period determined by Secretary of State by rule or regulation.

625 ILCS 5/3-307 — Short term permit

Sec. 3-307. Short term permit. The Secretary of State shall issue at no charge a short term permit to a licensed rebuilder for

(i) any vehicle for which an application for a certificate of title for a rebuilt vehicle will be submitted or (ii) any vehicle which is or may have been salvaged and which must be driven on the roads and highways of this State to a place of inspection.

625 ILCS 5/3-308 — Inspection of rebuilt vehicles

Sec. 3-308. Inspection of rebuilt vehicles.

(a) The Secretary of State shall inspect any vehicle 8 model years of age or newer for which an application for a certificate of title for a rebuilt vehicle will be submitted, or any foreign vehicle which is or may have been salvage as defined under the provisions of this Code.

(b) The inspection of the vehicle shall include an examination of the vehicle and its parts and of the application and proof of notification, if applicable, to determine that:

(1) the identification numbers of the vehicle or its parts have not been removed, falsified, altered, defaced, destroyed, or tampered with;

(2) all information contained in the application for a certificate of title is true and correct; and

(3) there are no indications that the vehicle or any of its parts have been stolen.

(c) The Secretary of State shall, by rule or regulation, carry out and implement the provisions contained in this Section.

(d) All fees received by the Secretary of State from the inspection of vehicles under this Section shall be applied towards the maintenance of the vehicle inspection program and the personnel costs required for the operation of such program.

625 ILCS 5/3-400 — Definitions

Sec. 3-400. Definitions. Notwithstanding the definitions set forth in Chapter 1 of this Act, for the purposes of this Article, the following words shall have the meaning ascribed to them as follows: "Apportionable Fee" means any periodic recurring fee required for licensing or registering vehicles, such as, but not limited to, registration fees, license or weight fees. "Apportionable Vehicle" means any vehicle, except recreational vehicles, vehicles displaying restricted plates, city pickup and delivery vehicles, buses used in transportation of chartered parties, and government owned vehicles that are used or intended for use in 2 or more member jurisdictions that allocate or proportionally register vehicles, in a fleet which is used for the transportation of persons for hire or the transportation of property and which has a gross vehicle weight in excess of 26,000 pounds; or has three or more axles regardless of weight; or is used in combination when the weight of such combination exceeds 26,000 pounds gross vehicle weight. Vehicles, or combinations having a gross vehicle weight of 26,000 pounds or less and two-axle vehicles may be proportionally registered at the option of such owner. "Base Jurisdiction" means, for purposes of fleet registration, the jurisdiction where the registrant has an established place of business, where operational records of the fleet are maintained and where mileage is accrued by the fleet. In case a registrant operates more than one fleet, and maintains records for each fleet in different places, the "base jurisdiction" for a fleet shall be the jurisdiction where an established place of business is maintained, where records of the operation of that fleet are maintained and where mileage is accrued by that fleet. "Operational Records" means documents supporting miles traveled in each jurisdiction and total miles traveled, such as fuel reports, trip leases, and logs. "Owner" means a person who holds legal title of a motor vehicle, or in the event a motor vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee with right of purchase, or in the event a mortgagor of such motor vehicle is entitled to possession, or in the event a lessee of such motor vehicle is entitled to possession or control, then such conditional vendee or lessee with right of purchase or mortgagor or lessee is considered to be the owner for the purpose of this Act. "Registration plate or digital registration plate cover" means any

tinted, colored, painted, marked, clear, or illuminated object that is designed to

(i) cover any of the characters of a motor vehicle's registration plate or digital registration plate; or (ii) distort a recorded image of any of the characters of a motor vehicle's registration plate or digital registration plate recorded by an automated enforcement system as defined in Section 11-208.6, 11-208.8, or 11-1201.1 of this Code or recorded by an automated traffic control system as defined in Section 15 of the Automated Traffic Control Systems in Highway Construction or Maintenance Zones Act. "Rental Owner" means an owner principally engaged, with respect to one or more rental fleets, in renting to others or offering for rental the vehicles of such fleets, without drivers. "Restricted Plates" shall include, but is not limited to, dealer, manufacturer, transporter, farm, reposessor, and permanently mounted type plates. Vehicles displaying any of these type plates from a foreign jurisdiction that is a member of the International Registration Plan shall be granted reciprocity but shall be subject to the same limitations as similar plated Illinois registered vehicles.

625 ILCS 5/3-401 — Effect of provisions

Sec. 3-401. Effect of provisions.

(a) It shall be unlawful for any person to violate any provision of this Chapter or to drive or move or for an owner knowingly to permit to be driven or moved upon any highway any vehicle of a type required to be registered hereunder which is not registered or for which the appropriate fee has not been paid when and as required hereunder, except that when application accompanied by proper fee has been made for registration of a vehicle it may be operated temporarily pending complete registration upon displaying a duplicate application duly verified or other evidence of such application or otherwise under rules and regulations promulgated by the Secretary of State.

(b) The appropriate fees required to be paid under the various provisions of this Act for registration of vehicles shall mean the fee or fees which would have been paid initially, if proper and timely application had been made to the Secretary of State for the appropriate registration required, whether such registration be a flat weight registration, a single trip permit, a reciprocity permit or a supplemental application to an original prorated application together with payment of fees due under the supplemental application for prorated decals.

(c) Effective October 1, 1984, no vehicle required to pay a Federal Highway Users Tax shall be registered unless proof of payment, in a form prescribed and approved by the Secretary of State, is submitted with the appropriate registration. Notwithstanding any other provision of this Code, failure of the applicant to comply with this paragraph shall be deemed grounds for the Secretary to refuse registration. (c-1) A vehicle may not be registered by the Secretary of State unless that vehicle:

- (1) was originally manufactured for operation on highways;
 - (2) is a modification of a vehicle that was originally manufactured for operation on highways; or
 - (3) was assembled from component parts designed for use in vehicles to be operated on highways.
- (d) Second division vehicles.

(1) A vehicle of the second division moved or operated within this State shall have had paid for it the appropriate registration fees and flat weight tax, as evidenced by the Illinois registration issued for that vehicle, for the gross weight of the vehicle and load being operated or moved within this State. Second division vehicles of foreign jurisdictions operated within this State under a single trip permit, fleet reciprocity plan, prorated registration plan, or apportioned registration plan, instead of second division vehicle registration under Article VIII of this Chapter, must have had paid for it the appropriate registration fees and flat weight tax in the base jurisdiction of that vehicle, as evidenced by the maximum gross weight shown on the foreign registration cards, plus any appropriate fees required under this Code.

(2) If a vehicle and load are operated in this State and the appropriate fees and taxes have not been paid or the vehicle and load exceed the registered gross weight for which the required fees and taxes have been paid by 2001 pounds or more, the operator or owner shall be fined as provided in Section 15-113 of this Code. However, an owner or operator shall not be subject to arrest under this subsection for any weight in excess of 80,000 pounds. Further, no fine shall exceed the actual cost of what the appropriate registration for that vehicle and load should have been as established in subsection

(a) of Section 3-815 of this Chapter regardless of the route traveled. For purposes of this paragraph (2), "appropriate registration" means the full annual cost of the required registration and its associated fees.

(3) Any person operating a legal combination of vehicles displaying valid registration shall not be considered in violation of the registration provision of this subsection unless the total gross weight of the combination exceeds the total licensed

weight of the vehicles in the combination. The gross weight of a vehicle exempt from the registration requirements of this Chapter shall not be included when determining the total gross weight of vehicles in combination. Any vehicle operating under an emergency harvest permit, as described in subsection (e-1) of Section 15-301 of this Code, shall not be in violation of this paragraph (3).

(4) If the defendant claims that he or she had previously paid the appropriate Illinois registration fees and taxes for this vehicle before the alleged violation, the defendant shall have the burden of proving the existence of the payment by competent evidence. Proof of proper Illinois registration issued by the Secretary of State, or the appropriate registration authority from the foreign state, shall be the only competent evidence of payment.

625 ILCS 5/3-401.5 — Digital registration plates and renewals

Sec. 3-401.5. Digital registration plates and renewals.

(a) The Secretary of State may authorize the issuance of a digital registration plate to a vehicle, in lieu of a set of static, metal registration plates, if the vehicle owner separately purchases the digital registration plate for a particular vehicle. The Secretary shall consult with law enforcement agencies when considering whether to approve the design of a digital license plate. The display device must allow for the automated image capture of letters and numbers during daytime and nighttime, including when the vehicle is parked or turned off. The Secretary shall work with the vehicle owner and the distributor of the digital registration plates to coordinate the appropriate plate image and registration expiration to appear on the digital registration plate. One metal plate shall still be issued to the vehicle owner for the front end of the vehicle.

(b) The Secretary, for any vehicle owner that purchases a digital registration plate, may electronically renew the digital registration plate upon receiving the appropriate renewal registration fee as set forth in this Code. The Secretary may also authorize the image to be suspended or revoked and replaced with an alternative image or blank screen upon violation of any provision of this Code or the failure to renew the digital registration plate.

(c) Before a digital registration plate may be issued in lieu of a special plate authorized under Article VI of this Chapter, the Secretary shall seek approval from the originating organization, when possible, to authorize a digital version of the static, metal plates issued to a vehicle owner.

(d) The owner of a digital registration plate is responsible for any costs associated with using the digital registration plate, including, but not limited to, the initial purchase price and any replacement costs.

(e) The Secretary of State may adopt any rules necessary to implement and develop a digital registration plate program, including rules regarding the images that may appear on digital registration plates.

(f) No image shall appear on a digital registration plate without prior approval of the Secretary of State.

625 ILCS 5/3-402 — Vehicles subject to registration; exceptions

Sec. 3-402. Vehicles subject to registration; exceptions. A. Exemptions and Policy. Every motor vehicle, trailer, semitrailer and pole trailer when driven or moved upon a highway shall be subject to the registration and certificate of title provisions of this Chapter except:

(1) Any such vehicle driven or moved upon a highway in conformance with the provisions of this Chapter relating to manufacturers, transporters, dealers, lienholders or nonresidents or under a temporary registration permit issued by the Secretary of State;

(2) Any implement of husbandry whether of a type otherwise subject to registration hereunder or not which is only incidentally operated or moved upon a highway, which shall include a not-for-hire movement for the purpose of delivering farm commodities to a place of first processing or sale, or to a place of storage;

(3) Any special mobile equipment as herein defined;

(4) Any vehicle which is propelled exclusively by electric power obtained from overhead trolley wires though not operated upon rails;

(5) Any vehicle which is equipped and used exclusively as a pumper, ladder truck, rescue vehicle, searchlight truck, or other fire apparatus, but not a vehicle of a type which would otherwise be subject to registration as a vehicle of the first division;

(6) Any vehicle which is owned and operated by the federal government and externally displays evidence of federal ownership. It is the policy of the State of Illinois to promote and encourage the fullest use of its highways and to enhance the flow of commerce thus contributing to the economic, agricultural, industrial and social growth and development of this

State, by authorizing the Secretary of State to negotiate and enter into reciprocal or proportional agreements or arrangements with other States, or to issue declarations setting forth reciprocal exemptions, benefits and privileges with respect to vehicles operated interstate which are properly registered in this and other States, assuring nevertheless proper registration of vehicles in Illinois as may be required by this Code;

(7) Any converter dolly or tow dolly which merely serves as substitute wheels for another legally licensed vehicle. A title may be issued on a voluntary basis to a tow dolly upon receipt of the manufacturer's certificate of origin or the bill of sale;

(8) Any house trailer found to be an abandoned mobile home under the Abandoned Mobile Home Act;

(9) Any vehicle that is not properly registered or does not have registration plates or digital registration plates issued to the owner or operator affixed thereto, or that does have registration plates or digital registration plates issued to the owner or operator affixed thereto but the plates are not appropriate for the weight of the vehicle, provided that this exemption shall apply only while the vehicle is being transported or operated by a towing service and has a third tow plate affixed to it;

(10) Low-speed electric scooters. B. Reciprocity. Any motor vehicle, trailer, semitrailer or pole trailer need not be registered under this Code provided the same is operated interstate and in accordance with the following provisions and any rules and regulations promulgated pursuant thereto:

(1) A nonresident owner, except as otherwise provided in this Section, owning any foreign registered vehicle of a type otherwise subject to registration hereunder, may operate or permit the operation of such vehicle within this State in interstate commerce without registering such vehicle in, or paying any fees to, this State subject to the condition that such vehicle at all times when operated in this State is operated pursuant to a reciprocity agreement, arrangement or declaration by this State, and further subject to the condition that such vehicle at all times when operated in this State is duly registered in, and displays upon it, a valid registration card and registration plate or plates or digital registration plate or plates issued for such vehicle in the place of residence of such owner and is issued and maintains in such vehicle a valid Illinois reciprocity permit as required by the Secretary of State, and provided like privileges are afforded to residents of this State by the State of residence of such owner. Every nonresident including any foreign corporation carrying on business within this State and owning and regularly operating in such business any motor vehicle, trailer or semitrailer within this State in intrastate commerce, shall be required to register each such vehicle and pay the same fees therefor as is required with reference to like vehicles owned by residents of this State.

(2) Any motor vehicle, trailer, semitrailer and pole trailer operated interstate need not be registered in this State, provided:

(a) that the vehicle is properly registered in another State pursuant to law or to a reciprocity agreement, arrangement or declaration; or

(b) that such vehicle is part of a fleet of vehicles owned or operated by the same person who registers such fleet of vehicles pro rata among the various States in which such fleet operates; or

(c) that such vehicle is part of a fleet of vehicles, a portion of which are registered with the Secretary of State of Illinois in accordance with an agreement or arrangement concurred in by the Secretary of State of Illinois based on one or more of the following factors: ratio of miles in Illinois as against total miles in all jurisdictions; situs or base of a vehicle, or where it is principally garaged, or from whence it is principally dispatched or where the movements of such vehicle usually originate; situs of the residence of the owner or operator thereof, or of his principal office or offices, or of his places of business; the routes traversed and whether regular or irregular routes are traversed, and the jurisdictions traversed and served; and such other factors as may be deemed material by the Secretary and the motor vehicle administrators of the other jurisdictions involved in such apportionment. Such vehicles shall maintain therein any reciprocity permit which may be required by the Secretary of State pursuant to rules and regulations which the Secretary of State may promulgate in the administration of this Code, in the public interest. (3)(a) In order to effectuate the purposes of this Code, the Secretary of State of Illinois is empowered to negotiate and execute written reciprocal agreements or arrangements with the duly authorized representatives of other jurisdictions, including States, districts, territories and possessions of the United States, and foreign states, provinces, or countries, granting to owners or operators of vehicles duly registered or licensed in such other jurisdictions and for which evidence of compliance is supplied, benefits, privileges and exemption from the payment, wholly or partially, of any taxes, fees or other charges imposed with respect to the ownership or operation of such vehicles by the laws of this State except the tax imposed by the Motor Fuel Tax Law, approved March 25, 1929, as amended, and the tax imposed by the Use Tax Act, approved July 14, 1955, as amended. The Secretary of State may negotiate agreements or arrangements as are in the best interests of this State and the residents of this State pursuant to the policies expressed in this Section taking into consideration the reciprocal exemptions, benefits and privileges

available and accruing to residents of this State and vehicles registered in this State.

(b) Such reciprocal agreements or arrangements shall provide that vehicles duly registered or licensed in this State when operated upon the highways of such other jurisdictions, shall receive exemptions, benefits and privileges of a similar kind or to a similar degree as extended to vehicles from such jurisdictions in this State.

(c) Such agreements or arrangements may also authorize the apportionment of registration or licensing of fleets of vehicles operated interstate, based on any or all of the following factors: ratio of miles in Illinois as against total miles in all jurisdictions; situs or base of a vehicle, or where it is principally garaged or from whence it is principally dispatched or where the movements of such vehicle usually originate; situs of the residence of the owner or operator thereof, or of his principal office or offices, or of his places of business; the routes traversed and whether regular or irregular routes are traversed, and the jurisdictions traversed and served; and such other factors as may be deemed material by the Secretary and the motor vehicle administrators of the other jurisdictions involved in such apportionment, and such vehicles shall likewise be entitled to reciprocal exemptions, benefits and privileges.

(d) Such agreements or arrangements shall also provide that vehicles being operated in intrastate commerce in Illinois shall comply with the registration and licensing laws of this State, except that vehicles which are part of an apportioned fleet may conduct an intrastate operation incidental to their interstate operations. Any motor vehicle properly registered and qualified under any reciprocal agreement or arrangement under this Code and not having a situs or base within Illinois may complete the inbound movement of a trailer or semitrailer to an Illinois destination that was brought into Illinois by a motor vehicle also properly registered and qualified under this Code and not having a situs or base within Illinois, or may complete an outbound movement of a trailer or semitrailer to an out-of-state destination that was originated in Illinois by a motor vehicle also properly registered and qualified under this Code and not having a situs or base in Illinois, only if the operator thereof did not break bulk of the cargo laden in such inbound or outbound trailer or semitrailer. Adding or unloading intrastate cargo on such inbound or outbound trailer or semitrailer shall be deemed as breaking bulk.

(e) Such agreements or arrangements may also provide for the determination of the proper State in which leased vehicles shall be registered based on the factors set out in subsection

(c) above and for apportionment of registration of fleets of leased vehicles by the lessee or by the lessor who leases such vehicles to persons who are not fleet operators.

(f) Such agreements or arrangements may also include reciprocal exemptions, benefits or privileges accruing under The Illinois Driver Licensing Law or The Driver License Compact.

(4) The Secretary of State is further authorized to examine the laws and requirements of other jurisdictions, and, in the absence of a written agreement or arrangement, to issue a written declaration of the extent and nature of the exemptions, benefits and privileges accorded to vehicles of this State by such other jurisdictions, and the extent and nature of reciprocal exemptions, benefits and privileges thereby accorded by this State to the vehicles of such other jurisdictions. A declaration by the Secretary of State may include any, part or all reciprocal exemptions, benefits and privileges or provisions as may be included within an agreement or arrangement.

(5) All agreements, arrangements, declarations and amendments thereto, shall be in writing and become effective when signed by the Secretary of State, and copies of all such documents shall be available to the public upon request.

(6) The Secretary of State is further authorized to require the display by foreign registered trucks, truck-tractors and buses, entitled to reciprocal benefits, exemptions or privileges hereunder, a reciprocity permit for external display before any such reciprocal benefits, exemptions or privileges are granted. The Secretary of State shall provide suitable application forms for such permit and shall promulgate and publish reasonable rules and regulations for the administration and enforcement of the provisions of this Code including a provision for revocation of such permit as to any vehicle operated wilfully in violation of the terms of any reciprocal agreement, arrangement or declaration or in violation of the Illinois Motor Carrier of Property Law, as amended. (7)(a) Upon the suspension, revocation or denial of one or more of all reciprocal benefits, privileges and exemptions existing pursuant to the terms and provisions of this Code or by virtue of a reciprocal agreement or arrangement or declaration thereunder; or, upon the suspension, revocation or denial of a reciprocity permit; or, upon any action or inaction of the Secretary in the administration and enforcement of the provisions of this Code, any person, resident or nonresident, so aggrieved, may serve upon the Secretary, a petition in writing and under oath, setting forth the grievance of the petitioner, the grounds and basis for the relief sought, and all necessary facts and particulars, and request an administrative hearing thereon. Within 20 days, the Secretary shall set a hearing date as early as practical. The Secretary may, in his discretion, supply forms for such a petition. The Secretary may

require the payment of a fee of not more than \$50 for the filing of any petition, motion, or request for hearing conducted pursuant to this Section. These fees must be deposited into the Secretary of State DUI Administration Fund, a special fund that is hereby created in the State treasury, and, subject to appropriation and as directed by the Secretary of State, shall be used to fund the operation of the hearings department of the Office of the Secretary of State and for no other purpose. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees.

(b) The Secretary may likewise, in his discretion and upon his own petition, order a hearing, when in his best judgment, any person is not entitled to the reciprocal benefits, privileges and exemptions existing pursuant to the terms and provisions of this Code or under a reciprocal agreement or arrangement or declaration thereunder or that a vehicle owned or operated by such person is improperly registered or licensed, or that an Illinois resident has improperly registered or licensed a vehicle in another jurisdiction for the purposes of violating or avoiding the registration laws of this State.

(c) The Secretary shall notify a petitioner or any other person involved of such a hearing, by giving at least 10 days notice, in writing, by U.S. Mail, Registered or Certified, or by personal service, at the last known address of such petitioner or person, specifying the time and place of such hearing. Such hearing shall be held before the Secretary, or any person as he may designate, and unless the parties mutually agree to some other county in Illinois, the hearing shall be held in the County of Sangamon or the County of Cook. Appropriate records of the hearing shall be kept, and the Secretary shall issue or cause to be issued, his decision on the case, within 30 days after the close of such hearing or within 30 days after receipt of the transcript thereof, and a copy shall likewise be served or mailed to the petitioner or person involved.

(d) The actions or inactions or determinations, or findings and decisions upon an administrative hearing, of the Secretary, shall be subject to judicial review in the Circuit Court of the County of Sangamon or the County of Cook, and the provisions of the Administrative Review Law, and all amendments and modifications thereof and rules adopted pursuant thereto, apply to and govern all such reviewable matters. Any reciprocal agreements or arrangements entered into by the Secretary of State or any declarations issued by the Secretary of State pursuant to any law in effect prior to the effective date of this Code are not hereby abrogated, and such shall continue in force and effect until amended pursuant to the provisions of this Code or expire pursuant to the terms or provisions thereof. C. Vehicles purchased out-of-state. A resident of this State who purchases a vehicle in another state and transports the vehicle to Illinois shall apply for registration and certificate of title as soon as practicable, but in no event more than 45 days after the purchase of the vehicle. If an Illinois motorist who purchased a vehicle from an out-of-state licensed dealer is unable to meet the 45-day deadline due to a delay in paperwork from the seller, that motorist may obtain an Illinois temporary registration plate with:

(i) proof of purchase; (ii) proof of meeting the Illinois driver's license or identification card requirement; and (iii) proof that Illinois title and registration fees have been paid. If fees have not been paid, the motorist may pay the fees in order to obtain the temporary registration plate. The owner of such a vehicle shall display any temporary permit or registration issued in accordance with Section 3-407.

625 ILCS 5/3-402.1 — Proportional registration

Sec. 3-402.1. Proportional registration. Any owner or rental owner engaged in operating a fleet of apportionable vehicles in this State and one or more other states may, in lieu of registration of such vehicles under the general provisions of Sections 3-402, 3-815, 3-815.1, and 3-819, register and license such fleet for operations in this State by filing an application statement, signed under penalties of perjury, with the Secretary of State which shall be in such form and contain such information as the Secretary of State shall require, declaring the total mileage operated in all states by such fleet, the total mileage operated in this state by such fleet during the preceding year, and describing and identifying each apportionable vehicle to be operated in this State during the ensuing year. If mileage data is not available for the preceding year, the Secretary of State may accept the latest 12-month period available. "Preceding year" means the period of 12 consecutive months immediately prior to July 1st of the year immediately preceding the registration or license year for which proportional registration is sought. Such owner shall determine the proportion of in-state miles to total fleet miles. Such percentage figure shall be such owner's apportionment factor. In determining the total fee payment, such owner shall first compute the license fee or fees for each vehicle within the fleet which would otherwise be required, and then multiply the said amount by the Illinois apportionment factor adding the fees for each vehicle to arrive at a total amount for the fleet. Apportionable trailers and semitrailers will be registered in accordance with the provisions of Section 3-813 of this Code. Upon receipt of the appropriate fees from such owner as computed under the provisions of this Section, the Secretary of State shall, when this State is the base jurisdiction, issue to such owner number plates or other distinctive tags or such evidence of registration as the Secretary of State shall deem appropriate to identify each vehicle

in the fleet as a part of a proportionally registered interstate fleet. Vehicles registered under the provision of this Section shall be considered fully licensed and properly registered in Illinois for any type of movement or operation. The proportional registration and licensing provisions of this Section shall apply to vehicles added to fleets and operated in this State during the registration year, applying the same apportionment factor to such fees as would be payable for the remainder of the registration year. Apportionment factors for apportionable vehicles not operated in this State during the preceding year shall be determined by the Secretary of State on the basis of a full statement of the proposed methods of operation and in conformity with an estimated mileage chart as calculated by the Secretary of State. An established fleet adding states at the time of renewal shall estimate mileage for the added states in conformity with a mileage chart developed by the Secretary of State.

625 ILCS 5/3-402.2 — Audits

Sec. 3-402.2. Audits. In addition to audit authority set forth in Section 2-124 of this Act, the Secretary of State, when this state is the base jurisdiction, may audit such owners displaying a base plate of this state as to authenticity of mileage figures and registrations and at such time and frequency as determined by the Secretary of State. Audits may be made by officials of other jurisdictions which are members of an International Registration Plan (IRP) of which this state is also a member. Upon completion of any such audit, the Secretary of State shall notify all jurisdictions in which such owner was proportionally registered on the accuracy of the records of such owner. Should such owner have underpaid or overpaid any jurisdiction in which his vehicles were proportionally registered, such information shall be furnished to the jurisdiction for processing in accordance with the procedures as set forth under the International Registration Plan.

625 ILCS 5/3-402.3 — Relation to Other State Laws

Sec. 3-402.3. Relation to Other State Laws. The provisions of Section 3-402.1 shall constitute complete authority for the registration of vehicles upon a proportional registration basis without reference to or application of any other statutes of this state.

625 ILCS 5/3-402.4 — Administrative Agreements and Rules

Sec. 3-402.4. Administrative Agreements and Rules. The Secretary of State may enter into agreements, compacts, or arrangements with other jurisdictions or agents for such jurisdictions, such as the American Association of Motor Vehicle Administrators, on behalf of this state for allocation or proportional registration of apportionable vehicles in a manner provided in Section 3-402.1 for the purpose of facilitating the administration thereof, and also for the purpose of conforming procedures for proportional registration, pursuant to Sections 3-402.1 and 3-402.2, with those agreed to by two or more additional jurisdictions, including but not limited to, acceptance of base jurisdiction responsibilities for apportional registration and licensing of fleet vehicles in other jurisdiction. In addition, the Secretary of State may adopt and promulgate such rules and regulations as he shall deem necessary to effectuate and administer the provisions of Sections 3-402.1 and 3-402.2. Any reciprocal arrangements or agreements in effect with jurisdictions that cannot grant proportional registration shall remain in force until specifically cancelled by either jurisdiction or until such time that jurisdiction becomes a member of an International Registration Plan (IRP) of which this state is also a member.

625 ILCS 5/3-403 — Trip and Short-term permits

Sec. 3-403. Trip and Short-term permits.

(a) The Secretary of State may issue a short-term permit to operate a nonregistered first or second division vehicle within the State of Illinois for a period of not more than 7 days. Any second division vehicle operating on such permit may operate only on empty weight. The fee for the short-term permit shall be \$6 for permits purchased on or before June 30, 2003 and \$10 for permits purchased on or after July 1, 2003. For short-term permits purchased on or after July 1, 2003, \$4 of the fee collected for the purchase of each permit shall be deposited into the General Revenue Fund. This permit may also be issued to operate an unladen registered vehicle which is suspended under the Vehicle Emissions Inspection Law and allow it to be driven on the roads and highways of the State in order to be repaired or when traveling to and from an emissions inspection station.

(b) The Secretary of State may, subject to reciprocal agreements, arrangements or declarations made or entered into pursuant to Section 3-402, 3-402.4 or by rule, provide for and issue registration permits for the use of Illinois highways by vehicles of the second division on an occasional basis or for a specific and special short-term use, in compliance with rules and regulations promulgated by the Secretary of State, and upon payment of the prescribed fee as follows: One-trip permits. A registration permit for one trip, or one round-trip into and out of Illinois, for a period not to exceed 72

consecutive hours or 3 calendar days may be provided, for a fee as prescribed in Section 3-811. Three-month permits. A registration permit for 90 days may be provided for a fee of \$13 for registration plus 1/10 of the flat weight tax. In-transit permits. A registration permit for one trip may be provided for vehicles in transit by the driveaway or towaway method and operated by a transporter in compliance with the Illinois Motor Carrier of Property Law, for a fee as prescribed in Section 3-811. Illinois Temporary Apportionment Authorization Permits. An apportionment authorization permit for forty-five days for the immediate operation of a vehicle upon application for and prior to receiving apportioned credentials or interstate credentials from the State of Illinois. The fee for such permit shall be \$3. Illinois Temporary Prorate Authorization Permit. A prorate authorization permit for forty-five days for the immediate operation of a vehicle upon application for and prior to receiving prorate credentials or interstate credentials from the State of Illinois. The fee for such permit shall be \$3.

(c) The Secretary of State shall promulgate by such rule or regulation, schedules of fees and taxes for such permits and in computing the amount or amounts due, may round off such amount to the nearest full dollar amount.

(d) The Secretary of State shall further prescribe the form of application and permit and may require such information and data as necessary and proper, including confirming the status or identity of the applicant and the vehicle in question.

(e) Rules or regulations promulgated by the Secretary of State under this Section shall provide for reasonable and proper limitations and restrictions governing the application for and issuance and use of permits, and shall provide for the number of permits per vehicle or per applicant, so as to preclude evasion of annual registration requirements as may be required by this Act.

(f) Any permit under this Section is subject to suspension or revocation under this Act, and in addition, any such permit is subject to suspension or revocation should the Secretary of State determine that the vehicle identified in any permit should be properly registered in Illinois. In the event any such permit is suspended or revoked, the permit is then null and void, may not be re-instated, nor is a refund therefor available. The vehicle identified in such permit may not thereafter be operated in Illinois without being properly registered as provided in this Chapter.

625 ILCS 5/3-404 — Vehicles of second division carrying persons or property - Required documents

Sec. 3-404. Vehicles of second division carrying persons or property - Required documents. The Secretary of State shall require an appropriate document, including but not limited to a bill of lading, trip manifest or dispatch record, to be carried, on all vehicles of the second division, carrying persons or property setting forth therein:

(a) the point of origin and destination of the vehicle and its cargo or the persons being carried;

(b) whether the movement is for-hire or not-for-hire; and

(c) whether the movement is intrastate or interstate as defined by this Act. The Secretary of State shall promulgate and publish reasonable rules and regulations for the administration and enforcement of this requirement. Vehicles bearing valid current Illinois registration plate or plates or digital registration plate or plates and registration stickers or digital registration stickers where applicable shall be exempted from such requirement by the Secretary of State whether the movement is "intrastate" or "interstate" as defined in this Act.

625 ILCS 5/3-405 — Application for registration

Sec. 3-405. Application for registration.

(a) Every owner of a vehicle subject to registration under this Code shall make application to the Secretary of State for the registration of such vehicle upon the appropriate form or forms furnished by the Secretary. Every such original application shall bear the signature of the owner written with pen and ink and contain: 1. The name, domicile address, as defined in Section 1-115.5 of this Code, (except as otherwise provided in this paragraph 1), mail address of the owner or business address of the owner if a firm, association, or corporation, and, if available, email address of the owner. If the mailing address is a post office box number, the address listed on the driver license record may be used to verify residence. A police officer, a deputy sheriff, an elected sheriff, a law enforcement officer for the Illinois State Police, a fire investigator, a state's attorney, an assistant state's attorney, a state's attorney special investigator, a judicial officer, or a public official may elect to furnish the address of the headquarters of the governmental entity, police district, or business address where he or she works instead of his or her domicile address, in which case that address shall be deemed to be his or her domicile address for all purposes under this Chapter 3. The spouse and children of a person who may elect under this paragraph 1 to furnish the address of the headquarters of the government entity, police district, or business address where the person works instead of the person's domicile address may, if they reside with that person, also elect to furnish the address of the headquarters of the government entity, police district, or business address where the person works as

their domicile address, in which case that address shall be deemed to be their domicile address for all purposes under this Chapter 3. In this paragraph 1: (A) "police officer" has the meaning ascribed to "policeman" in Section 10-3-1 of the Illinois Municipal Code; (B) "deputy sheriff" means a deputy sheriff appointed under Section 3-6008 of the Counties Code; (C) "elected sheriff" means a sheriff commissioned pursuant to Section 3-6001 of the Counties Code; (D) "fire investigator" means a person classified as a peace officer under the Peace Officer Fire Investigation Act; (E) "state's attorney", "assistant state's attorney", and "state's attorney special investigator" mean a state's attorney, assistant state's attorney, and state's attorney special investigator commissioned or appointed under Division 3-9 of the Counties Code; (F) "judicial officer" has the meaning ascribed to it in Section 1-10 of the Judicial Privacy Act; and (G) "public official" has the meaning given in Section 10 of the Public Official Safety and Privacy Act. 2. A description of the vehicle, including such information as is required in an application for a certificate of title, determined under such standard rating as may be prescribed by the Secretary. 3. (Blank). 3.5. A space for a voluntary disclosure of a condition that impedes effective communication under Section 3-405.5. 4. Such further information as may reasonably be required by the Secretary to enable him to determine whether the vehicle is lawfully entitled to registration and the owner entitled to a certificate of title. 5. An affirmation by the applicant that all information set forth is true and correct. If the application is for the registration of a motor vehicle, the applicant also shall affirm that the motor vehicle is insured as required by this Code, that such insurance will be maintained throughout the period for which the motor vehicle shall be registered, and that neither the owner, nor any person operating the motor vehicle with the owner's permission, shall operate the motor vehicle unless the required insurance is in effect. If the person signing the affirmation is not the sole owner of the vehicle, such person shall be deemed to have affirmed on behalf of all the owners of the vehicle. If the person signing the affirmation is not an owner of the vehicle, such person shall be deemed to have affirmed on behalf of the owner or owners of the vehicle. The lack of signature on the application shall not in any manner exempt the owner or owners from any provisions, requirements or penalties of this Code.

(b) When such application refers to a new vehicle purchased from a dealer the application shall be accompanied by a Manufacturer's Statement of Origin from the dealer, and a statement showing any lien retained by the dealer.

625 ILCS 5/3-405.1 — Application for vanity and personalized license plates

Sec. 3-405.1. Application for vanity and personalized license plates.

(a) Vanity license plates mean any license plates, assigned to a passenger motor vehicle of the first division, to a motor vehicle of the second division registered at not more than 8,000 pounds, to a trailer weighing 8,000 pounds or less paying the flat weight tax, to a funeral home vehicle, an electric vehicle, or a recreational vehicle, which display a registration number containing 1 to 7 letters and no numbers or 1, 2, or 3 numbers and no letters as requested by the owner of the vehicle and license plates issued to retired members of Congress under Section 3-610.1 or to retired members of the General Assembly as provided in Section 3-606.1. Personalized license plates mean any license plates, assigned to a passenger motor vehicle of the first division, to a motor vehicle of the second division registered at not more than 8,000 pounds, to a trailer weighing 8,000 pounds or less paying the flat weight tax, to a funeral home vehicle, an electric vehicle, or a recreational vehicle, which display a registration number containing one of the following combinations of letters and numbers, as requested by the owner of the vehicle: Standard Passenger Plates First Division Vehicles 1 letter plus 0-99 2 letters plus 0-99 3 letters plus 0-99 4 letters plus 0-99 5 letters plus 0-99 6 letters plus 0-9 Second Division Vehicles 8,000 pounds or less, Trailers 8,000 pounds or less paying the flat weight tax, and Recreation Vehicles 0-999 plus 1 letter 0-999 plus 2 letters 0-999 plus 3 letters 0-99 plus 4 letters 0-9 plus 5 letters

(b) For any registration period commencing after December 31, 2003, any person who is the registered owner of a passenger motor vehicle of the first division, of a motor vehicle of the second division registered at not more than 8,000 pounds, of a trailer weighing 8,000 pounds or less paying the flat weight tax, of a funeral home vehicle, of an electric vehicle, or of a recreational vehicle registered with the Secretary of State or who makes application for an original registration of such a motor vehicle or renewal registration of such a motor vehicle may, upon payment of a fee prescribed in Section 3-806.1 or Section 3-806.5, apply to the Secretary of State for vanity or personalized license plates.

(c) Except as otherwise provided in this Chapter 3, vanity and personalized license plates as issued under this Section shall be the same color and design as other passenger vehicle license plates or electric vehicle license plates and shall not in any manner conflict with any other existing passenger, commercial, trailer, motorcycle, or special license plate series. However, special registration plates issued under Sections 3-611 and 3-616 for vehicles operated by or for persons with disabilities may also be vanity or personalized license plates.

(d) Vanity and personalized license plates shall be issued only to the registered owner of the vehicle on which they are to be displayed, except as provided in Sections 3-611 and 3-616 for special registration plates for vehicles operated by or for persons with disabilities.

(e) An applicant for the issuance of vanity or personalized license plates or subsequent renewal thereof shall file an application in such form and manner and by such date as the Secretary of State may, in his discretion, require. No vanity nor personalized license plates shall be approved, manufactured, or distributed that contain any characters, symbols other than the international accessibility symbol for vehicles operated by or for persons with disabilities, foreign words, or letters of punctuation.

(f) Vanity and personalized license plates as issued pursuant to this Act may be subject to the Staggered Registration System as prescribed by the Secretary of State.

(g) For purposes of this Section, "funeral home vehicle" means any motor vehicle of the first division or motor vehicle of the second division weighing 8,000 pounds or less that is owned or leased by a funeral home.

(h) As used in this Section, "electric vehicle" means any vehicle that is required to be registered under Section 3-805.

625 ILCS 5/3-405.2 — Improper plates

Sec. 3-405.2. Improper plates. The Secretary of State shall refuse to issue any license plates bearing a combination of letters or numbers, or both, which creates a potential duplication or, in the opinion of the Secretary,

(1) would substantially interfere with plate identification for law enforcement purposes,

(2) is misleading, or

(3) creates a connotation that is offensive to good taste and decency. The Secretary may revoke any such plates issued previously. Any person who has his or her plates revoked under this Section may acquire at no charge new plates and any required stickers of the same category and for the same period of registration.

625 ILCS 5/3-405.3 — Application for fleet vehicles

Sec. 3-405.3. Application for fleet vehicles.

(a) An owner engaged in operating a fleet of motor vehicles of the first division in this State or a fleet of second division vehicles operated intrastate may register and license the fleet for operations in this State by filing an application statement with the Secretary of State, signed under penalties of perjury, which shall be in the form and contain the information required by the Secretary of State. First division vehicles registered under this Section must be registered in accordance with the fees prescribed in Section 3-806 of this Code. Second division vehicles registered under this Section must be registered in accordance with the fees prescribed in Section 3-815 of this Code.

(b) Participation in the fleet registration plan may be accomplished only by entering into a contractual agreement with the Secretary. The applicant must have electronic data interchange capabilities. The Secretary shall in his or her discretion determine other qualifications for fleet owners to register under this paragraph. In making the determination, the Secretary shall consider the size of the fleet and the past history of the registrant.

625 ILCS 5/3-405.4 — Audits

Sec. 3-405.4. Audits. In addition to audit authority set forth in Section 2-124 of this Code, the Secretary of State may audit the registration plates and the inventory of credentials of any fleet owner participating in the fleet registration plan.

625 ILCS 5/3-405.5 — Registration by an owner with a condition that impedes effective communication

Sec. 3-405.5. Registration by an owner with a condition that impedes effective communication.

(a) An application for registration must provide space where the applicant voluntarily may indicate that the applicant, child of the applicant, or other approved driver of the registered vehicle has a health condition or disability that may impede effective communication with a peace officer. The application shall include a checklist of common health conditions and disabilities that impede effective communication from which the applicant may select. The checklist shall also include a blank space for the applicant to specify a condition that is not listed. The Secretary of State may request from a person who makes an indication under this subsection verification of a condition in the form of:

(1) for a physical health condition, a written statement from a licensed physician; or

(2) for a mental health condition, a written statement from a licensed physician, a licensed psychologist, or a nonphysician mental health professional.

(b) The Secretary shall provide to the Illinois State Police the vehicle registration information of a person who indicated on an application under subsection

(a) that the person, child of the person, or other approved driver of the registered vehicle has a health condition or disability that may impede effective communication. The Secretary may not provide to the Illinois State Police information that shows the person's specific health condition or disability, or that of another approved driver of the registered vehicle, unless the person authorizes the disclosure of the specific health condition or disability.

(c) The Illinois State Police shall establish a system to include information received under subsection

(b) in the statewide Law Enforcement Agencies Data System for the purpose of alerting a peace officer who makes a traffic stop that the operator or a child passenger of the stopped vehicle may have a health condition or disability that may impede effective communication.

(d) The Illinois State Police may not make information received under subsection

(b) available in the statewide Law Enforcement Agencies Data System to a person who has access to the system under a contract unless the contract prohibits the person from disclosing that information to a person who is not subject to the contract.

(e) Except as otherwise provided by this Section, information supplied to the Secretary relating to an applicant's health condition or disability, or that of another approved driver of the registered vehicle, may not be disclosed to any person. Such information is for the confidential use of the Secretary and the Illinois State Police.

625 ILCS 5/3-406 — Application for specially constructed, reconstructed, custom, street rod, foreign vehicles, or glider kits

Sec. 3-406. Application for specially constructed, reconstructed, custom, street rod, foreign vehicles, or glider kits.

(a) In the event the vehicle to be registered is a specially constructed, reconstructed or foreign vehicle, such fact shall be stated in the application and with reference to every foreign vehicle which has been registered heretofore outside of this State the owner shall surrender to the Secretary of State all registration plates, registration cards or other evidence of such foreign registration as may be in his possession or under his control except as provided in subdivision

(b) hereof.

(b) Where in the course of interstate operation of a vehicle registered in another State, it is desirable to retain registration of said vehicle in such other State, such applicant need not surrender but shall submit for inspection said evidences of such foreign registration and the Secretary of State upon a proper showing shall register said vehicle in this State but shall not issue a certificate of title for such vehicle.

(c) In the event the applicant seeks to have the vehicle registered as a custom vehicle or street rod, that fact must be stated in the application. Prior to registration, custom vehicles or street rods must be inspected by the Secretary of State Department of Police. Upon successful completion of the inspection, the vehicle may be registered in the following manner. The make of the vehicle shall be listed as the make of the actual vehicle or the make it is designed to resemble (e.g., Ford or Chevrolet); the model of the vehicle shall be listed as custom vehicle or street rod; and the year of the vehicle shall be listed as the year the actual vehicle was manufactured or the year it is designed to resemble.

(d) In the event the applicant seeks to have the vehicle registered as a glider kit, that fact must be stated in the application. Each glider kit sought to be registered shall be inspected by the Secretary of State Department of Police who shall verify the chassis, cab, front axle, and other essential parts as acceptable. Upon successful completion of the inspection, the vehicle may be registered in the following manner:

(1) the make of the vehicle shall be listed as the make of the chassis of the actual manufacturer;

(2) the model of the vehicle shall be listed as glider kit; and

(3) the year of the vehicle shall be listed as the year presented on the manufacturer's certificate of origin for the chassis, unless no year is presented, then it shall be listed as the year the application is received.

625 ILCS 5/3-407 — Temporary permit or registration pending registration

Sec. 3-407. Temporary permit or registration pending registration.

(a) Temporary Permit. The Secretary of State in his discretion may grant a temporary permit or placard to operate a vehicle for which application for registration and certificate of title has been made where such application is made by the holder of a valid Illinois driver's license or identification card, or equivalent documentation, and accompanied by the proper fee, pending action upon said application by the Secretary of State. If the person making the application is primarily a resident of a state other than the State of Illinois, that person shall provide a valid driver's license or identification card, or equivalent documentation, of that primary state of residence, accompanied by the proper fee, and one or more of the following:

(i) proof of ownership or lease agreement for a residence in Illinois; (ii) proof of enrollment in an Illinois college, university, or other institution of higher education; or (iii) proof of active duty military status. In lieu of payment of the proper fee, the Secretary of State may accept a bond therefor or a certificate of deposit, in the proper amount, and in the same form and subject to the same requirements as the payment of such fees or taxes on an installment basis, except that the fees or taxes due shall be payable and paid to the Secretary of State. The design, color and format of the temporary permit or placard shall be wholly within the discretion of the Secretary of State.

(b) Temporary Registration. The Secretary of State in his discretion may issue registration plates to an owner for which application and certificate of title has been made where such application is accompanied by the proper fee and tax, pending completion of the said application by the applicant and the Secretary, subject however to rules and regulations promulgated by the Secretary.

(c) Revocation. A temporary permit or registration is subject to revocation to the same extent as any other registration.

625 ILCS 5/3-407.5 — Temporary permit for charitable not-for-profit organization

Sec. 3-407.5. Temporary permit for charitable not-for-profit organization.

(a) Any charitable not-for-profit organization that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code and engaged in the maintenance and repair of motor vehicles may make application to the Secretary for a temporary permit to operate a motor vehicle that was donated to the not-for-profit organization for the purpose of donating the motor vehicle to a low-income individual.

(b) A permit issued under this Section shall be valid for a period of 90 days. No more than 2 permits may be issued under this Section for any one vehicle. A vehicle may be operated with the temporary permit only for purposes of delivering the vehicle to a not-for-profit organization, moving the vehicle for maintenance or repairs, or delivering the vehicle to a low-income individual.

(c) An applicant for the temporary permit shall provide the Secretary proof of the not-for-profit status of the organization, along with a document signed by the donor and the not-for-profit organization expressly stating that the vehicle is being donated to the not-for-profit organization by the donor, and the not-for-profit organization assumes all liability for the operation of the vehicle upon accepting the donation. This form must identify the vehicle by make, model, year, and vehicle identification number. An applicant for the temporary permit shall also provide the Secretary with proof of liability insurance covering the vehicle in at least the minimum amounts set forth in Article VI of Chapter 7. The donated motor vehicle shall meet the requirements for registration under Chapter 3 of this Code to qualify for a temporary permit under this Section. A copy of the permit shall be kept inside the motor vehicle at all times.

(d) The Secretary may adopt any rules necessary to implement this Section.

625 ILCS 5/3-408 — Grounds for refusing registration or certificate of title

Sec. 3-408. Grounds for refusing registration or certificate of title. The Secretary of State shall refuse registration or any transfer of registration upon any of the following grounds: 1. That the application contains any false or fraudulent statement or that the applicant has failed to furnish required information or reasonable additional information requested by the Secretary of State or that the applicant is not entitled to the issuance of a certificate of title or registration of the vehicle under Chapter 3; 2. That the Secretary of State has reasonable ground to believe that the vehicle is a stolen or embezzled vehicle or that the granting of registration would constitute a fraud against the rightful owner or other person having valid lien upon such vehicle; 3. That the registration of the vehicle stands suspended or revoked for any reason as provided in the motor-vehicle laws of this State; 4. That the required fee has not been paid; 5.

(a) In the case of medical transport vehicles and vehicles designed to carry 15 or fewer passengers operated by a contract carrier transporting employees in the course of their employment on a highway of this State, that the application does not contain a copy of a completed Vehicle Inspection Report issued by the Department of Transportation which

certifies that the vehicle has been determined to be in safe mechanical condition by a safety test administered within the preceding 6 months; and

(b) in the case of medical transport vehicles, other than vehicles owned or operated by a unit of local government, proof of financial responsibility; or 6. That the applicant is 90 days or more delinquent in court ordered child support payments or has been adjudicated in arrears in an amount equal to 90 days' obligation or more and has been found in contempt of court for failure to pay the support, subject to the requirements and procedures of Article VII of Chapter 7 of the Illinois Vehicle Code.

625 ILCS 5/3-409 — Registration indexes

Sec. 3-409. Registration indexes. The Secretary of State shall file each application received and when satisfied as to the genuineness and regularity thereof, and that the applicant is entitled to register such vehicle and to the issuance of a certificate of title, shall register the vehicle therein described and keep a suitable record thereof as follows: 1. Under a distinctive registration number assigned to the vehicle; 2. Under the identifying number of the vehicle; 3. Alphabetically, under the name of the owner; 4. In the discretion of the Secretary of State, in any other manner it may deem desirable.

625 ILCS 5/3-410 — Secretary of State to issue registration card

Sec. 3-410. Secretary of State to issue registration card.

(a) The Secretary of State upon registering a vehicle shall issue a registration card.

(b) The registration card shall be delivered to the owner and shall contain upon the face thereof the date issued, the name and address of the owner, the registration number assigned to the vehicle and as to vehicles of the second division, whether the vehicle is for-hire or not-for-hire and such description of the vehicle as determined by the Secretary of State.

625 ILCS 5/3-411 — Registration card to be carried and exhibited on demand

Sec. 3-411. Registration card to be carried and exhibited on demand.

(a) Every registration card for a vehicle of the second division weighing more than 8,000 pounds or any vehicle of the second division weighing 8,000 pounds or less towing a trailer, except pole trailer or semitrailer shall at all times be carried in the vehicle to which it refers or shall be carried by the person driving or in control of such vehicle who shall display the same upon demand of a police officer or any officer or employee of the Secretary of State.

(b) The provisions of this Section requiring that a registration card be carried in the vehicle to which it refers or by the person driving the same shall not apply when such card is used for the purpose of making application for renewal of registration or upon a transfer of registration of said vehicle.

(c) Every owner or operator of a vehicle of the second division subject to a reciprocity agreement under subsection

(b) of Section 3-402 of this Chapter shall at all times carry in the vehicle a copy of the reciprocity permit and shall display the same upon demand of a police officer or any officer or employee of the Secretary of State.

625 ILCS 5/3-412

Sec. 3-412. Registration plates or digital registration plates and registration stickers or digital registration stickers to be furnished by the Secretary of State.

(a) The Secretary of State upon registering a vehicle subject to annual registration for the first time shall issue or shall cause to be issued to the owner one registration plate or digital registration plate for a motorcycle, trailer, semitrailer, moped, autocycle, or truck-tractor, 2 registration plates, or a digital registration plate and metal plate as set forth in Section 3-401.5, for other motor vehicles and, where applicable, current registration stickers or digital registration stickers for motor vehicles of the first division. The provisions of this Section may be made applicable to such vehicles of the second division, as the Secretary of State may, from time to time, in his discretion designate. On subsequent annual registrations during the term of the registration plate or digital registration plate as provided in Section 3-414.1, the Secretary shall issue or cause to be issued registration stickers or digital registration stickers as evidence of current registration. However, the issuance of annual registration stickers or digital registration stickers to vehicles registered under the provisions of Sections 3-402.1 and 3-405.3 of this Code may not be required if the Secretary deems the issuance unnecessary.

(b) Every registration plate or digital registration plate shall have displayed upon it the registration number assigned to the vehicle for which it is issued, the name of this State, which may be abbreviated, the year number for which it was issued,

which may be abbreviated, the phrase "Land of Lincoln" (except as otherwise provided in this Code), and such other letters or numbers as the Secretary may prescribe. However, for apportionment plates issued to vehicles registered under Section 3-402.1 and fleet plates issued to vehicles registered under Section 3-405.3, the phrase "Land of Lincoln" may be omitted to allow for the word "apportioned", the word "fleet", or other similar language to be displayed. Registration plates or digital registration plates issued to a vehicle registered as a fleet vehicle may display a designation determined by the Secretary. The Secretary may in his discretion prescribe that letters be used as prefixes only on registration plates or digital registration plates issued to vehicles of the first division which are registered under this Code and only as suffixes on registration plates or digital registration plates issued to other vehicles. Every registration sticker or digital registration sticker issued as evidence of current registration shall designate the year number for which it is issued and such other letters or numbers as the Secretary may prescribe and shall be of a contrasting color with the registration plates or digital registration plates and registration stickers or digital registration stickers of the previous year.

(c) Each registration plate or digital registration plate and the required letters and numerals thereon, except the year number for which issued, shall be of sufficient size to be plainly readable from a distance of 100 feet during daylight, and shall be coated with reflectorizing material. The dimensions of the plate issued to vehicles of the first division shall be 6 by 12 inches.

(d) The Secretary of State shall issue for every passenger motor vehicle rented without a driver the same type of registration plates or digital registration plates as the type of plates issued for a private passenger vehicle.

(e) The Secretary of State shall issue for every passenger car used as a taxicab or livery, distinctive registration plates or digital registration plates.

(f) The Secretary of State shall issue for every motorcycle distinctive registration plates or digital registration plates distinguishing between motorcycles having 150 or more cubic centimeters piston displacement, or having less than 150 cubic centimeter piston displacement.

(g) Registration plates or digital registration plates issued to vehicles for-hire may display a designation as determined by the Secretary that such vehicles are for-hire.

(h) (Blank).

(i) The Secretary of State shall issue for every public and private ambulance registration plates or digital registration plates identifying the vehicle as an ambulance. The Secretary shall forward to the Department of Healthcare and Family Services registration information for the purpose of verification of claims filed with the Department by ambulance owners for payment for services to public assistance recipients.

(j) The Secretary of State shall issue for every public and private medical carrier or rescue vehicle livery registration plates or digital registration plates displaying numbers within ranges of numbers reserved respectively for medical carriers and rescue vehicles. The Secretary shall forward to the Department of Healthcare and Family Services registration information for the purpose of verification of claims filed with the Department by owners of medical carriers or rescue vehicles for payment for services to public assistance recipients.

(k) The Secretary of State shall issue distinctive license plates or digital registration plates or distinctive license plate stickers or digital registration stickers for every vehicle exempted from subsections

(a) and (a-5) of Section 12-503 by subsection

(g) of that Section, and by subsection (g-5) of that Section before its deletion by this amendatory Act of the 95th General Assembly. The Secretary shall issue these plates or stickers immediately upon receiving the physician's certification required under subsection

(g) of Section 12-503. New plates or stickers shall also be issued when the certification is renewed as provided in that subsection.

(l) The Secretary of State shall issue distinctive registration plates or digital registration plates for low-speed vehicles.

(m) The Secretary of State shall issue distinctive registration plates or digital registration plates for autocycles. The dimensions of the plate issued to autocycles shall be 4 by 7 inches.

625 ILCS 5/3-413

Sec. 3-413. Display of registration plates or digital registration plates, registration stickers or digital registration stickers, and drive-away permits; registration plate or digital registration plate covers.

(a) Registration plates or digital registration plates issued for a motor vehicle other than a motorcycle, autocycle, trailer, semitrailer, truck-tractor, apportioned bus, or apportioned truck shall be attached thereto, one in the frontmost and one in the rearmost. The registration plate or digital registration plate issued for a motorcycle, autocycle, trailer or semitrailer required to be registered hereunder and any apportionment plate issued to a bus under the provisions of this Code shall be attached to the rearmost thereof. The registration plate or digital registration plate issued for a truck-tractor or an apportioned truck required to be registered hereunder shall be attached to the frontmost thereof.

(b) Except for vehicles with rear loaded motorized forklifts, every registration plate or digital registration plate shall at all times be securely fastened in a horizontal position to the vehicle for which it is issued so as to prevent the plate from swinging and at a height of not less than 5 inches from the ground, measuring from the bottom of such plate, in a place and position to be clearly visible and shall be maintained in a condition to be clearly legible, free from any materials that would obstruct the visibility of the plate. A registration plate or digital registration plate on a motorcycle may be mounted vertically as long as it is otherwise clearly visible. Registration stickers or digital registration stickers issued as evidence of renewed annual registration shall be attached to registration plates or displayed on digital registration plates as required by the Secretary of State, and be clearly visible at all times and displayed as prescribed in subsection (k). For those vehicles with rear loaded motorized forklifts, if the rear plate is securely fastened in a horizontal position as prescribed, the plate and registration sticker shall not be required to be clearly visible at all times as a result of the rear mounted motorized forklift obstructing the view.

(c) Every drive-away permit issued pursuant to this Code shall be firmly attached to the motor vehicle in the manner prescribed by the Secretary of State. If a drive-away permit is affixed to a motor vehicle in any other manner the permit shall be void and of no effect.

(d) The Illinois prorated decal issued to a foreign registered vehicle part of a fleet prorated or apportioned with Illinois, shall be displayed on a registration plate or digital registration plate and displayed on the frontmost of such vehicle in the same manner as an Illinois registration plate or digital registration plate.

(e) The registration plate or digital registration plate issued for a camper body mounted on a truck displaying registration plates or digital registration plates shall be attached to the rearmost of the camper body.

(f) No person shall operate a vehicle, nor permit the operation of a vehicle, upon which is displayed an Illinois registration plate or plates or digital registration plate or plates or registration stickers or digital registration stickers, except as provided for in subsection

(b) of Section 3-701 of this Code, after the termination of the registration period for which issued or after the expiration date set pursuant to Sections 3-414 and 3-414.1 of this Code.

(g) A person may not operate any motor vehicle that is equipped with registration plate or digital registration plate covers. A violation of this subsection

(g) or a similar provision of a local ordinance is an offense against laws and ordinances regulating the movement of traffic.

(h) A person may not sell or offer for sale a registration plate or digital registration plate cover. A violation of this subsection

(h) is a business offense.

(i) A person may not advertise for the purpose of promoting the sale of registration plate or digital registration plate covers. A violation of this subsection

(i) is a business offense.

(j) A person may not modify the original manufacturer's mounting location of the rear registration plate or digital registration plate on any vehicle so as to conceal the registration or to knowingly cause it to be obstructed in an effort to hinder a peace officer from obtaining the registration for the enforcement of a violation of this Code, Section 27.1 of the Toll Highway Act concerning toll evasion, or any municipal ordinance. Modifications prohibited by this subsection

(j) include but are not limited to the use of an electronic device. A violation of this subsection

(j) is a Class A misdemeanor.

(k) Registration stickers issued as evidence of renewed registration by the Secretary shall be displayed on the upper right corner of the rear registration plate or in a manner otherwise provided by the Secretary. However, registration stickers issued to truck-tractors shall be displayed on the upper right corner of the front registration plate or in a manner otherwise provided by the Secretary.

(l) No person shall affix to any registration plate, temporary registration plate, digital registration plate, registration sticker, or other evidence of registration issued by the Secretary any medallion, insignia, sticker, tape, or other object not issued or approved by the Secretary. No person shall alter, manipulate, apply, or otherwise manipulate any evidence of registration issued by the Secretary in any manner from the original condition as was received when issued by the Secretary. It is unlawful to operate any vehicle that

(i) displays evidence of registration altered in any manner or displaying any medallion, insignia, sticker, tape, or other object as prescribed in this subsection or (ii) is equipped with a manual, electronic, or mechanical device that hides or obscures a registration plate.

625 ILCS 5/3-414 — Expiration of registration

Sec. 3-414. Expiration of registration.

(a) Every vehicle registration under this Chapter and every registration card and registration plate or digital registration plate or registration sticker or digital registration sticker issued hereunder to a vehicle shall be for the periods specified in this Chapter and shall expire at midnight on the day and date specified in this Section as follows: 1. When registered on a calendar year basis commencing January 1, expiration shall be on the 31st day of December or at such other date as may be selected in the discretion of the Secretary of State; however, through December 31, 2004, registrations of apportionable vehicles, motorcycles, motor driven cycles and pedalcycles shall commence on the first day of April and shall expire March 31st of the following calendar year; 1.1. Beginning January 1, 2005, registrations of motorcycles and motor driven cycles shall commence on January 1 and shall expire on December 31 or on another date that may be selected by the Secretary; registrations of apportionable vehicles and pedalcycles, however, shall commence on the first day of April and shall expire March 31 of the following calendar year; 2. When registered on a 2 calendar year basis commencing January 1 of an even-numbered year, expiration shall be on the 31st day of December of the ensuing odd-numbered year, or at such other later date as may be selected in the discretion of the Secretary of State not beyond March 1 next; 3. When registered on a fiscal year basis commencing July 1, expiration shall be on the 30th day of June or at such other later date as may be selected in the discretion of the Secretary of State not beyond September 1 next; 4. When registered on a 2 fiscal year basis commencing July 1 of an even-numbered year, expiration shall be on the 30th day of June of the ensuing even-numbered year, or at such other later date as may be selected in the discretion of the Secretary of State not beyond September 1 next; 5. When registered on a 4 fiscal year basis commencing July 1 of an even-numbered year, expiration shall be on the 30th day of June of the second ensuing even-numbered year, or at such other later date as may be selected in the discretion of the Secretary of State not beyond September 1 next. (a-5) The Secretary may, in his or her discretion, require an owner of a motor vehicle of the first division or a motor vehicle of the second division weighing not more than 8,000 pounds to select the owner's birthday as the date of registration expiration under this Section. If the motor vehicle has more than one registered owner, the owners may select one registered owner's birthday as the date of registration expiration. The Secretary may adopt any rules necessary to implement this subsection.

(b) Vehicle registrations of vehicles of the first division shall be for a calendar year, 2 calendar year, 3 calendar year, or 5 calendar year basis as provided for in this Chapter. Vehicle registrations of vehicles under Sections 3-808 and 3-809 shall be on an indefinite term basis or a 2 calendar year basis as provided for in this Chapter. Vehicle registrations for vehicles of the second division shall be for a fiscal year, 2 fiscal year or calendar year basis as provided for in this Chapter. Motor vehicles registered under the provisions of Section 3-402.1 shall be issued multi-year registration plates or digital registration plates with a new registration card issued annually upon payment of the appropriate fees. Motor vehicles registered under the provisions of Section 3-405.3 shall be issued multi-year registration plates or digital registration plates with a new multi-year registration card issued pursuant to subsections (j), (k), and

(l) of this Section upon payment of the appropriate fees. Apportionable trailers and apportionable semitrailers registered under the provisions of Section 3-402.1 shall be issued multi-year registration plates or digital registration plates and cards that will be subject to revocation for failure to pay annual fees required by Section 3-814.1. The Secretary shall determine when these vehicles shall be issued new registration plates or digital registration plates.

(c) Every vehicle registration specified in Section 3-810 and every registration card and registration plate or digital registration plate or registration sticker or digital registration sticker issued thereunder shall expire on the 31st day of December of each year or at such other date as may be selected in the discretion of the Secretary of State.

- (d) Every vehicle registration for a vehicle of the second division weighing over 8,000 pounds, except as provided in subsection
- (g) of this Section, and every registration card and registration plate or registration sticker, or digital registration plate or digital registration sticker, where applicable, issued hereunder to such vehicles shall be issued for a fiscal year commencing on July 1st of each registration year. However, the Secretary of State may, pursuant to an agreement or arrangement or declaration providing for apportionment of a fleet of vehicles with other jurisdictions, provide for registration of such vehicles under apportionment or for all of the vehicles registered in Illinois by an applicant who registers some of his vehicles under apportionment on a calendar year basis instead, and the fees or taxes to be paid on a calendar year basis shall be identical to those specified in this Code for a fiscal year registration. Provision for installment payment may also be made.
- (e) Semitrailer registrations under apportionment may be on a calendar year under a reciprocal agreement or arrangement and all other semitrailer registrations shall be on fiscal year or 2 fiscal year or 4 fiscal year basis as provided for in this Chapter.
- (f) The Secretary of State may convert annual registration plates or digital registration plates or 2-year registration plates or digital registration plates, whether registered on a calendar year or fiscal year basis, to multi-year plates. The determination of which plate categories and when to convert to multi-year plates is solely within the discretion of the Secretary of State.
- (g) After January 1, 1975, each registration, registration card and registration plate or digital registration plate or registration sticker or digital registration sticker, where applicable, issued for a recreational vehicle or recreational or camping trailer, except a house trailer, used exclusively by the owner for recreational purposes, and not used commercially nor as a truck or bus, nor for hire, shall be on a calendar year basis; except that the Secretary of State shall provide for registration and the issuance of registration cards and plates or registration stickers, or digital registration plates or stickers, where applicable, for one 6-month period in order to accomplish an orderly transition from a fiscal year to a calendar year basis. Fees and taxes due under this Code for a registration year shall be appropriately reduced for such 6-month transitional registration period.
- (h) The Secretary of State may, in order to accomplish an orderly transition for vehicles registered under Section 3-402.1 of this Code from a calendar year registration to a March 31st expiration, require applicants to pay fees and taxes due under this Code on a 15 month registration basis. However, if in the discretion of the Secretary of State this creates an undue hardship on any applicant the Secretary may allow the applicant to pay 3 month fees and taxes at the time of registration and the additional 12 month fees and taxes to be payable no later than March 31, 1992.
- (i) The Secretary of State may stagger registrations, or change the annual expiration date, as necessary for the convenience of the public and the efficiency of his Office. In order to appropriately and effectively accomplish any such staggering, the Secretary of State is authorized to prorate all required registration fees, rounded to the nearest dollar, but in no event for a period longer than 18 months, at a monthly rate for a 12-month registration fee.
- (j) The Secretary of State may enter into an agreement with a rental owner, as defined in Section 3-400 of this Code, who registers a fleet of motor vehicles of the first division pursuant to Section 3-405.3 of this Code to provide for the registration of the rental owner's vehicles on a 2 or 3 calendar year basis and the issuance of multi-year registration plates or digital registration plates with a new registration card issued up to every 3 years.
- (k) The Secretary of State may provide multi-year registration cards for any registered fleet of motor vehicles of the first or second division that are registered pursuant to Section 3-405.3 of this Code. Each motor vehicle of the registered fleet must carry a unique multi-year registration card that displays the vehicle identification number of the registered motor vehicle. The Secretary of State shall promulgate rules in order to implement multi-year registrations.
- (l) Beginning with the 2018 registration year, the Secretary of State may enter into an agreement with a rental owner, as defined in Section 3-400 of this Code, who registers a fleet of motor vehicles of the first division under Section 3-405.3 of this Code to provide for the registration of the rental owner's vehicle on a 5 calendar year basis. Motor vehicles registered on a 5 calendar year basis shall be issued a distinct registration plate or digital registration plate that expires on a 5-year cycle. The Secretary may prorate the registration of these registration plates or digital registration plates to the length of time remaining in the 5-year cycle. The Secretary may adopt any rules necessary to implement this subsection.

625 ILCS 5/3-414.1 — Term of multi-year registration plates

Sec. 3-414.1. Term of multi-year registration plates.

(a) Registration plates issued for motor vehicles shall be valid for an indefinite term of not less than one year. Registration plates issued as two-year or five-year plates may be issued as multi-year plates at the discretion of the Secretary of State. Current renewal registration stickers, when necessary, are to be attached as provided in Section 3-413. The Secretary may in his discretion prescribe a term greater than one year or may extend the term of current registration plates for an additional calendar year by appropriate public announcement made before August 1 of the current registration year.

(b) Registration plates issued to owners of vehicles subject to annual registration for the first time during the term of the plates shall be valid until the expiration of the term. Current annual registration stickers are to be attached as provided in Section 3-413.

625 ILCS 5/3-414.5 — Multi-year registration

Sec. 3-414.5. Multi-year registration.

(a) The Secretary of State shall permit the owner of a motor vehicle of the first division or a motor vehicle of the second division weighing not more than 8,000 pounds or a motor vehicle of the second division applying for a C class registration plate to register the motor vehicle for a period of 2 years if the owner selects to register his or her motor vehicle under this Section.

(1) If the motor vehicle to be registered is required to undergo emissions inspections, the 2-year registration must coincide with the emissions inspection cycle.

(2) An applicant for a 2-year registration shall apply online or by completing and mailing the appropriate 2-year registration application form to the address indicated on the form.

(3) The owner of a motor vehicle with a 2-year registration may transfer that registration to another motor vehicle with the same emissions inspection requirements, if applicable. The owner of a motor vehicle with a 2-year registration who discontinues use of the registration before the expiration of the 2-year period is not entitled to a complete or a prorated refund of the registration fee.

(4) The fee for a 2-year registration shall be twice the applicable annual registration fee for the motor vehicle being registered. If the owner of a motor vehicle issued registration under this subsection is subject to an annual surcharge under Section 3-806 or 3-815, the Secretary of State shall collect the surcharge for each registration year of the multi-year registration at the same time the Secretary of State collects the one-time registration fee.

(b) The Secretary of State shall permit the owner of a trailer to register the trailer for a period of either one year or up to an extended 5-year registration period.

(1) The registration shall be based on a recurring 5-year registration period. The trailer owner may apply for an annual registration, registration for the full 5 years, or for the number of years remaining in the current 5-year cycle at the time of the registration application.

(2) An applicant for a 5-year trailer registration shall apply online or by completing and mailing the appropriate 5-year registration application form to the address indicated on the form.

(3) The owner of a trailer with a 5-year registration may transfer that registration to another trailer of the same weight class. The owner of a trailer with a 5-year registration who discontinues use of the registration before the expiration of the 5-year period is not entitled to a complete or a prorated refund of the registration fee.

(4) The fee for a 5-year registration shall be the same as the applicable annual registration fee for the trailer being registered multiplied by the number of years remaining in the current 5-year cycle at the time of the registration application.

(c) The Secretary of State may adopt rules to implement this Section.

625 ILCS 5/3-415 — Application for and renewal of registration

Sec. 3-415. Application for and renewal of registration.

(a) Calendar year. Application for renewal of a vehicle registration shall be made by the owner, as to those vehicles required to be registered on a calendar registration year, not later than December 1 of each year, upon proper application and by payment of the registration fee and tax for such vehicle, as provided by law except that application for renewal of a vehicle registration, as to those vehicles required to be registered on a staggered calendar year basis, shall be made by

the owner in the form and manner prescribed by the Secretary of State.

(b) Fiscal year. Application for renewal of a vehicle registration shall be made by the owner, as to those vehicles required to be registered on a fiscal registration year, not later than June 1 of each year, upon proper application and by payment of the registration fee and tax for such vehicle as provided by law, except that application for renewal of a vehicle registration, as to those vehicles required to be registered on a staggered fiscal year basis, shall be made by the owner in the form and manner prescribed by the Secretary of State.

(c) Two calendar years. Application for renewal of a vehicle registration shall be made by the owner, as to those vehicles required to be registered for 2 calendar years, not later than December 1 of the year preceding commencement of the 2-year registration period, except that application for renewal of a vehicle registration, as to those vehicles required to be registered for 2 years on a staggered registration basis, shall be made by the owner in the form and manner prescribed by the Secretary of State.

(d) Two fiscal years. Application for renewal of a vehicle registration shall be made by the owner, as to those vehicles required to be registered for 2 fiscal years, not later than June 1 immediately preceding commencement of the 2-year registration period, except that application for renewal of a vehicle registration, as to those vehicles required to be registered for 2 fiscal years on a staggered registration basis, shall be made by the owner in the form and manner prescribed by the Secretary of State. (d-5) Three calendar years. Application for renewal of a vehicle registration shall be made by the owner, as to those vehicles required to be registered for 3 calendar years, not later than December 1 of the year preceding commencement of the 3-year registration period. (d-10) Five calendar years. Application for renewal of a vehicle registration shall be made by the owner, as to those vehicles required to be registered for 5 calendar years, not later than December 1 of the year preceding commencement of the 5-year registration period.

(e) Time of application. The Secretary of State may receive applications for renewal of registration and grant the same and issue new registration cards and plates or registration stickers at any time prior to expiration of registration. No person shall display upon a vehicle, the new registration plates or registration stickers prior to the dates the Secretary of State in his discretion may select.

(f) Verification. The Secretary of State may further require, as to vehicles for-hire, that applications be accompanied by verification that fees due under the Illinois Motor Carrier of Property Law, as amended, have been paid.

(g) (Blank).

(h) Returning combat mission veterans. Beginning in registration year 2017, the application for renewal, and subsequent fees, of a vehicle registration for a member of the active-duty or reserve component of the United States Armed Forces returning from a combat mission shall not be required for that service member's next scheduled renewal. Proof of combat mission service shall come from the service member's hostile fire pay or imminent danger pay documentation received any time in the 12 months preceding the registration renewal. Nothing in this subsection is applicable to the additional fees incurred by specialty, personalized, or vanity license plates.

625 ILCS 5/3-416 — Notice of change of address or name

Sec. 3-416. Notice of change of address or name.

(a) Whenever any person after making application for or obtaining the registration of a vehicle shall move from the address named in the application or shown upon a registration card such person shall within 10 days thereafter notify the Secretary of State of his or her old and new address. (a-5) A police officer, a deputy sheriff, an elected sheriff, a law enforcement officer for the Illinois State Police, or a fire investigator who, in accordance with Section 3-405, has furnished the address of the office of the headquarters of the governmental entity or police district where he or she works instead of his or her domicile address shall, within 10 days after he or she is no longer employed by that governmental entity or police district as a police officer, a deputy sheriff, an elected sheriff, a law enforcement officer for the Illinois State Police or a fire investigator, notify the Secretary of State of the old address and his or her new address. If, in accordance with Section 3-405, the spouse and children of a police officer, deputy sheriff, elected sheriff, law enforcement officer for the Illinois State Police, or fire investigator have furnished the address of the office of the headquarters of the governmental entity or police district where the police officer, deputy sheriff, elected sheriff, law enforcement officer for the Illinois State Police, or fire investigator works instead of their domicile address, the spouse and children shall notify the Secretary of State of their old address and new address within 10 days after the police officer, deputy sheriff, elected sheriff, law enforcement officer for the Illinois State Police, or fire investigator is no longer employed by that governmental entity or police district as a police officer, deputy sheriff, elected sheriff, law enforcement officer for the Illinois State Police, or fire

investigator.

(b) Whenever the name of any person who has made application for or obtained the registration of a vehicle is thereafter changed by marriage or otherwise such person shall within 10 days notify the Secretary of State of such former and new name.

(c) In either event, any such person may obtain a corrected registration card or certificate of title upon application and payment of the statutory fee.

625 ILCS 5/3-417 — Lost or damaged or stolen cards, plates and registration stickers

Sec. 3-417. Lost or damaged or stolen cards, plates and registration stickers.

(a) In the event any registration card, plate or digital plate, registration sticker or digital registration sticker, or other Illinois evidence of proper registration is lost, mutilated or becomes illegible, the owner or legal representative or successor in interest of the owner of the vehicle for which the same was issued as shown by the records of the Secretary of State shall immediately make application for and may obtain a duplicate under a new registration card, plate or digital plate, registration sticker or digital registration sticker, or other Illinois evidence of proper registration.

(b) In the event any registration card, plate or digital plate, registration sticker or digital registration sticker, or other Illinois evidence of proper registration is stolen from the owner, the owner or legal representative or successor in interest of the owner of the vehicle shall promptly notify the Secretary of State, and in order to comply with Section 3-413 of this Act the owner shall make application for and obtain a duplicate registration card, plate or digital plate, registration sticker or digital registration sticker, or other Illinois evidence of proper registration.

(c) The Secretary of State may, if advisable, issue a substitute or new registration number in lieu of issuing a duplicate.

(d) An applicant for a duplicate shall furnish information satisfactory to and prescribed by the Secretary of State, and he or she shall forward with the application, the fees prescribed by law.

625 ILCS 5/3-418 — Registration under new identifying number

Sec. 3-418. Registration under new identifying number. When the Secretary of State issues a new identifying number, such motor vehicle shall be registered under such identifying number in lieu of the former identifying number.

625 ILCS 5/3-419 — Regulations governing change of motors

Sec. 3-419. Regulations governing change of motors. The Secretary of State is authorized to adopt and enforce such registration rules and regulations as may be deemed necessary and compatible with the public interest with respect to the change or substitution of one engine in place of another in any motor vehicle. Where a substitution or change changes the classification of a motor vehicle for registration purposes resulting in requiring the payment of a greater fee or tax, the owner shall be required to reclassify the registration and pay the higher or greater fee or tax due.

625 ILCS 5/3-421 — Right of reassignment

Sec. 3-421. Right of reassignment.

(a) Every natural person shall have the right of reassignment of the license number issued to him during the current registration plate or digital registration plate term, for the ensuing registration plate or digital registration plate term, provided his or her application for reassignment is received in the Office of the Secretary of State on or before September 30 of the final year of the registration plate or digital registration plate term as to a vehicle registered on a calendar year, and on or before March 31 as to a vehicle registered on a fiscal year. The right of reassignment shall apply to every natural person under the staggered registration system provided the application for reassignment is received in the Office of the Secretary of State by the 1st day of the month immediately preceding the applicant's month of expiration. In addition, every natural person shall have the right of reassignment of the license number issued to him for a two-year registration, for the ensuing two-year period. Where the two-year period is for two calendar years, the application for reassignment must be received by the Secretary of State on or before September 30th of the year preceding commencement of the two-year period. Where the two-year period is for two fiscal years commencing on July 1, the application for reassignment must be received by the Secretary of State on or before April 30th immediately preceding commencement of the two-year period.

(b) Notwithstanding the above provision, the Secretary of State shall, subject to the existing right of reassignment, have the authority to designate new specific combinations of numerical, alpha-numerical, and numerical-alpha licenses for

vehicles registered on a calendar year or on a fiscal year, whether the license be issued for one or more years. The new combinations so specified shall not be subject to the right of reassignment, and no right of reassignment thereto may at any future time be acquired.

(c) If a person has a registration plate in his or her name and seeks to reassign the registration plate to his or her spouse, the Secretary shall waive any transfer fee or vanity or personalized registration plate fee upon both spouses signing a form authorizing the reassignment of registration. (c-1) If a person who has a registration plate in his or her name seeks to reassign the registration plate to his or her child, the Secretary shall waive any transfer fee or vanity or personalized registration plate fee.

625 ILCS 5/3-422 — Issuance of confidential license plates and registrations

Sec. 3-422. Issuance of confidential license plates and registrations.

(a) Requirements for use of confidential vehicle license plates and registrations. Confidential vehicle license plates and registrations may be issued to local, state, and federal government agencies for bona fide law enforcement purposes. The plates and registrations may be issued in fictitious names and addresses, and may be used only in confidential, investigative, or undercover law enforcement operations.

(b) Application procedures for confidential plates and registrations:

(1) Applications by local, state, and federal government agencies for confidential license plates and registrations must be made to the Secretary of State Police Department on a form and in a manner prescribed by the Secretary of State Police Department.

(2) The application form must include information, as specific as possible without compromising investigations or techniques, setting forth the need for the license plates and registrations and the uses to which the license plates and registrations will be limited.

(3) The application form must be signed and verified by the local, state, or federal government agency head or designee.

(4) Registration information maintained by the Secretary of State Police Department for confidential license plates and registrations must show the fictitious names and addresses on all records subject to public disclosure. All other information concerning these confidential license plates and registrations are exempt from disclosure unless the disclosure is ordered by a court of competent jurisdiction.

(c) Revocation and cancellation procedures for confidential license plates and registrations:

(1) The Secretary of State Police Department may revoke or refuse to renew confidential license plates and registrations when they have reasonable cause to believe the license plates and registrations are being used for purposes other than those set forth in the application form or authorized by this Section, or where records indicate that within a one-year period five or more parking or toll highway violations have been issued to the vehicle associated with the license plate and registration and those violations remain unpaid.

(2) A government agency must request cancellation of confidential license plates and registrations that are no longer required for the purposes for which they were issued.

(3) All revoked confidential license plates and certificates of registration must be promptly returned to the Secretary of State Police Department by the government agency to which they were issued.

(d) All fees collected for the issuance of confidential license plates and registrations must be deposited in the Secretary of State Police Services Fund.

625 ILCS 5/3-501 — Registration expires on transfer by owner

Sec. 3-501. Registration expires on transfer by owner. Whenever the owner of a registered vehicle transfers or assigns his title, or interest thereto, the registration of such vehicle shall expire and the owner shall not be entitled to any refund of the registration fee. The owner shall remove the registration plates and registration stickers, if any, therefrom and forward the same to the Secretary of State or may have such plates and registration stickers, if any, and the registration number thereon assigned to another vehicle upon payment of the fees required by law and subject to the rules and regulations of the Secretary of State.

625 ILCS 5/3-501.1 — Transfer or return of vanity or personalized license plates

Sec. 3-501.1. Transfer or return of vanity or personalized license plates. When any person who has been issued vanity or personalized license plates or digital license plates sells, trades, or otherwise releases the ownership of the vehicle upon which the vanity or personalized license plates or digital license plates have been displayed, he or she shall immediately report the transfer of such plates or digital plates to an acquired motor vehicle pursuant to Section 3-501 and pay the transfer fee or shall, upon the request of the Secretary, immediately return such plates to the Secretary of State. The right to reassignment of the registration plate or digital registration plate number shall apply as provided in Section 3-421 of this Code.

625 ILCS 5/3-502 — New owner must secure new registration

Sec. 3-502. New owner must secure new registration. The transferee before operating or permitting the operation of such vehicle upon a highway shall apply for and obtain the registration thereof, as upon an original registration, except as otherwise permitted in Sections 3-401, 3-503 and 3-504.

625 ILCS 5/3-503 — Transfers to dealers

Sec. 3-503. Transfers to dealers. When the transferee of a vehicle is a dealer who holds the same for resale and lawfully operates the same under dealers' number plates or when the transferee does not drive such vehicle or permit it to be driven upon the highways, such transferee shall not be required to obtain a new registration of said vehicle.

625 ILCS 5/3-504 — Transfer by operation of law

Sec. 3-504. Transfer by operation of law. Except in case of joint tenancy with the right of survivorship or surviving spouse or transfer pursuant to an order of the Illinois Commerce Commission or Interstate Commerce Commission, whenever the title or interest of an owner in or to a registered vehicle shall pass to another otherwise than by voluntary transfer, except a transfer pursuant to an order of the Illinois Commerce Commission or Interstate Commerce Commission, the registration thereof shall expire and the vehicle shall not be operated upon the highways unless and until the person entitled to possession of such vehicle shall apply for and obtain the registration thereof.

625 ILCS 5/3-505 — Transfer of Reciprocity Permit or Prorate Decals

Sec. 3-505. Transfer of Reciprocity Permit or Prorate Decals. Whenever the owner of a vehicle properly registered in another State transfers his interest thereto, Illinois evidence of proper registration in such other State, that is an Illinois Reciprocity Permit or a Prorate Decal, shall expire and the owner shall remove the same from such vehicle and forward the same to the Secretary of State. The owner may, however, instead have such Illinois evidence of proper registration in another State assigned to another vehicle also properly registered in another State, upon payment of the fees required by law and subject to the rules and regulations of the Secretary.

625 ILCS 5/3-506 — Transfer of plates to spouses of military service members

Sec. 3-506. Transfer of plates to spouses of military service members. Upon the death of a military service member who has been issued a special plate under Section 3-609.1, 3-620, 3-621, 3-622, 3-623, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650, 3-651, 3-666, 3-667, 3-668, 3-669, 3-676, 3-677, 3-680, 3-681, 3-683, 3-686, 3-688, 3-693, 3-698, 3-699.12, 3-699.15, 3-699.16, 3-699.17, 3-699.19, 3-699.20, or 3-699.25 of this Code, the surviving spouse of that service member may retain the plate so long as that spouse is a resident of Illinois and transfers the registration to his or her name within 180 days of the death of the service member. For the purposes of this Section, "service member" means any individual who is serving or has served in any branch of the United States Armed Forces, including the National Guard or other reserve components of the Armed Forces, and has been issued a special plate listed in this Section.

625 ILCS 5/3-600 — Requirements for issuance of special plates

Sec. 3-600. Requirements for issuance of special plates.

(a) The Secretary of State shall issue only special plates that have been authorized by the General Assembly. Except as provided in subsection (a-5), the Secretary of State shall not issue a series of special plates, or Universal special plates associated with an organization authorized to issue decals for Universal special plates, unless applications, as prescribed by the Secretary, have been received for 2,000 plates of that series. Where a special plate is authorized by law to raise funds for a specific civic group, charitable entity, or other identified organization, or when the civic group, charitable entity, or organization is authorized to issue decals for Universal special license plates, and where the Secretary of State has not received the required number of applications to issue that special plate within 2 years of the effective date of the Public

Act authorizing the special plate or decal, the Secretary of State's authority to issue the special plate or a Universal special plate associated with that decal is nullified. All applications for special plates shall be on a form designated by the Secretary and shall be accompanied by any civic group's, charitable entity's, or other identified fundraising organization's portion of the additional fee associated with that plate or decal. All fees collected under this Section are non-refundable and shall be deposited in the special fund as designated in the enabling legislation, regardless of whether the plate or decal is produced. Upon the adoption of this amendatory Act of the 99th General Assembly, no further special license plates shall be authorized by the General Assembly unless that special license plate is authorized under subsection (a-5) of this Section. (a-5) If the General Assembly authorizes the issuance of a special plate that recognizes the applicant's military service or receipt of a military medal or award, the Secretary may immediately begin issuing that special plate.

(b) The Secretary of State, upon issuing a new series of special license plates, shall notify all law enforcement officials of the design, color and other special features of the special license plate series.

(c) This Section shall not apply to the Secretary of State's discretion as established in Section 3-611.

(d) If a law authorizing a special license plate provides that the sponsoring organization is to designate a charitable entity as the recipient of the funds from the sale of that license plate, the designated charitable entity must be in compliance with the registration and reporting requirements of the Charitable Trust Act and the Solicitation for Charity Act. In addition, the charitable entity must annually provide the Secretary of State's office a letter of compliance issued by the Illinois Attorney General's office verifying the entity is in compliance with the Acts. In the case of a law in effect before the effective date of this amendatory Act of the 97th General Assembly, the name of the charitable entity which is to receive the funds shall be provided to the Secretary of State within one year after the effective date of this amendatory Act of the 97th General Assembly. In the case of a law that takes effect on or after the effective date of this amendatory Act of the 97th General Assembly, the name of the charitable entity which is to receive the funds shall be provided to the Secretary of State within one year after the law takes effect. If the organization fails to designate an appropriate charitable entity within the one-year period, or if the designated charitable entity fails to annually provide the Secretary of State a letter of compliance issued by the Illinois Attorney General's office, any funds collected from the sale of plates authorized for that organization and not previously disbursed shall be transferred to the General Revenue Fund, and the special plates shall be discontinued.

(e) If fewer than 1,000 sets of any special license plate authorized by law and issued by the Secretary of State are actively registered for 2 consecutive calendar years, the Secretary of State may discontinue the issuance of that special license plate or require that special license plate to be exchanged for Universal special plates with appropriate decals.

(f) Where special license plates have been discontinued pursuant to subsection

(d) or

(e) of this Section, or when the special license plates are required to be exchanged for Universal special plates under subsection

(e) of this Section, all previously issued plates of that type shall be recalled. Owners of vehicles which were registered with recalled plates shall not be charged a reclassification or registration sticker replacement plate fee upon the issuance of new plates for those vehicles.

(g) Any special plate that is authorized to be issued for motorcycles may also be issued for autocycles.

(h) The Secretary may use alternating numeric and alphabetical characters when issuing a special registration plate authorized under this Chapter.

(i) The Secretary of State may issue digital registration plates and stickers in accordance with this Section and Section 3-401.5.

625 ILCS 5/3-601 — Operation of vehicles under special plates

Sec. 3-601. Operation of vehicles under special plates.

(a) A manufacturer owning any unregistered vehicle of a type otherwise required to be registered under this Act may operate or move such upon the highways without registering each such vehicle upon condition that any such vehicle display thereon, a special plate or plates issued to such owner as provided in this Article.

(b) A dealer owning any unregistered vehicle of a type otherwise required to be registered under this Act and held by him for sale or resale, may operate or move such upon the highways without registering each such vehicle upon condition that

any such vehicle display thereon a special plate or plates issued to such owner as provided in this Article. A dealer may use a special plate issued to the dealer to transport a vehicle sold to a customer either by towing or by driving the sold vehicle with the special plate attached to the vehicle.

(c) A transporter may operate or move any vehicle not owned by him upon the highways by the driveway or towaway methods solely for the purpose of delivery upon likewise displaying thereon like plates issued to him as provided in this Article.

(d) A boat dealer owning any boat trailer of a type otherwise required to be registered under this Act may operate or move such upon the highways and haul a boat customarily sold with such boat trailer, without registering each such boat trailer upon condition that any such boat trailer display thereon, in the manner prescribed in Section 3-413, a special plate or plates issued to such owner as provided in this Article.

(e) Any person owning unregistered vehicles of a type required to be registered and which are exclusively operated off the highways and upon private property, may move such vehicles from one plant location to another upon the highways without registering each such vehicle upon conditions that any such vehicle display thereon a special plate or plates issued to such persons as provided in this Article. Such vehicles must be unladen and may not be operated upon any highways with such special plates except for the interplant movement.

(f) Any person owning a vehicle of a type required to be registered which when purchased is not yet equipped for work or service, may move such vehicle from the point of original manufacture or sale to a body shop or other place where the vehicle is to be equipped for work or service and from such point to the owner's place of business without first registering each such vehicle upon condition that any such vehicle display thereon a special plate or plates issued to such person as provided in this Article. Upon completion of such movement, any such vehicle subject to registration must be properly registered.

(g) Special plates issued under this Article must be displayed in the manner provided for in Section 3-413.

(h) Any such vehicle bearing such special plate or plates may be operated without registration for any purpose, except that no such special plate or plates shall be used on any vehicle which is rented by the manufacturer or dealer to another person or which is used to transport passengers or property for hire, nor, except as provided in paragraph

(i) of this Section, shall any such special plate or plates be used on a second division vehicle which is carrying cargo or merchandise except in demonstrating such second division vehicle for the purposes of sale, or for the purpose of testing engine and driveline components.

(i) The provisions of this Article authorizing special plates shall not apply to work or service vehicles owned by a manufacturer, transporter or dealer except a truck up to 8,000 pounds gross weight owned by a dealer and used for hauling parts incidental to the operation of the dealer's business.

(j) The Secretary of State may limit the number of special plates issued to any applicant.

625 ILCS 5/3-602 — Certificate and special plates for dealers, manufacturers, and transporters

Sec. 3-602. Certificate and special plates for dealers, manufacturers, and transporters.

(a) Any dealer, manufacturer, or transporter may make application to the Secretary of State upon the appropriate form for a certificate containing a general distinguishing number and for one or more sets of special plates as appropriate to various types of vehicles subject to registration hereunder. The applicant shall submit such proof of his or her status as a bona fide dealer, manufacturer, or transporter as may be reasonably required by the Secretary of State.

(b) The Secretary of State, upon granting any such application, shall issue to the applicant a certificate containing the applicant's name and address and special plates as applied for. Both the certificates and special plates shall display the general distinguishing number assigned to the applicant.

(c) The Secretary of State shall issue special plates to dealers and manufacturers in accordance with the following formula: number vehicles maximum number sets maximum number sold in previous of special plates additional sets calendar year issued at fee set issued at fee by Sec. 3-810 set by Sec. 3-806 0 0 0 1-10 1 1 11-25 2 2 26-100 8 8 101-250 12 12 251-500 20 20 501-750 30 30 751-1000 40 40 1001-1500 50 50 1501-2000 60 60 2001-2500 70 70 2501+ 90 90 For those Dealers with annual sales over 2501, special plates will be allocated based on 10 sets of plates under each section for each additional 500 vehicles sold. The limit on the maximum number of additional sets issued to manufacturers at the fee set by Section 3-806 may be lifted at the discretion of the Secretary of State. The Secretary shall issue to a new dealer or manufacturer not more than 8 sets of special plates at each fee. If the new dealer or

manufacturer has acquired his or her business from a previous dealer or manufacturer, he or she may be issued a number of sets based upon the number of vehicles sold in the previous calendar year by the previous dealer or manufacturer. If the new dealer or manufacturer was in business for only a part of the previous calendar year, the number of special plates to which he or she is entitled may be extrapolated from the number of vehicles he or she sold during that part of the year. (c-5) The Secretary may limit the number of special plates authorized under this Section that are issued to dealers, manufacturers, or transporters based on factors including, but not limited to, sales of vehicles, revenue, or number of employees.

(d) Any manufacturer of engine and driveline components may apply to the Secretary of State for a license to operate vehicles in which such components are installed on the public highways of the State for the purpose of testing such components. The application shall describe the components and the vehicles in which they are installed, and shall contain such additional information as the Secretary shall prescribe. Upon receipt of an application and an accompanying fee of \$1000, the Secretary shall issue to the applicant a license for the entire test period of the components described in the application. Every licensee shall keep a record of each vehicle operated under such license which shall be open to inspection by the Secretary or his authorized representative for inspection at any reasonable time during the day or night. The license of a manufacturer of engine and driveline components may be denied, revoked or suspended if the Secretary finds that the manufacturer has:

- (1) violated this Code;
- (2) made any material misrepresentation to the Secretary of State in connection with an application for a license; or
- (3) failed to produce for the Secretary of State any record required to be produced by this Code. This amendatory Act of 1983 shall be applicable to the 1984 registration year and thereafter.

625 ILCS 5/3-603 — Application for drive-away permits

Sec. 3-603. Application for drive-away permits.

(a) A dealer who has sold a vehicle of a type otherwise required to be registered under this Act to a nonresident of this State who does not have currently valid registration in his home state, may provide for the operation of such vehicle without registration from the place of sale to the place of destination outside of the State of Illinois, by issuing a drive-away permit in the manner prescribed by the Secretary of State and by affixing the permit to such vehicle in the manner prescribed by the Secretary of State. Any vehicle being operated pursuant to a drive-away permit may not be used for any other purpose and such permits shall be effective only for a period of 30 days from the date of sale.

(b) Any dealer may make application to the Secretary of State upon the appropriate form for drive-away permits for motor vehicles sold by such dealer. Along with such application each applicant shall submit proof of his status as a bona fide dealer and any other information as may be required by the Secretary of State. A non-resident who has purchased a motor vehicle from a person who is not a dealer, may likewise apply to the Secretary of State for a drive-away permit for display upon such vehicle while being driven from Illinois to the State of residence of the applicant. Along with such application, the applicant shall submit proof of his non-residence and eligibility for a reciprocal exemption from registration in Illinois. All drive-away permits issued under such application shall bear a distinguishing number and such other features as may be required by the Secretary of State.

625 ILCS 5/3-604 — Expiration of special plates

Sec. 3-604. Expiration of special plates. Every special plate issued, except those issued for dealers, manufacturers and transporters under Section 3-602 and persons with disabilities under Section 3-609 or 3-616, or deaf or hard of hearing under Section 3-616 of this Code, may be issued for a 2 year period beginning January 1st of each odd-numbered year and ending December 31st of the subsequent even-numbered year. The special plates issued to a person with disabilities or a person who is deaf or hard of hearing shall expire according to the multi-year procedure as established by Section 3-414 of this Code. Special plates issued to members of the General Assembly under Section 3-606 shall expire at midnight on the 31st day of January in odd-numbered years.

625 ILCS 5/3-605 — Manufacturers, engine and driveline component manufacturers, transporters, repossessioners and dealers to maintain records

Sec. 3-605. Manufacturers, engine and driveline component manufacturers, transporters, repossessioners and dealers to maintain records. Every manufacturer, engine and driveline component manufacturer, repossessioner, transporter or dealer shall keep a written record of the persons to whom such drive-away permits or special plates are assigned, which record

shall be open to inspection by any public officer or any employee of the Secretary of State.

625 ILCS 5/3-606 — Members of General Assembly

Sec. 3-606. Members of General Assembly. Upon receipt of a request of a member of the General Assembly, accompanied by the appropriate application and fee, the Secretary of State shall issue to the member 2 plates as described in this Section. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, autocycles, and motor vehicles of the second division weighing not more than 8,000 pounds. Except as otherwise provided in this Section, if the member so requests, the Secretary shall issue 2 sets of such registration plates for use on 2 different motor vehicles. A member may request that the Secretary of State issue registration plates in the name of a corporation when the corporation owns or leases the vehicle to be registered and the member is an officer or director of that corporation. Such registration plates shall be issued for a 2-year period beginning January 1 of each odd-numbered year and ending December 31 of the subsequent even-numbered year. If the application is from a member of the Senate, there shall appear on the rear plate, in addition to the designation of the State and the year for which the license was issued, the word "official" and appropriate wording or abbreviation indicating that the holder is a member of the Senate, followed by the number of the senatorial district of the member. On the front plate, there shall appear appropriate wording or abbreviation indicating that the holder is a member of the Senate. If the application is from a member of the House of Representatives, there shall appear on the rear plate, in addition to the designation of the State and the year for which the license was issued, the word "official" and appropriate wording or abbreviation indicating that the holder is a member of the House of Representatives, followed by the number assigned to the member. On the front plate, there shall appear appropriate wording or abbreviation indicating that the holder is a member of the House of Representatives. Numbers 1 through 118 shall be assigned and members with the longest length of service as members of the legislature shall be given the lower numbers. When members have an equal length of service, the lower numbers shall be given in alphabetical order based on surnames. A member of the General Assembly who has a disability as defined under Section 1-159.1 may request one set of specialized plates which display the International Symbol of Access and shall be subject to the provisions within Section 3-616. The set of specialized plates displaying the International Symbol of Access shall only be issued along with the assignment of a corresponding disability placard that must be displayed in the vehicle. The surviving spouse of the member shall not be entitled to retain this plate.

625 ILCS 5/3-606.1 — Retired members of the General Assembly

Sec. 3-606.1. Retired members of the General Assembly. Upon receipt of a request from a retired member of the General Assembly, accompanied by the appropriate application and fee, the Secretary of State shall issue to such retired member plates bearing appropriate wording or abbreviations indicating that the holder is a retired member of the General Assembly. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, autocycles, and motor vehicles of the second division weighing not more than 8,000 pounds. Such plates may be issued for a 2-year period beginning January 1st of each odd-numbered year and ending December 31st of the subsequent even-numbered year. Except as otherwise provided in this Section, upon the death of a retired member who has been issued a retired member of the General Assembly plate, that member's surviving spouse shall be entitled to retain the plate so long as the surviving spouse is a resident of Illinois and transfers the registration to his or her name within 90 days of the death of the retired member. A retired member of the General Assembly who has a disability as defined under Section 1-159.1 may request one set of specialized plates which display the International Symbol of Access and shall be subject to the provisions within Section 3-616. The set of specialized plates displaying the International Symbol of Access shall only be issued along with the assignment of a corresponding disability placard that must be displayed in the vehicle. The surviving spouse of the retired member shall not be entitled to retain this plate.

"Retired member" means any individual who

- (a) has served as a member of the General Assembly for a minimum of 6 years, or
- (b) is 62 or older, has served as a member of the General Assembly for a minimum of 4 years, and retired prior to the convening of the 83rd General Assembly. The fees and procedures relating to such plates for retired members of the General Assembly shall be the same as the fees and procedures applicable to personalized plates issued under this Code.

625 ILCS 5/3-606.5 — Retired executive branch constitutional officers

Sec. 3-606.5. Retired executive branch constitutional officers. Upon receipt of a request from a retired executive branch constitutional officer, accompanied by the appropriate application and fee, the Secretary of State shall issue to the retired

executive branch constitutional officer plates bearing appropriate wording or abbreviations indicating that the holder is a retired executive branch constitutional officer and the office held. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, autocycles, and motor vehicles of the second division weighing not more than 8,000 pounds. Such plates may be issued for a 2-year period beginning on January 1 of each odd-numbered year and ending on December 31 of the subsequent even-numbered year. Upon the death of a retired executive branch constitutional officer who has been issued a retired executive branch constitutional officer plate, the retired executive branch constitutional officer's surviving spouse shall be entitled to retain the plate so long as the surviving spouse is a resident of Illinois and transfers the registration to his or her name within 90 days of the death of the retired executive branch constitutional officer. For purposes of this Section, "retired executive branch constitutional officer" means any individual who has served at least one full term of office as

(i) Governor; (ii) Lieutenant Governor; (iii) Attorney General; (iv) Secretary of State;

(v) Comptroller; or (vi) Treasurer; and who was not removed from office pursuant to Section 14 of Article IV of the Illinois Constitution of 1970.

625 ILCS 5/3-607 — Amateur radio operators

Sec. 3-607. Amateur radio operators. Amateur radio operators may obtain the issuance of registration plates or digital registration plates for motor vehicles of the first division, motorcycles, autocycles, and second division motor vehicles under 8,000 pounds, corresponding to their call letters, provided they make application therefor, which is subject to the staggered registration system, prior to October 1st of the final year of the current registration plate or digital registration plate term and pay an additional fee of \$4.

625 ILCS 5/3-609 — Plates for veterans with disabilities

Sec. 3-609. Plates for veterans with disabilities.

(a) Any veteran who holds proof of a service-connected disability from the United States Department of Veterans Affairs, and who has obtained certification from a licensed physician, physician assistant, or advanced practice registered nurse that the service-connected disability qualifies the veteran for issuance of registration plates or digital registration plates or decals to a person with disabilities in accordance with Section 3-616, may, without the payment of any registration fee, make application to the Secretary of State for license plates for veterans with disabilities displaying the international symbol of access, for the registration of one motor vehicle of the first division, one motorcycle, or one motor vehicle of the second division weighing not more than 8,000 pounds.

(b) Any veteran who holds proof of a service-connected disability from the United States Department of Veterans Affairs, and whose degree of disability has been declared to be 50% or more, but whose disability does not qualify the veteran for a plate or decal for persons with disabilities under Section 3-616, may, without the payment of any registration fee, make application to the Secretary for a special registration plate or digital registration plate without the international symbol of access for the registration of one motor vehicle of the first division, one motorcycle, or one motor vehicle of the second division weighing not more than 8,000 pounds.

(c) Renewal of such registration must be accompanied with documentation for eligibility of registration without fee unless the applicant has a permanent qualifying disability, and such registration plates or digital registration plates may not be issued to any person not eligible therefor. The Illinois Department of Veterans Affairs may assist in providing the documentation of disability.

(d) The design and color of the plates shall be within the discretion of the Secretary, except that the plates issued under subsection

(b) of this Section shall not contain the international symbol of access. The Secretary may, in his or her discretion, allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code. Registration shall be for a multi-year period and may be issued staggered registration.

(e) Any person eligible to receive license plates under this Section who has been approved for benefits under the Senior Citizens and Persons with Disabilities Property Tax Relief Act, or who has claimed and received a grant under that Act, shall pay a fee of \$24 instead of the fee otherwise provided in this Code for passenger cars displaying standard multi-year registration plates or digital registration plates issued under Section 3-414.1, for motor vehicles registered at 8,000 pounds or less under Section 3-815(a), or for recreational vehicles registered at 8,000 pounds or less under Section 3-815(b), for a second set of plates under this Section.

(f) With respect to the supporting documentation required to obtain a plate under this Section, the Secretary shall allow an applicant to redact information on the documentation that pertains to the nature of the applicant's health issue, unless that information is necessary to confirm that the applicant's disability is service-connected or to establish the degree of the applicant's service-connected disability.

625 ILCS 5/3-609.01

Sec. 3-609.01. (Repealed).

625 ILCS 5/3-609.1 — Medal of Honor plates

Sec. 3-609.1. Medal of Honor plates. Any resident of the State of Illinois who has been awarded the Medal of Honor, or an Illinois resident who is the surviving spouse of a person who was awarded the Medal of Honor, may make application for the registration of a motor vehicle owned solely or in part by such recipient, to the Secretary of State without the payment of any registration fee. Registration shall be for a multi-year period effective from issuance. The Secretary of State shall furnish at his or her office at no cost to such Medal of Honor recipients, plates bearing up to 3 letters designating the recipient's initials followed by the letters M O H signifying the Medal of Honor. The plate shall be suitable for attachment to a motor vehicle or motorcycle registered under this Code.

625 ILCS 5/3-609.3 — Military series registration plates for veterans with disabilities

Sec. 3-609.3. Military series registration plates for veterans with disabilities. In lieu of receiving registration plates without the payment of a fee under Section 3-609, any veteran who holds proof of a 50% or greater service-connected disability from the United States Department of Veterans Affairs may apply for a military series registration plate in the manner prescribed by the Secretary of State. Upon the veteran showing proof of the disability, a military series registration plate may be issued to the veteran without fee for the registration of one motor vehicle of the first division or one motor vehicle of the second division weighing not more than 8,000 pounds. Any additional fee collected for the issuance and renewal of the military series registration plate, as may be specified in the provision authorizing the issuance of that special plate, shall not be included in the fee waiver authorized under this Section.

625 ILCS 5/3-610 — Members of Congress

Sec. 3-610. Members of Congress. Upon receiving an application for a certificate of registration for a motor vehicle from a member of the Congress of the United States from Illinois, accompanied with payments of the registration fees and taxes required under this Act, the Secretary of State instead of issuing to such member number plates as hereinabove provided, shall, if such member so requests, issue to him two number plates as described in this Section. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, autocycles, and motor vehicles of the second division weighing not more than 8,000 pounds. Two duplicate sets of these number plates may be issued if requested and may be used on 2 different motor vehicles. There shall appear, in addition to the designation of the State and the year for which such license was issued, if he is a member of the House of Representatives, the number of the congressional district of such member in the center of the plate followed in the next line by the words "U. S. Congressperson"; if he is the senior Senator from Illinois, the number 1 shall be in the center of the plate followed in the next line by the word "Senator"; and if he is the junior Senator, the number 2 shall be in the center of the plate followed in the next line by the word "Senator". Such plates may be issued for a 2-year period beginning January 1st of each odd-numbered year and ending December 31st of the subsequent even-numbered years.

625 ILCS 5/3-610.1 — Retired members of the Illinois congressional delegation

Sec. 3-610.1. Retired members of the Illinois congressional delegation. Upon receipt of a request from a retired member of the Illinois congressional delegation, accompanied by the appropriate application and fee, the Secretary of State shall issue to the retired member special registration plates bearing appropriate wording or abbreviations indicating that the holder is a retired member of the Illinois congressional delegation. The plates may be issued for a 2-year period beginning January 1st of each odd-numbered year and ending December 31st of the subsequent even-numbered year. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, autocycles, and motor vehicles of the second division weighing not more than 8,000 pounds. An applicant shall be charged a \$15 fee for original issuance in addition to the applicable registration fee. This additional fee shall be deposited into the Secretary of State Special License Plate Fund. For each registration renewal period, a \$2 fee, in addition to the appropriate registration fee, shall be charged and shall be deposited into the Secretary of State Special License Plate Fund. A retired

member of the Illinois Congressional delegation who has a disability as defined under Section 1-159.1 may request one set of specialized plates which display the International Symbol of Access and shall be subject to the provisions within Section 3-616. The set of specialized plates displaying the International Symbol of Access shall only be issued along with the assignment of a corresponding disability placard that must be displayed in the vehicle. The surviving spouse of the retired member shall not be entitled to retain this plate. "Retired member of the Illinois congressional delegation" means any individual who has served as a member of the U.S. Senate or U.S. House of Representatives representing the State of Illinois. The term does not include an individual who is serving in the U.S. Senate or U.S. House of Representatives.

625 ILCS 5/3-611 — Special designations

Sec. 3-611. Special designations. The Secretary of State, in his discretion, may make special designations of certain designs or combinations of designs, or alphabetical letters or combination of letters, or colors or combination of colors pertaining to registration plates issued to vehicles owned by governmental agencies, vehicles owned and registered by State and federal elected officials, retired Illinois Supreme Court justices, and appointed federal cabinet officials, vehicles operated by taxi or livery businesses, operated in connection with mileage weight registrations, or operated by a dealer, transporter, or manufacturer as the Secretary of State may deem necessary for the proper administration of this Code. In the case of registration plates issued for vehicles operated by or for persons with disabilities, as defined by Section 1-159.1, under Section 3-616 of this Code, the Secretary of State, upon request, shall make such special designations so that automobiles bearing such plates are easily recognizable through use of the international accessibility symbol as automobiles driven by or for such persons. In the case of registration plates issued for vehicles operated by a person with a disability with a type four hearing disability, as defined pursuant to Section 4A of the Illinois Identification Card Act, the Secretary of State, upon request, shall make such special designations so that a motor vehicle bearing such plate is easily recognizable by a special symbol indicating that such vehicle is driven by a person with a hearing disability. Registration plates issued to a person who is deaf or hard of hearing under this Section shall not entitle a motor vehicle bearing such plates to those parking privileges established for persons with disabilities under this Code. In the case of registration plates issued for State-owned vehicles, they shall be manufactured in compliance with Section 2 of the State Vehicle Identification Act. In the case of plates issued for State officials, such plates may be issued for a 2-year period beginning January 1st of each odd-numbered year and ending December 31st of the subsequent even-numbered year.

625 ILCS 5/3-611.5 — Fire Chief license plates

Sec. 3-611.5. Fire Chief license plates.

(a) The Secretary, upon receipt of a request from a municipality or fire protection district that operates a fire department or a Mutual Aid Box Alarm System, accompanied by an application and the appropriate fee, may issue, to a fire chief, deputy fire chief, and assistant fire chief of each municipal fire department or fire protection district and chief of a Mutual Aid Box Alarm System, special registration plates designated as Fire Chief license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, autocycles, or motor vehicles of the second division weighing not more than 8,000 pounds, owned by the fire department or the fire chief, deputy fire chief, assistant fire chief of the fire department, or chief of a Mutual Aid Box Alarm System. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the special plates shall be wholly within the discretion of the Secretary. The plates are not required to designate "Land of Lincoln" as prescribed in subsection

(b) of Section 3-412 of this Code. The Secretary may prescribe rules governing the requirements and approval of the special plates. The fee for this plate for a vehicle owned by the fire chief, deputy fire chief, or assistant fire chief shall be the same as the fee prescribed for first division vehicles in Section 3-806 of this Code. Permanent license plates for fire chief, deputy fire chief, or assistant fire chief vehicles owned by a municipal fire department or fire protection district shall be issued at the fee prescribed in Section 3-808.1(b).

(c) Any fire chief, deputy fire chief, assistant fire chief, or chief of a Mutual Aid Box Alarm System operating warning devices as described in paragraph 2.1 of subsection

(a) of Section 12-215 or subsection

(b) of Section 12-601 upon a vehicle not owned by a municipality or fire protection district shall display license plates as described in this Section.

(d) With the exception of permanently issued license plates, upon the resignation, termination, or reassignment to a rank other than fire chief, deputy fire chief, or assistant fire chief, or upon resignation, termination, or reassignment from a Mutual Aid Alarm Box System, a person issued plates under this Section shall immediately surrender the license plate to the Secretary of State. The Secretary of State shall have the ability to recover license plates issued under this Section.

625 ILCS 5/3-612 — Repossessor plates

Sec. 3-612. Repossessor plates. The Secretary, upon receipt of an application, made on the form prescribed by the Secretary of State may issue to financial institutions, to lending institutions and to persons engaged in the business of repossessing motor vehicles for others in situations where the motor vehicle is the security for the funds, special plates which may be used by such financial institutions, lending institutions and repossessors solely for the purpose of operating the motor vehicles which are repossessed by such repossessors upon a default in the contract. Said special plates shall, in addition to the legends provided in Section 3-412 of this Act, contain a phrase "repossessor" and such other letters or numbers as the Secretary of State may prescribe. If an applicant for such plates is engaged in repossessing vehicles for other persons and does not hold a certificate, registration or permit from the Illinois Commerce Commission to conduct such an operation, the application shall be denied.

625 ILCS 5/3-613 — Special inaugural license plate

Sec. 3-613. Special inaugural license plate. Any resident of Illinois, being a member of the Official Presidential Inaugural Committee, may, during the period from January through February 15th of any year in which the President of the United States is being inaugurated, display a special inaugural license plate furnished by such person in lieu of the current and valid Illinois license plate issued to a motor vehicle of the first division, motorcycle, or autocycle owned by such person, provided that the official inaugural credentials or a valid certificate thereof acceptable to the Secretary of State and the valid and current Illinois license plates and registration card issued to such motor vehicle are simultaneously carried within such vehicle and available for inspection.

625 ILCS 5/3-614 — Manufacturers of engine and driveline components

Sec. 3-614. Manufacturers of engine and driveline components. The Secretary, upon receipt of an application made on the form prescribed by the Secretary of State, may issue to manufacturers of engine and driveline components special plates which may be used by such manufacturers solely for the purpose of operating motor vehicles of the second division to test engine and driveline components installed in such vehicles.

625 ILCS 5/3-615 — Honorary Consular license plate

Sec. 3-615. Honorary Consular license plate. The Secretary, upon receipt of an application made on the form prescribed by the Secretary of State, may issue Illinois Honorary Consular license plates to any person who is a non-resident and an official or employee of the Coordination Council for North American Affairs as recognized in the Taiwan Relation Act, Public Law 96-8, and serving that instrumentality and temporarily residing in this State. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, autocycles, and motor vehicles of the second division weighing not more than 8,000 pounds. In addition, these plates may be issued to United States nationals or permanent residents who are appointed Honorary Consular officers and confirmed by the Federal Department of State. Such registration plates may be issued for a 2-year period beginning January 1 of each odd-numbered year and ending December 31 of the subsequent even-numbered year. Applicants shall verify their status as Honorary Consular or Taiwanese representatives on forms provided by the Department of State. In the event any holder of such registration plates or card leaves this State or no longer serves as an Honorary Consular or Taiwanese official or employee, the registration plates and card issued to such persons shall terminate and the owner shall remove such plates from the vehicle so registered and return them and the registration card to the Secretary of State. Such plates may not be transferred to any other person by the holder or owner.

625 ILCS 5/3-616 — Disability license plates

Sec. 3-616. Disability license plates.

(a) Upon receiving an application for a certificate of registration for a motor vehicle of the first division, a motorcycle, an autocycle, or for a motor vehicle of the second division weighing no more than 8,000 pounds, accompanied with payment of the registration fees required under this Code from a person with disabilities or a person who is deaf or hard of hearing, the Secretary of State, if so requested, shall issue to such person registration plates as provided for in Section 3-611,

provided that the person with disabilities or person who is deaf or hard of hearing must not be disqualified from obtaining a driver's license under subsection 8 of Section 6-103 of this Code, and further provided that any person making such a request must submit a statement, certified by a licensed physician, by a licensed physician assistant, by a licensed advanced practice registered nurse, or by a licensed physical therapist, to the effect that such person is a person with disabilities as defined by Section 1-159.1 of this Code, or alternatively provide adequate documentation that such person has a Class 1A, Class 2A or Type Four disability under the provisions of Section 4A of the Illinois Identification Card Act. For purposes of this Section, an Illinois Person with a Disability Identification Card issued pursuant to the Illinois Identification Card Act indicating that the person thereon named has a disability shall be adequate documentation of such a disability.

(b) The Secretary shall issue plates under this Section to a parent or legal guardian of a person with disabilities if the person with disabilities has a Class 1A or Class 2A disability as defined in Section 4A of the Illinois Identification Card Act or is a person with disabilities as defined by Section 1-159.1 of this Code, and does not possess a vehicle registered in his or her name, provided that the person with disabilities relies frequently on the parent or legal guardian for transportation. Only one vehicle per family may be registered under this subsection, unless the applicant can justify in writing the need for one additional set of plates. Any person requesting special plates under this subsection shall submit such documentation or such physician's, physician assistant's, advanced practice registered nurse's, or physical therapist's statement as is required in subsection

(a) and a statement describing the circumstances qualifying for issuance of special plates under this subsection. An optometrist may certify a Class 2A Visual Disability, as defined in Section 4A of the Illinois Identification Card Act, for the purpose of qualifying a person with disabilities for special plates under this subsection.

(c) The Secretary may issue a parking decal or device to a person with disabilities as defined by Section 1-159.1 without regard to qualification of such person with disabilities for a driver's license or registration of a vehicle by such person with disabilities or such person's immediate family, provided such person with disabilities making such a request has been issued an Illinois Person with a Disability Identification Card indicating that the person named thereon has a Class 1A or Class 2A disability, or alternatively, submits a statement certified by a licensed physician, or by a licensed physician assistant, a licensed advanced practice registered nurse, or a licensed physical therapist as provided in subsection (a), to the effect that such person is a person with disabilities as defined by Section 1-159.1. An optometrist may certify a Class 2A Visual Disability as defined in Section 4A of the Illinois Identification Card Act for the purpose of qualifying a person with disabilities for a parking decal or device under this subsection.

(d) The Secretary shall prescribe by rules and regulations procedures to certify or re-certify as necessary the eligibility of persons whose disabilities are other than permanent for special plates or parking decals or devices issued under subsections (a),

(b) and (c). Except as provided under subsection

(f) of this Section, no such special plates, decals or devices shall be issued by the Secretary of State to or on behalf of any person with disabilities unless such person is certified as meeting the definition of a person with disabilities pursuant to Section 1-159.1 or meeting the requirement of a Type Four disability as provided under Section 4A of the Illinois Identification Card Act for the period of time that the physician, the physician assistant, the advanced practice registered nurse, or the physical therapist as provided in subsection (a), determines the applicant will have the disability, but not to exceed 6 months from the date of certification or recertification.

(e) Any person requesting special plates under this Section may also apply to have the special plates personalized, as provided under Section 3-405.1.

(f) The Secretary of State, upon application, shall issue disability registration plates or a parking decal to corporations, school districts, State or municipal agencies, limited liability companies, nursing homes, convalescent homes, or special education cooperatives which will transport persons with disabilities. The Secretary shall prescribe by rule a means to certify or re-certify the eligibility of organizations to receive disability plates or decals and to designate which of the 2 person with disabilities emblems shall be placed on qualifying vehicles.

(g) The Secretary of State, or his designee, may enter into agreements with other jurisdictions, including foreign jurisdictions, on behalf of this State relating to the extension of parking privileges by such jurisdictions to residents of this State with disabilities who display a special license plate or parking device that contains the International symbol of access on his or her motor vehicle, and to recognize such plates or devices issued by such other jurisdictions. This State

shall grant the same parking privileges which are granted to residents of this State with disabilities to any non-resident whose motor vehicle is licensed in another state, district, territory or foreign country if such vehicle displays the international symbol of access or a distinguishing insignia on license plates or parking device issued in accordance with the laws of the non-resident's state, district, territory or foreign country.

(h) Any registration plate or parking decal or device issued under this Section to a person with a permanent disability, or the parent or guardian thereof, shall require certification of that permanent disability every 5 years by submitting to the Secretary a statement, certified by a licensed medical professional, declaring that such person is a person with a disability as provided under Section 1-159.1 of this Code.

625 ILCS 5/3-617 — Driver education plates

Sec. 3-617. Driver education plates. A High School operating passenger cars for a high school driver training program, may operate or move the same upon the highway without registering each such passenger car upon the condition that each such passenger car display thereon, in the manner prescribed by Section 3-413, special plates issued to the high school under the provisions of Section 3-808. Such special plates may be issued only to a public high school or a high school operated by a religious institution, and may be used only on passenger cars used exclusively in high school driver training program approved by the State Board of Education.

625 ILCS 5/3-618 — Charitable vehicle plates

Sec. 3-618. Charitable vehicle plates. Charitable vehicle plates shall be of such color and design as prescribed by the Secretary. The fee for such plates shall be as prescribed in Section 3-808 of this Code. Such plates may be obtained by owners of charitable vehicles.

625 ILCS 5/3-619 — Sample Registration plates and stickers

Sec. 3-619. Sample Registration plates and stickers. The Secretary of State, upon receipt of an application made on the form prescribed by the Secretary, may issue to any law enforcement agency in this State, or to any authorized agency of any foreign jurisdiction, or to any motion picture or television industry, one or more Sample Registration Plates and stickers. The design of such plates and stickers shall be wholly within the discretion of the Secretary, and shall be issued without charge. The Secretary of State, upon receipt of an application made on the form prescribed by the Secretary, may issue to any other individual one or more Sample Registration Plates and stickers for a fee of \$4 for each Sample Registration Plate and sticker.

625 ILCS 5/3-620

Sec. 3-620. The Secretary, upon receipt of an application made on the form prescribed by the Secretary of State, may issue special registration plates to United States citizens, who are present or former members of the United States armed forces or any of its allies, and who were prisoners of war of World War I, World War II, the Korean Conflict, and the Vietnamese conflict, or to the widowed spouse of a former member of the United States armed forces, providing that widowed spouse was married to the POW at the time of death, and is a single person at the time of application. The special plates issued pursuant to this Section shall be affixed only to passenger vehicles of the first division subject to the staggered registration system, motorcycles, and vehicles of the second division having a gross weight of 8,000 pounds or less and shall be issued without charge. Only one set of plates may be issued at no fee. The design and color of the prisoner of war plates shall be wholly within the discretion of the Secretary of State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code.

625 ILCS 5/3-621

Sec. 3-621. The Secretary, upon receipt of an application, made in the form prescribed by the Secretary of State, may issue to Illinois residents who are current members, former members, or surviving spouses of former members of the Illinois National Guard, or the National Guard of any other State, the Commonwealth of Puerto Rico, or Washington, D.C., special registration plates. The special plates issued pursuant to this Section shall be affixed only to passenger vehicles of the first division, motorcycles, or motor vehicles of the second division weighing not more than 8,000 pounds subject to the staggered registration system. The design and color of such plates shall be wholly within the discretion of the Secretary of State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code.

625 ILCS 5/3-622

Sec. 3-622. The Secretary, upon receipt of an application made in the form prescribed by the Secretary of State, may issue to members of the United States Armed Forces Reserves who reside in Illinois, and to Illinois residents who are either former members of the United States Armed Forces Reserves or the surviving spouses of United States Armed Forces Reserve members who resided in Illinois, special registration plates. The special plates issued pursuant to this Section shall be affixed only to passenger vehicles of the first division, motorcycles, or motor vehicles of the second division weighing not more than 8,000 pounds subject to the staggered registration system. The design and color of such plates shall be wholly within the discretion of the Secretary of State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code.

625 ILCS 5/3-623 — Purple Heart Plates

Sec. 3-623. Purple Heart Plates.

(a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary of State, may issue to recipients awarded the Purple Heart by a branch of the armed forces of the United States who reside in Illinois, special registration plates. The Secretary, upon receipt of the proper application, may also issue these special registration plates to an Illinois resident who is the surviving spouse of a person who was awarded the Purple Heart by a branch of the armed forces of the United States. The special plates issued pursuant to this Section should be affixed only to passenger vehicles of the 1st division, including motorcycles, or motor vehicles of the 2nd division weighing not more than 8,000 pounds. The Secretary may, in his or her discretion, allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code. The Secretary of State must make a version of the special registration plates authorized under this Section in a form appropriate for motorcycles.

(b) The design and color of such plates shall be wholly within the discretion of the Secretary of State. Appropriate documentation, as determined by the Secretary, and the appropriate registration fee shall accompany the application, except:

- (1) a person eligible to be issued Purple Heart plates may display the plates on one vehicle without the payment of any registration or registration renewal fee; and
- (2) for an individual who has been issued Purple Heart plates for an additional vehicle and who has been approved for benefits under the Senior Citizens and Persons with Disabilities Property Tax Relief Act, the annual fee for the registration of the vehicle shall be as provided in Section 3-806.3 of this Code.

625 ILCS 5/3-624 — Retired Military license plates

Sec. 3-624. Retired Military license plates.

(a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary of State, may issue to retired members of the United States Armed Forces who reside in Illinois, special registration plates. The special plates issued pursuant to this Section shall be affixed only to passenger vehicles of the first division, motorcycles, or motor vehicles of the second division weighing not more than 8,000 pounds and subject to the staggered registration system. The design and color of such plates shall be wholly within the discretion of the Secretary of State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code.

(b) A charitable organization deemed eligible by the Secretary of State shall design decals to be affixed on plates issued under this Section. The decals shall designate the applicant's branch of service, theater of action, or both. The Secretary may prescribe rules governing the requirements and approval of charitable decals.

(c) The charitable organization authorized to design decals under subsection

(b) of this Section may establish a fee for the purchase of charitable decals and shall report by July 31 of each year to the Secretary of State Vehicle Services Department the sticker fee, the number of charitable decals sold, the total revenue received from the sale of charitable decals during the previous fiscal year, and any other information deemed necessary by the Secretary of State.

625 ILCS 5/3-625 — Pearl Harbor Plates

Sec. 3-625. Pearl Harbor Plates. The Secretary, upon receipt of an application made in the form prescribed by the Secretary of State, may issue special registration plates to any Illinois resident who, while a member of the armed forces

of the United States, participated in the battle of Pearl Harbor on December 7, 1941, or to the widowed spouse of any Illinois resident who, while a member of the armed forces of the United States, participated in the battle of Pearl Harbor on December 7, 1941, provided that the widowed spouse was married to the battle of Pearl Harbor participant at the time of the participant's death and is a single person at the time of application. The special plates issued pursuant to this Section should be affixed only to passenger vehicles of the 1st division, motorcycles, or motor vehicles of the 2nd division weighing not more than 8,000 pounds. The Secretary may, in his or her discretion, allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code. The design and color of such plates shall be wholly within the discretion of the Secretary of State. Appropriate documentation, as determined by the Secretary, and the appropriate registration fee shall accompany the application.

625 ILCS 5/3-626 — Korean War Veteran license plates

Sec. 3-626. Korean War Veteran license plates.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue special registration plates designated as Korean War Veteran license plates to residents of Illinois who participated in the United States Armed Forces during the Korean War. The special plate issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, motor vehicles of the second division weighing not more than 8,000 pounds, and recreational vehicles as defined by Section 1-169 of this Code. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary of State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land Of Lincoln", as prescribed in subsection

(b) of Section 3-412 of this Code. The Secretary shall prescribe the eligibility requirements and, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) (Blank).

(d) (Blank).

(e) An individual who has been issued Korean War Veteran license plates for a vehicle and who has been approved for benefits under the Senior Citizens and Persons with Disabilities Property Tax Relief Act shall pay the original issuance and the regular annual fee for the registration of the vehicle as provided in Section 3-806.3 of this Code.

625 ILCS 5/3-627 — Environmental license plate

Sec. 3-627. Environmental license plate.

(a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary of State, may issue special registration plates designated to be environmental license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, autocycles, motor vehicles of the second division weighing not more than 8,000 pounds, and, as of January 1, 1996, recreational vehicles as defined by Section 1-169 of this Code. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the plates shall be wholly within the discretion of the Secretary of State. Appropriate documentation, as determined by the Secretary, shall accompany the application. As of January 1, 1996, the Secretary may, in his or her discretion, allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code.

(c) An applicant shall be charged a \$40 fee for original issuance in addition to the appropriate registration fee, if applicable. Of this fee, \$25 shall be deposited into the State Parks Fund and \$15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary of State to help defray the administrative processing costs. For each registration renewal period, a \$27 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, \$25 shall be deposited into the State Parks Fund and \$2 shall be deposited into the Secretary of State Special License Plate Fund.

625 ILCS 5/3-628 — Bronze Star plates

Sec. 3-628. Bronze Star plates.

(a) Beginning January 1, 1996, in addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue special registration plates to residents of Illinois who have been awarded the Bronze Star by the United States Armed Forces. The Secretary, upon receipt of the proper applications and fees, may also issue these special registration plates to an Illinois resident who is the surviving spouse of a person who was awarded the Bronze Star by a branch of the armed forces of the United States. The special plate issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, or motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary of State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land Of Lincoln", as prescribed in subsection

(b) of Section 3-412 of this Code. The Secretary shall prescribe the eligibility requirements and, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) (Blank).

625 ILCS 5/3-629 — Collegiate license plates; scholarship fund

Sec. 3-629. Collegiate license plates; scholarship fund.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue collegiate license plates. The collegiate plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, autcycles, and motor vehicles of the second division weighing not more than 8,000 pounds and subject to the staggered registration system. Plates issued under this Section shall expire according to the staggered multi-year procedure established under Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary of State. The Secretary of State may, at his or her discretion, issue the plates for any public college or university located in this State or for any degree-granting, not-for-profit private college or university located in this State or a contiguous state. If the college or university is located in a contiguous state, there must be not less than 10,000 alumni of the college or university residing in this State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land Of Lincoln", as prescribed in subsection

(b) of Section 3-412 of this Code. The Secretary shall prescribe the eligibility requirements including a minimum level of specialized license plates requests and, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) An applicant shall be charged a \$40 fee for original issuance in addition to the applicable registration fee. Of the original issuance fee in the case of a public university or college, \$25 shall be deposited into the State College and University Trust Fund and \$15 shall be deposited into the Secretary of State Special License Plate Fund to be used by the Secretary of State, subject to appropriation, to help defray the administrative costs of issuing the plate. Of the original issuance fee in the case of a degree-granting, not-for-profit private college or university, \$25 shall be deposited into the University Grant Fund and \$15 shall be deposited into the Secretary of State Special License Plate Fund to be used by the Secretary of State, subject to appropriation, to help defray the administrative cost of issuing the plate. In addition to the regular renewal fee, an applicant shall be charged \$27 for the renewal of each set of license plates issued under this Section; \$25 shall be deposited into the State College and University Trust Fund in the case of a public university or college or into the University Grant Fund in the case of a degree-granting, not-for-profit private college or university, and \$2 shall be deposited into the Secretary of State Special License Plate Fund plates for all collegiate plates.

(d) The State College and University Trust Fund is created as a special fund in the State treasury. The State Treasurer shall create separate accounts within the State College and University Trust Fund for each public university or college for which collegiate license plates have been issued. Moneys in the State College and University Trust Fund shall be allocated to each account in proportion to the number of plates sold in regard to each public university or college. Moneys deposited into the State College and University Trust Fund during the preceding calendar year shall be distributed, subject to appropriation, to each participating public university or college. This revenue shall be used for the sole purpose of scholarship grant awards to Illinois residents.

(e) The University Grant Fund is created as a special fund in the State treasury. The State Treasurer shall create separate accounts within the University Grant Fund for each university or college for which collegiate license plates have been issued. Moneys in the University Grant Fund shall be allocated to each account in proportion to the number of plates sold in regard to each university or college. Moneys deposited into these accounts during the preceding calendar year shall, subject to appropriation, be distributed through the Illinois Student Assistance Commission to participating private colleges and universities. This revenue shall be used for the sole purpose of scholarship grant awards to Illinois residents.

625 ILCS 5/3-630 — Violence prevention license plate

Sec. 3-630. Violence prevention license plate.

(a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary of State, may issue special registration plates designated to be Violence Prevention plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, autocycles, or motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the plates shall be wholly within the discretion of the Secretary of State. Appropriate documentation, as determined by the Secretary, shall accompany the application. Beginning January 1, 1999, the Secretary may, in his or her discretion, allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1 of this Code.

(c) An applicant shall be charged a \$40 dollar fee for original issuance in addition to the appropriate registration fee, if applicable. Of this fee, \$25 shall be deposited into the ICJIA Violence Prevention Fund as created by this Act and \$15 shall be deposited into the Secretary of State Special License Plate Fund to be used by the Secretary of State to help defray the administrative processing costs. For each registration renewal period a \$27 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, \$25 shall be deposited into the ICJIA Violence Prevention Fund and \$2 shall be deposited into the Secretary of State Special License Plate Fund.

625 ILCS 5/3-631 — Sportsmen Series license plate

Sec. 3-631. Sportsmen Series license plate.

(a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary of State, may issue special registration plates designated to be Sportsmen Series license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, autocycles, motor vehicles of the second division weighing not more than 8,000 pounds, and recreational vehicles as defined by Section 1-169 of this Code. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the plates shall be wholly within the discretion of the Secretary of State. Appropriate documentation, as determined by the Secretary, shall accompany the application. The Secretary may, in his or her discretion, allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code.

(c) An applicant shall be charged a \$40 fee for original issuance in addition to the appropriate registration fee, if applicable. Of this fee, \$25 shall be deposited into the Illinois Habitat Fund and \$15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary of State to help defray the administrative processing costs. For each registration renewal period, a \$27 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, \$25 shall be deposited into the Illinois Habitat Fund and \$2 shall be deposited into the Secretary of State Special License Plate Fund.

625 ILCS 5/3-632 — Wildlife Prairie Park license plate

Sec. 3-632. Wildlife Prairie Park license plate.

(a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary of State, may issue special registration plates to be designated Wildlife Prairie Park license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, autocycles, motor vehicles of the second division weighing not more than 8,000 pounds, and recreational vehicles as defined by Section 1-169 of this Code. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the plates shall be wholly within the discretion of the Secretary of State. Appropriate documentation, as determined by the Secretary, shall accompany the application. The Secretary may, in his or her

discretion, allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code.

(c) An applicant shall be charged a \$40 fee for original issuance in addition to the appropriate registration fee, if applicable. Of this fee, \$25 shall be deposited into the Wildlife Prairie Park Fund and \$15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary of State to help defray the administrative processing costs. For each registration renewal period, a \$27 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, \$25 shall be deposited into the Wildlife Prairie Park Fund and \$2 shall be deposited into the Secretary of State Special License Plate Fund.

625 ILCS 5/3-633

Sec. 3-633. (Repealed).

625 ILCS 5/3-634 — Illinois Fire Fighters' License Plate

Sec. 3-634. Illinois Fire Fighters' License Plate.

(a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary of State, may issue special registration plates designated to be Illinois Fire Fighters' Memorial license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles having an engine over 150cc, motor vehicles of the second division weighing not more than 8,000 pounds, or recreational vehicles as defined in Section 1-169 of this Code, and subject to the staggered registration system. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the plates shall be wholly within the discretion of the Secretary of State. The Secretary of State may, in his or her discretion, allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land of Lincoln", as prescribed in subsection

(b) of Section 3-412 of this Code. The Secretary of State shall prescribe stickers or decals as provided under Section 3-412.

(c) An applicant shall be charged a \$27 fee for original issuance in addition to the applicable registration fee. Of this additional fee, \$15 shall be deposited into the Secretary of State Special License Plate Fund and \$12 shall be deposited into the Illinois Fire Fighters' Memorial Fund. For each registration renewal period, a \$17 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, \$2 shall be deposited into the Secretary of State Special License Plate Fund and \$15 shall be deposited into the Illinois Fire Fighters' Memorial Fund.

(d) In addition to the purpose specified in Section 2-119(n), moneys in the Illinois Fire Fighters' Memorial Fund shall, except as otherwise provided in subsection

(e) and subject to appropriation by the General Assembly, be used exclusively by the Office of the State Fire Marshal for the following purposes:

(1) maintaining the Illinois Fire Fighters' Memorial;

(2) holding an annual memorial commemoration and Medal of Honor ceremony and related activities; and

(3) providing scholarships, for graduate study, undergraduate study, or any other post-secondary education approved by the Illinois Firefighter Memorial Foundation, to children and spouses of fire fighters killed in the line of duty.

(e) No more than 10% of the annual proceeds of the Illinois Fire Fighters' Memorial Fund may, subject to appropriation by the General Assembly, be used by the Office of the State Fire Marshal for exhibits for and the maintenance of the Illinois Fire Fighter Museum, except that the 10% limit may be exceeded to pay for emergency repairs related to the structural stability of the Illinois Fire Fighter Museum. Prior to exceeding the 10% limit, the Office of the State Fire Marshal shall obtain the approval of a majority of the members of the Illinois Fire Fighters Memorial Foundation.

625 ILCS 5/3-635 — Master Mason plates

Sec. 3-635. Master Mason plates.

(a) The Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary, may issue special registration plates designated as Master Mason license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, autocycles, or motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the special plates shall be wholly within the discretion of the Secretary. Appropriate documentation, as determined by the Secretary, shall accompany each application.

(c) An applicant for the special plate shall be charged a \$25 fee for original issuance in addition to the appropriate registration fee. Of this fee, \$10 shall be deposited into the Master Mason Fund and \$15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs. For each registration renewal period, a \$25 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, \$23 shall be deposited into the Master Mason Fund and \$2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Master Mason Fund is created as a special fund in the State treasury. All money in the Master Mason Fund shall be paid, subject to appropriation by the General Assembly and distribution by the Secretary, as grants to Illinois Masonic Charities Fund, a not-for-profit corporation, for charitable purposes.

625 ILCS 5/3-636

Sec. 3-636. (Repealed).

625 ILCS 5/3-637

Sec. 3-637. (Repealed).

625 ILCS 5/3-638

Sec. 3-638. U.S. Veteran License Plates.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue U.S. Veteran license plates to residents of Illinois who meet eligibility requirements prescribed by the Secretary of State. The special U.S. Veteran plate issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary of State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land Of Lincoln", as prescribed in subsection

(b) of Section 3-412 of this Code. The Secretary shall prescribe the eligibility requirements and, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) (Blank).

(d) A charitable organization deemed eligible by the Secretary of State shall design decals to be affixed on plates issued under this Section. The decals shall designate the applicant's branch of service, theater of action, or both. The Secretary may prescribe rules governing the requirements and approval of charitable decals.

(e) The charitable organization authorized to design decals under subsection

(d) of this Section may establish a fee for the purchase of charitable decals and shall report by July 31 of each year to the Secretary of State Vehicle Services Department the sticker fee, the number of charitable decals sold, the total revenue received from the sale of charitable decals during the previous fiscal year, and any other information deemed necessary by the Secretary of State.

625 ILCS 5/3-639 — Special registration plate or digital registration plate for a president of a village or incorporated town or mayor

Sec. 3-639. Special registration plate or digital registration plate for a president of a village or incorporated town or mayor.

(a) The Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary, may issue special registration plates or digital registration plates to presidents of villages and incorporated towns and mayors. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, autocycles, or motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the special plates shall be wholly within the discretion of the Secretary. Appropriate documentation, as determined by the Secretary, shall accompany each application.

(c) An applicant for the special plate shall be charged a \$15 fee for original issuance in addition to the appropriate registration fee. This additional fee shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs. For each registration renewal period, a \$2 fee, in addition to the appropriate registration fee, shall be charged. This additional fee shall be deposited into the Secretary of State Special License Plate Fund.

625 ILCS 5/3-640 — Illinois and Michigan Canal plates

Sec. 3-640. Illinois and Michigan Canal plates.

(a) The Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary, may issue special registration plates designated as Illinois and Michigan Canal license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, autocycles, or motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the special plates shall be wholly within the discretion of the Secretary. Appropriate documentation, as determined by the Secretary, shall accompany each application.

(c) An applicant for the special plate shall be charged a \$40 fee for original issuance in addition to the appropriate registration fee. Of this fee, \$25 shall be deposited into the Illinois and Michigan Canal Fund and \$15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs. For each registration renewal period, a \$27 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, \$25 shall be deposited into the Illinois and Michigan Canal Fund and \$2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Illinois and Michigan Canal Fund is created as a special fund in the State treasury. All money in the Illinois and Michigan Canal Fund shall be used, subject to appropriation by the General Assembly, by the Department of Natural Resources for restoration and improvements of the Illinois and Michigan Canal and its adjacent structures.

625 ILCS 5/3-641 — Deceased police officer or firefighter plates

Sec. 3-641. Deceased police officer or firefighter plates.

(a) The Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary, may issue special registration plates to the surviving spouse, children, stepchildren, and parents of a police officer or firefighter who has died in the line of duty in this State. The special plates issued pursuant to this Section shall be affixed only to passenger vehicles of the first division, motorcycles, autocycles, or motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the special plates shall be wholly within the discretion of the Secretary. Appropriate documentation, as determined by the Secretary, shall accompany each application.

(c) An applicant for the special plate shall be charged a \$15 fee for original issuance in addition to the appropriate registration fee. This additional fee shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs. For each registration renewal period, a \$2 fee, in addition to the appropriate registration fee, shall be charged. This additional fee shall be deposited into the Secretary of State Special License Plate Fund.

625 ILCS 5/3-642 — Silver Star plates

Sec. 3-642. Silver Star plates.

(a) The Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary, may issue special registration plates to residents of Illinois who have been awarded the Silver Star by the United States Armed Forces. The Secretary, upon receipt of the proper applications and fees, may also issue these special registration plates to an Illinois resident who is the surviving spouse of a person who was awarded the Silver Star by a branch of the armed forces of the United States. The special plate issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, or motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued

under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary. The Secretary may, in his or her discretion, allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land Of Lincoln", as prescribed in subsection

(b) of Section 3-412 of this Code. The Secretary shall prescribe the eligibility requirements and, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) (Blank).

625 ILCS 5/3-643 — Mammogram license plates

Sec. 3-643. Mammogram license plates.

(a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary, may issue special registration plates designated as Mammogram license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, autocycles, and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the plates is wholly within the discretion of the Secretary, except that the phrase "Mammograms Save Lives" shall be on the plates. The Secretary may allow the plates to be issued as vanity plates or personalized under Section 3-405.1 of the Code. The Secretary shall prescribe stickers or decals as provided under Section 3-412 of this Code.

(c) An applicant for the special plate shall be charged a \$25 fee for original issuance in addition to the appropriate registration fee. Of this fee, \$10 shall be deposited into the Mammogram Fund and \$15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs. For each registration renewal period, a \$25 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, \$23 shall be deposited into the Mammogram Fund and \$2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Mammogram Fund is created as a special fund in the State treasury. All money in the Mammogram Fund shall be paid, subject to appropriation by the General Assembly by the Illinois Department of Public Health for the Illinois Breast and Cervical Cancer Program for patient navigation services specifically for populations with the highest rates of breast cancer mortality in the State.

625 ILCS 5/3-644 — Police Memorial Committee license plates

Sec. 3-644. Police Memorial Committee license plates.

(a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary, may issue special registration plates designated as Police Memorial Committee license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, autocycles, and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the plates is wholly within the discretion of the Secretary. The Secretary may allow the plates to be issued as vanity plates or personalized under Section 3-405.1 of the Code. The Secretary shall prescribe stickers or decals as provided under Section 3-412 of this Code.

(c) An applicant for the special plate shall be charged a \$25 fee for original issuance in addition to the appropriate registration fee. Of this fee, \$10 shall be deposited into the Police Memorial Committee Fund and \$15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs. For each registration renewal period, a \$25 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, \$23 shall be deposited into the Police Memorial Committee Fund and \$2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Police Memorial Committee Fund is created as a special fund in the State treasury. All money in the Police Memorial Committee Fund shall be paid, subject to appropriation by the General Assembly and distribution by the Secretary, as grants to the Police Memorial Committee for maintaining a memorial statue, holding an annual memorial

commemoration, and giving scholarships or grants to children and spouses of police officers killed in the line of duty.

625 ILCS 5/3-645 — Vietnam Veteran License Plates

Sec. 3-645. Vietnam Veteran License Plates.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue Vietnam Veteran license plates to residents of Illinois who meet eligibility requirements prescribed by the Secretary of State. The special Vietnam Veteran plate issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary of State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land Of Lincoln", as prescribed in subsection

(b) of Section 3-412 of this Code. The Secretary shall prescribe the eligibility requirements and, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) (Blank).

625 ILCS 5/3-646 — Organ Donor Awareness license plates

Sec. 3-646. Organ Donor Awareness license plates.

(a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary, may issue special registration plates designated as Organ Donor Awareness license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, autocycles, and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the plates is wholly within the discretion of the Secretary, except that the phrase "Be An Organ Donor" shall be on the plates, and the design of the plates shall incorporate a reference to the Chicago Bears organization and Walter Payton. The Secretary may allow the plates to be issued as vanity plates or personalized under Section 3-405.1 of the Code. The Secretary shall prescribe stickers or decals as provided under Section 3-412 of this Code.

(c) An applicant for the special plate shall be charged a \$25 fee for original issuance in addition to the appropriate registration fee. Of this additional fee, \$10 shall be deposited into the Organ Donor Awareness Fund and \$15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs. For each registration renewal period, a \$25 fee, in addition to the appropriate registration fee, shall be charged. Of this additional fee, \$23 shall be deposited into the Organ Donor Awareness Fund and \$2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Organ Donor Awareness Fund is created as a special fund in the State treasury. Subject to appropriation by the General Assembly and approval by the Secretary, 50% of the moneys in the Organ Donor Awareness Fund shall be paid as grants to the Gift of Hope Organ and Tissue Donor Network, and the remaining 50% of the moneys in that fund shall be paid as grants to Mid-America Transplant Services, or pursuant to any alternative distribution ratio mutually agreed upon by these 2 organizations.

625 ILCS 5/3-647 — World War II Veteran License Plates

Sec. 3-647. World War II Veteran License Plates.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue World War II Veteran license plates to residents of Illinois who meet eligibility requirements prescribed by the Secretary of State. The special World War II Veteran plate issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary of State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity plates or personalized in accordance with

Section 3-405.1 of this Code. The plates are not required to designate "Land Of Lincoln", as prescribed in subsection (b) of Section 3-412 of this Code. The Secretary shall prescribe the eligibility requirements and, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) (Blank).

625 ILCS 5/3-648 — Education license plates

Sec. 3-648. Education license plates.

(a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary, may issue special registration plates designated as Education license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, autocycles, and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the plates shall be determined by a contest that every elementary school pupil in the State of Illinois is eligible to enter. The designs submitted for the contest shall be judged on September 30, 2002, and the winning design shall be selected by a committee composed of the Secretary, the Director of State Police, 2 members of the Senate, one member chosen by the President of the Senate and one member chosen by the Senate Minority Leader, and 2 members of the House of Representatives, one member chosen by the Speaker of the House and one member chosen by the House Minority Leader. The Secretary may allow the plates to be issued as vanity or personalized plates under Section 3-405.1 of the Code. The Secretary shall prescribe stickers or decals as provided under Section 3-412 of this Code.

(c) An applicant for the special plate shall be charged a \$40 fee for original issuance, in addition to the appropriate registration fee. Of this \$40 additional original issuance fee, \$15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs, and \$25 shall be deposited into the Golden Apple Scholars of Illinois Fund. For each registration renewal period, a \$40 fee, in addition to the appropriate registration fee, shall be charged. Of this \$40 additional renewal fee, \$2 shall be deposited into the Secretary of State Special License Plate Fund and \$38 shall be deposited into the Golden Apple Scholars of Illinois Fund. Each fiscal year, once deposits from the additional original issuance and renewal fees into the Secretary of State Special License Plate Fund have reached \$500,000, all the amounts received for the additional fees for the balance of the fiscal year shall be deposited into the Golden Apple Scholars of Illinois Fund.

(d) The Golden Apple Scholars of Illinois Fund is created as a special fund in the State treasury. All moneys in the Golden Apple Scholars of Illinois Fund shall be apportioned according to Section 52 of the Higher Education Student Assistance Act.

625 ILCS 5/3-649 — West Point Bicentennial license plates

Sec. 3-649. West Point Bicentennial license plates.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue West Point Bicentennial license plates to commemorate the 200th anniversary of the founding of the United States Military Academy at West Point, N.Y. The special West Point Bicentennial plate issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, autocycles, and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary of State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land Of Lincoln", as prescribed in subsection

(b) of Section 3-412 of this Code. The Secretary shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) An applicant shall be charged a \$15 fee for original issuance in addition to the applicable registration fee. This additional fee shall be deposited into the Secretary of State Special License Plate Fund. For each registration renewal period, a \$2 fee, in addition to the appropriate registration fee, shall be charged and shall be deposited into the Secretary of State Special License Plate Fund.

625 ILCS 5/3-650 — Army Combat Veteran license plates

Sec. 3-650. Army Combat Veteran license plates.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue Army Combat Veteran license plates to residents of Illinois who meet eligibility requirements prescribed by the Secretary of State. The special Army Combat Veteran plate issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The plates shall display the Army Combat Infantry Badge. In all other respects, the design, color, and format of the plates shall be within the discretion of the Secretary of State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land Of Lincoln", as prescribed in subsection

(b) of Section 3-412 of this Code. The Secretary shall prescribe the eligibility requirements and, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) (Blank).

625 ILCS 5/3-651

Sec. 3-651. U.S. Marine Corps license plates.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue special registration plates designated as U.S. Marine Corps license plates to residents of Illinois who meet eligibility requirements prescribed by the Secretary of State. The special plate issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, motor vehicles of the second division weighing not more than 8,000 pounds, and recreational vehicles as defined by Section 1-169 of this Code. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary of State, except that the U.S. Marine Corps emblem shall appear on the plates. The Secretary may, in his or her discretion, allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land Of Lincoln", as prescribed in subsection

(b) of Section 3-412 of this Code. The Secretary shall prescribe the eligibility requirements and, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) An applicant shall be charged a \$5 fee for original issuance in addition to the applicable registration fee. This additional fee shall be deposited into the Marine Corps Scholarship Fund. For each registration renewal period, an \$18 fee, in addition to the appropriate registration fee, shall be charged. This additional fee shall be deposited into the Marine Corps Scholarship Fund.

(d) The Marine Corps Scholarship Fund is created as a special fund in the State treasury. All moneys in the Marine Corps Scholarship Fund shall, subject to appropriation by the General Assembly and distribution by the Secretary, be used by the Marine Corps Coordinating Council of Illinois, Inc., a recognized charitable organization that meets the requirements of Title 26, Section 501(c)(3) of the United States Code, to provide grants for scholarships for higher education. The scholarship recipients must be the children of current or former members of the United States Marine Corps who meet the academic, financial, and other requirements established by the Marine Corps Scholarship Foundation. In addition, the recipients must be Illinois residents and must attend a college or university located within the State of Illinois.

(e) In addition, the Marine Corps Coordinating Council of Illinois is authorized to provide grants to the Marine Corps Scholarship Foundation, the Young Marine National Foundation, the Women Marines Association, and to any local chapter of the Marine Corps League that is located in Illinois. Any grant money paid from the Marine Corps Scholarship Fund shall be used for scholarships for undergraduate, graduate, and career and technical education and certification, financial assistance, or monetary awards to veterans or veterans' families that are located within the State of Illinois.

625 ILCS 5/3-652

Sec. 3-652. (Repealed).

625 ILCS 5/3-653 — Pet Friendly license plates

Sec. 3-653. Pet Friendly license plates.

(a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary, may issue special registration plates designated as Pet Friendly license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, autocycles, and motor vehicles of the second division weighing not more than 8,000 pounds, and recreational vehicles as defined in Section 1-169 of this Code. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the plates is wholly within the discretion of the Secretary, except that the phrase "I am pet friendly" shall be on the plates. The Secretary may allow the plates to be issued as vanity plates or personalized plates under Section 3-405.1 of the Code. The Secretary shall prescribe stickers or decals as provided under Section 3-412 of this Code.

(c) An applicant for the special plate shall be charged a \$40 fee for original issuance in addition to the appropriate registration fee. Of this additional fee, \$25 shall be deposited into the Pet Population Control Fund and \$15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs. For each registration renewal period, a \$27 fee, in addition to the appropriate registration fee, shall be charged. Of this additional fee, \$25 shall be deposited into the Pet Population Control Fund and \$2 shall be deposited into the Secretary of State Special License Plate Fund.

625 ILCS 5/3-654

Sec. 3-654. (Repealed).

625 ILCS 5/3-655 — Hospice license plates

Sec. 3-655. Hospice license plates.

(a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary, may issue special registration plates designated as Hospice license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, autocycles, and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The color of the plates is wholly within the discretion of the Secretary. The design of the plates shall include the word "Hospice" above drawings of two lilies and a butterfly. The Secretary may allow the plates to be issued as vanity plates or personalized under Section 3-405.1 of the Code. The Secretary shall prescribe stickers or decals as provided under Section 3-412 of this Code.

(c) An applicant for the special plate shall be charged a \$25 fee for original issuance in addition to the appropriate registration fee. Of this fee, \$10 shall be deposited into the Hospice Fund and \$15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs. For each registration renewal period, a \$25 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, \$23 shall be deposited into the Hospice Fund and \$2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Hospice Fund is created as a special fund in the State treasury. All money in the Hospice Fund shall be paid, subject to appropriation by the General Assembly and distribution by the Secretary, as grants to a statewide organization whose primary membership consists of hospice programs to be used as follows:

- (1) To fund projects relating to hospice care for special groups, such as children, veterans, and ethnic, religious, gender, or minority groups, or to provide disease-specific research or outreach.
- (2) To fund education and outreach for hospice volunteers, patients, families, and health care professionals.
- (3) To fund informational and educational media programs regarding the availability of hospice services.
- (4) To fund the expansion or enhancement of a statewide organization whose primary membership consists of hospice programs toll-free referral line operated to provide hospice information.
- (5) To fund the expansion or enhancement of a statewide organization whose primary membership consists of hospice programs Internet website.

(6) To cover reasonable costs for special plate advertising. A statewide organization whose primary membership consists of hospice programs shall distribute grant moneys received under this subsection

(d) through a standing committee that reviews funding solicitations and awards.

625 ILCS 5/3-656

Sec. 3-656. (Repealed).

625 ILCS 5/3-657 — Park District Youth Program license plates

Sec. 3-657. Park District Youth Program license plates.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue Park District Youth Program license plates. The special Park District Youth Program plate issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, autocycles, and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary of State. Appropriate documentation, as determined by the Secretary, must accompany each application. The Secretary, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) An applicant for the special plate shall be charged a \$40 fee for original issuance in addition to the appropriate registration fee. Of this fee, \$25 shall be deposited into the Park District Youth Program Fund and \$15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs. For each registration renewal period, a \$27 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, \$25 shall be deposited into the Park District Youth Program Fund and \$2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Park District Youth Program Fund is created as a special fund in the State treasury. All money in the Park District Youth Program Fund shall be paid, subject to appropriation by the General Assembly and distribution by the Secretary, as grants to the Illinois Association of Park Districts, a not-for-profit corporation, for grants to park districts and recreation agencies providing innovative after school programming for Illinois youth.

625 ILCS 5/3-658 — Professional Sports Teams license plates

Sec. 3-658. Professional Sports Teams license plates.

(a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary, may issue special registration plates designated as Professional Sports Teams license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the plates is wholly within the discretion of the Secretary, except that the plates shall, subject to the permission of the applicable team owner, display the logo of the Chicago Bears, the Chicago Bulls, the Chicago Blackhawks, the Chicago Cubs, the Chicago White Sox, the Chicago Sky, the Chicago Red Stars, the Chicago Fire, or the St. Louis Cardinals, at the applicant's option. The Secretary may allow the plates to be issued as vanity or personalized plates under Section 3-405.1 of the Code. The Secretary shall prescribe stickers or decals as provided under Section 3-412 of this Code.

(c) An applicant for the special plate shall be charged a \$40 fee for original issuance in addition to the appropriate registration fee. Until July 1, 2023, of this fee, \$25 shall be deposited into the Professional Sports Teams Education Fund and \$15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs. Beginning July 1, 2023, of this fee, \$25 shall be deposited into the Common School Fund and \$15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs. For each registration renewal period, a \$27 fee, in addition to the appropriate registration fee, shall be charged. Until July 1, 2023, of this fee, \$25 shall be deposited into the Professional Sports Teams Education Fund and \$2 shall be deposited into the Secretary of State Special License Plate Fund. Beginning July 1, 2023, of this fee, \$25 shall be deposited into the Common School Fund and \$2 shall be deposited

into the Secretary of State Special License Plate Fund.

(d) The Professional Sports Teams Education Fund is created as a special fund in the State treasury. Until July 1, 2023, the Comptroller shall order transferred and the Treasurer shall transfer all moneys in the Professional Sports Teams Education Fund to the Common School Fund every 6 months.

(e) On July 1, 2023, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the remaining balance from the Professional Sports Teams Education Fund into the Common School Fund. Upon completion of the transfer, the Professional Sports Teams Education Fund is dissolved, and any future deposits due to that Fund and any outstanding obligations or liabilities of that Fund shall pass to the Common School Fund.

625 ILCS 5/3-659 — Pan Hellenic license plates

Sec. 3-659. Pan Hellenic license plates.

(a) The Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary, may issue special registration plates designated as Pan Hellenic license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, autocycles, or motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the special plates shall be wholly within the discretion of the Secretary, except that an emblem of a Pan Hellenic eligible member shall be on the plate. Appropriate documentation, as determined by the Secretary, shall accompany each application. The Secretary may, in his or her discretion, allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land of Lincoln" as prescribed in subsection

(b) of Section 3-412 of this Code. The Secretary, in his or her discretion, may prescribe rules governing the requirements and approval of the special plates.

(c) An applicant for the special plate shall be charged a \$40 fee for original issuance in addition to the appropriate registration fee. Of this fee, \$25 shall be deposited into the Illinois Pan Hellenic Trust Fund and \$15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs. For each registration renewal period, a \$27 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, \$25 shall be deposited into the Illinois Pan Hellenic Trust Fund and \$2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Illinois Pan Hellenic Trust Fund is created as a special fund in the State Treasury. The State Treasurer shall create separate accounts within the Illinois Pan Hellenic Trust Fund for each eligible member for which Pan Hellenic license plates have been issued. Moneys in the Illinois Pan Hellenic Trust Fund shall be allocated to each account in proportion to the number of plates sold in regard to each fraternity or sorority. All moneys in the Illinois Pan Hellenic Trust Fund shall be distributed, subject to appropriation by the General Assembly and distribution by the Secretary, as grants to the Illinois Alpha Kappa Alpha Charitable Foundation, Illinois Delta Sigma Theta Charitable Foundation, Illinois Zeta Phi Beta Charitable Foundation, Illinois Sigma Gamma Rho Charitable Foundation, Alpha Illinois Leadership Foundation, Illinois Omega Psi Phi Charitable Foundation, Illinois Kappa Alpha Psi Charitable Foundation, Illinois Phi Beta Sigma Charitable Foundation, or Illinois Iota Phi Theta Charitable Foundation for charitable purposes sponsored by the African-American fraternity or sorority.

625 ILCS 5/3-660 — September 11th license plates

Sec. 3-660. September 11th license plates.

(a) Beginning on September 11, 2002, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary, may issue special registration plates designated as September 11th license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, autocycles, or motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the special plates shall be wholly within the discretion of the Secretary. The Secretary may allow the plates to be issued as vanity or personalized plates under Section 3-405.1 of this Code. The Secretary shall prescribe stickers or decals as provided under Section 3-412 of this Code.

(c) An applicant for the special plate shall be charged a \$40 fee for original issuance in addition to the appropriate registration fee. Of this fee, \$25 shall be deposited into the September 11th Fund and \$15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs. For each registration renewal period, a \$27 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, \$25 shall be deposited into the September 11th Fund and \$2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The September 11th Fund is created as a special fund in the State treasury. Subject to appropriation by the General Assembly, the Director of the Illinois Emergency Management Agency shall pay all moneys in the September 11th Fund as grants to aid victims of terrorism and as grants to local governments to cover the costs of training, equipment, and other items related to public safety initiatives intended to prevent further acts of terrorism or to respond to further acts of terrorism or other disasters or emergency situations in Illinois.

625 ILCS 5/3-661 — Illinois Route 66 license plates

Sec. 3-661. Illinois Route 66 license plates.

(a) The Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary, may issue special registration plates designated as Illinois Route 66 license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles having an engine over 150cc, or motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the special plates shall be wholly within the discretion of the Secretary. The Secretary may, in his or her discretion, allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land of Lincoln", as prescribed in subsection

(b) of Section 3-412 of this Code. The Secretary, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) An applicant for the special plate shall be charged a \$40 fee for original issuance in addition to the appropriate registration fee. Of this fee, \$25 shall be deposited into the Illinois Route 66 Heritage Project Fund and \$15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs. For each registration renewal period, a \$27 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, \$25 shall be deposited into the Illinois Route 66 Heritage Project Fund and \$2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Illinois Route 66 Heritage Project Fund is created as a special fund in the State treasury. Subject to appropriation by the General Assembly and distribution by the Secretary, Illinois Route 66 Heritage Project, Inc. shall use all moneys in the Illinois Route 66 Heritage Project Fund for the development of tourism, through education and interpretation, preservation, and promotion of the former U.S. Route 66 in Illinois.

625 ILCS 5/3-662

Sec. 3-662. (Repealed).

625 ILCS 5/3-663 — Medically Required Tinted Window plates or plate stickers

Sec. 3-663. Medically Required Tinted Window plates or plate stickers. The Secretary, upon receipt of an application made in the form prescribed by the Secretary, shall issue special registration plates or plate stickers designated as Medically Required Tinted Window license plates or plate stickers. The special plates or plate stickers issued under this Section shall be affixed only to passenger vehicles of the first division or their license plates and to motor vehicles of the second division weighing not more than 8,000 pounds or their license plates. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code. Plate stickers issued under this Section shall expire in accordance with rules adopted by the Secretary. The design and color of the plates or plate stickers shall be wholly within the discretion of the Secretary of State.

625 ILCS 5/3-664 — Gold Star license plates

Sec. 3-664. Gold Star license plates. Upon proper application, the Secretary of State shall issue registration plates designated as Gold Star license plates to any Illinois resident who is the surviving widow or widower, to each parent who is an Illinois resident, and to each Illinois resident who is a child, stepchild, child through adoption, brother, half-brother,

sister, or half-sister, of a person who served in the Armed Forces of the United States and lost his or her life while in service whether in peacetime or war. The surviving widow or widower, each of the parents, and each child, stepchild, child through adoption, brother, half-brother, sister, or half-sister shall be issued one or more sets of registration plates. Registration plates issued under this Section shall be for first division vehicles, motorcycles, autocycles, and second division vehicles of 8,000 pounds or less. The Secretary may, in his or her discretion, allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code. No registration fee shall be required from surviving widows, widowers, parents, or children of persons who served in the Armed Forces of the United States:

(1) who lost their lives during World War I, World War II, or during any subsequent period of armed hostilities in which the United States was engaged before July 1, 1958;

(2) who lost or lose their lives after June 30, 1958: while engaged in military operations involving conflict with an opposing foreign force; or while serving with friendly foreign forces engaged in an armed conflict in which the United States is not a belligerent party against an opposing armed force; or

(3) who lost or lose their lives after March 28, 1973, as a result of: an international terrorist attack against the United States or a foreign nation friendly to the United States, recognized as such an attack by the Secretary of Defense; or military operations while serving outside the United States (including the commonwealths, territories, and possessions of the United States) as part of a peacekeeping force.

625 ILCS 5/3-665 — Agriculture in the Classroom plates

Sec. 3-665. Agriculture in the Classroom plates.

(a) The Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary, may issue special registration plates designated as Agriculture in the Classroom license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, autocycles, or motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the special plates shall be wholly within the discretion of the Secretary.

(c) An applicant for the special plate shall be charged a \$40 fee for original issuance in addition to the appropriate registration fee. Of this fee, \$25 shall be deposited into the Agriculture in the Classroom Fund and \$15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs. For each registration renewal period, a \$27 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, \$25 shall be deposited into the Agriculture in the Classroom Fund and \$2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Agriculture in the Classroom Fund is created as a special fund in the State treasury. All moneys in the Agriculture in the Classroom Fund shall be paid, subject to appropriation by the General Assembly and distribution by the Secretary, to the Illinois Agricultural Association Foundation, a charitable organization that meets the requirements of Title 26, Section 501(c)(3) of the United States Code, to be used as grants to support Agriculture in the Classroom programming for public and private schools within Illinois.

625 ILCS 5/3-666 — Paratrooper license plates

Sec. 3-666. Paratrooper license plates.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue Paratrooper license plates to residents of Illinois who meet eligibility requirements prescribed by the Secretary of State. The special Paratrooper plate issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, autocycles, and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary of State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land of Lincoln", as prescribed in subsection

(b) of Section 3-412 of this Code. The Secretary shall prescribe the eligibility requirements and, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) (Blank).

625 ILCS 5/3-667 — Korean Service license plates

Sec. 3-667. Korean Service license plates.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue special registration plates designated as Korean Service license plates to residents of Illinois who, on or after July 27, 1954, participated in the United States Armed Forces in Korea. The special plate issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, motor vehicles of the second division weighing not more than 8,000 pounds, and recreational vehicles as defined by Section 1-169 of this Code. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary of State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land of Lincoln", as prescribed in subsection

(b) of Section 3-412 of this Code. The Secretary shall prescribe the eligibility requirements and, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) (Blank).

(d) An individual who has been issued Korean Service license plates for a vehicle and who has been approved for benefits under the Senior Citizens and Persons with Disabilities Property Tax Relief Act shall pay the original issuance and the regular annual fee for the registration of the vehicle as provided in Section 3-806.3 of this Code in addition to the fees specified in subsection

(c) of this Section.

625 ILCS 5/3-668 — Iraq Campaign license plates

Sec. 3-668. Iraq Campaign license plates.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue Iraq Campaign license plates to residents of Illinois who have earned the Iraq Campaign Medal from the United States Armed Forces. The special Iraq Campaign plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary of State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land of Lincoln", as prescribed in subsection

(b) of Section 3-412 of this Code. The Secretary shall, in his or her discretion, approve and prescribe stickers or decals as provided under Section 3-412.

(c) (Blank).

625 ILCS 5/3-669 — Afghanistan Campaign license plates

Sec. 3-669. Afghanistan Campaign license plates.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue Afghanistan Campaign license plates to residents of Illinois who have earned the Afghanistan Campaign Medal from the United States Armed Forces. The special Afghanistan Campaign plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary of State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land of Lincoln", as prescribed in subsection

(b) of Section 3-412 of this Code. The Secretary shall, in his or her discretion, approve and prescribe stickers or decals as provided under Section 3-412.

(c) (Blank).

625 ILCS 5/3-670 — Autism Awareness license plates

Sec. 3-670. Autism Awareness license plates.

(a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary, may issue special registration plates designated as Autism Awareness license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, autocycles, and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the plates is wholly within the discretion of the Secretary of State. The Secretary, in his or her discretion, may allow the plates to be issued as vanity or personalized plates under Section 3-405.1 of this Code. The Secretary shall prescribe stickers or decals as provided under Section 3-412 of this Code.

(c) An applicant for the special plate shall be charged a \$40 fee for original issuance in addition to the appropriate registration fee. Of this fee, \$25 shall be deposited into the Autism Awareness Fund and \$15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs. For each registration renewal period, a \$27 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, \$25 shall be deposited into the Autism Awareness Fund and \$2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Autism Awareness Fund is created as a special fund in the State treasury. All moneys in the Autism Awareness Fund shall be used, subject to appropriation by the General Assembly, by the Illinois Department of Human Services for the purpose of grants for research, education, and awareness regarding autism and autism spectrum disorders.

625 ILCS 5/3-671 — Boy Scout and Girl Scout license plates

Sec. 3-671. Boy Scout and Girl Scout license plates.

(a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary, may issue special registration plates designated to be Boy Scout and Girl Scout plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, autocycles, or motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) Except as provided in subsections

(c) and (d), the design and color of the plates shall be wholly within the discretion of the Secretary. Appropriate documentation, as determined by the Secretary, shall accompany the application.

(c) The Secretary may issue Boy Scout plates bearing the Eagle Scout badge only to an applicant who provides written proof of Eagle Scout rank, in the form of appropriate documentation from the National Boy Scout Council. The Secretary shall make these plates available to qualified applicants.

(d) The Secretary may issue Girl Scout plates bearing the symbol of the Gold Award only to an applicant who provides written proof of Gold Award status, in the form of appropriate documentation from the National Office of the Girl Scouts of the U.S.A. The Secretary shall make these plates available to qualified applicants.

(e) An applicant shall be charged a \$40 fee for original issuance in addition to the appropriate registration fee, if applicable. Of this fee, \$25 shall be deposited into the Boy Scout and Girl Scout Fund as created by this Section and \$15 shall be deposited into the Secretary of State Special License Plate Fund to be used by the Secretary to help defray the administrative processing costs. For each registration renewal period a \$27 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, \$25 shall be deposited into the Boy Scout and Girl Scout Fund and \$2 shall be deposited into the Secretary of State Special License Plate Fund.

(f) The Boy Scout and Girl Scout Fund is created as a special fund in the State treasury. All moneys in the Boy Scout and Girl Scout Fund shall, subject to appropriation by the General Assembly and distribution by the Secretary, be paid as grants, to be divided between the Illinois divisions of the Boys Scouts of America and the Girl Scouts of the U.S.A. on a pro rata basis, according to the number of each type of plate sold. Grants shall be made to the county division in which

the plates are sold.

625 ILCS 5/3-672 — Illinois Professional Golfers Association Foundation Junior Golf license plates

Sec. 3-672. Illinois Professional Golfers Association Foundation Junior Golf license plates.

(a) The Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary, may issue special registration plates designated as Illinois Professional Golfers Association Foundation Junior Golf license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, autocycles, or motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the special plates shall be wholly within the discretion of the Secretary. Appropriate documentation, as determined by the Secretary, shall accompany each application.

(c) An applicant for the special plate shall be charged a \$40 fee for original issuance in addition to the appropriate registration fee. Of this fee, \$25 shall be deposited into the Illinois Professional Golfers Association Foundation Junior Golf Fund and \$15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs. For each registration renewal period, a \$40 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, \$38 shall be deposited into the Illinois Professional Golfers Association Foundation Junior Golf Fund and \$2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Illinois Professional Golfers Association Foundation Junior Golf Fund is created as a special fund in the State treasury. All moneys in the Illinois Professional Golfers Association Foundation Junior Golf Fund shall be paid, subject to appropriation by the General Assembly and distribution by the Secretary, as grants to the Illinois Professional Golfers Association Foundation to help Association members expose Illinois youngsters to the game of golf.

625 ILCS 5/3-673 — Rotary Club plates

Sec. 3-673. Rotary Club plates.

(a) The Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary, may issue special registration plates designated as Rotary Club license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, autocycles, or motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the special plates shall be wholly within the discretion of the Secretary. Appropriate documentation, as determined by the Secretary, shall accompany each application.

(c) An applicant for the special plate shall be charged a \$25 fee for original issuance in addition to the appropriate registration fee. Of this fee, \$10 shall be deposited into the Rotary Club Fund and \$15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs. For each registration renewal period, a \$25 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, \$23 shall be deposited into the Rotary Club Fund and \$2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Rotary Club Fund is created as a special fund in the State treasury. All moneys in the Rotary Club Fund shall be paid, subject to appropriation by the General Assembly and distribution by the Secretary, as grants to charitable entities designated by the Rotary Club.

625 ILCS 5/3-674 — Sheet Metal Workers International Association license plates

Sec. 3-674. Sheet Metal Workers International Association license plates.

(a) The Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary, may issue special registration plates designated as Sheet Metal Workers International Association license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, autocycles, or motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the special plates shall be wholly within the discretion of the Secretary. Appropriate documentation, as determined by the Secretary, shall accompany each application. The Secretary may allow the plates to

be issued as vanity plates or personalized plates under Section 3-405.1 of this Code. The Secretary shall prescribe stickers or decals as provided under Section 3-412 of this Code.

(c) An applicant for the special plate shall be charged a \$25 fee for original issuance in addition to the appropriate registration fee. Of this fee, \$10 shall be deposited into the Sheet Metal Workers International Association of Illinois Fund and \$15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs. For each registration renewal period, a \$25 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, \$23 shall be deposited into the Sheet Metal Workers International Association of Illinois Fund and \$2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Sheet Metal Workers International Association of Illinois Fund is created as a special fund in the State treasury. All moneys in the Sheet Metal Workers International Association of Illinois Fund shall be paid, subject to appropriation by the General Assembly and distribution by the Secretary, as grants to charitable entities designated by Illinois local chapters of the Sheet Metal Workers International Association.

625 ILCS 5/3-675 — Support Our Troops license plates

Sec. 3-675. Support Our Troops license plates.

(a) The Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary, may issue special registration plates designated as Support Our Troops license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, autocycles, or motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the special plates shall be wholly within the discretion of the Secretary, except that the emblem of the organization Illinois Support Our Troops, Inc., and its "Support Our Troops!" mark shall appear on the plate. The address of the organization's Internet web site may appear on the plate, and the organization may alternate the mark to "Salute our Heroes!" in a manner that respects inventory. The field of the plate may be colored. The Secretary may, in his or her discretion, allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land of Lincoln", as prescribed in subsection

(b) of Section 3-412 of this Code. The Secretary, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) An applicant for the special plate shall be charged a \$40 fee for original issuance in addition to the appropriate registration fee. Of this fee, \$25 shall be deposited into the Support Our Troops Fund and \$15 shall be deposited into the Secretary of State Special License Plate Fund to be used by the Secretary to help defray the administrative processing costs. For each registration renewal period, a \$27 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, \$25 shall be deposited into the Support Our Troops Fund and \$2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Support Our Troops Fund is created as a special fund in the State treasury. All moneys in the Support Our Troops Fund shall be paid, subject to appropriation by the General Assembly and distribution by the Secretary, as grants to Illinois Support Our Troops, Inc., a not-for-profit public purpose charity under Internal Revenue Code Section 501(c)(3), for charitable assistance to the troops and their families in accordance with its Articles of Incorporation.

625 ILCS 5/3-676 — Iraq Campaign license plates

Sec. 3-676. Iraq Campaign license plates.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue Iraq Campaign license plates to residents of Illinois who have earned the Iraq Campaign Medal from the United States Armed Forces. The special Iraq Campaign plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary of State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land of Lincoln", as prescribed in subsection

(b) of Section 3-412 of this Code. The Secretary shall, in his or her discretion, approve and prescribe stickers or decals as provided under Section 3-412.

(c) (Blank).

625 ILCS 5/3-677 — Afghanistan Campaign license plates

Sec. 3-677. Afghanistan Campaign license plates.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue Afghanistan Campaign license plates to residents of Illinois who have earned the Afghanistan Campaign Medal from the United States Armed Forces. The special Afghanistan Campaign plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary of State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land of Lincoln", as prescribed in subsection

(b) of Section 3-412 of this Code. The Secretary shall, in his or her discretion, approve and prescribe stickers or decals as provided under Section 3-412.

(c) (Blank).

625 ILCS 5/3-678 — Ovarian Cancer Awareness license plates

Sec. 3-678. Ovarian Cancer Awareness license plates.

(a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary, may issue special registration plates designated as Ovarian Cancer Awareness license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, autocycles, and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the plates is wholly within the discretion of the Secretary. The Secretary may allow the plates to be issued as vanity or personalized plates under Section 3-405.1 of this Code. The Secretary shall prescribe stickers or decals as provided under Section 3-412 of this Code.

(c) An applicant for the special plate shall be charged a \$25 fee for original issuance in addition to the appropriate registration fee. Of this fee, \$10 shall be deposited into the Ovarian Cancer Awareness Fund and \$15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs. For each registration renewal period, a \$25 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, \$23 shall be deposited into the Ovarian Cancer Awareness Fund and \$2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Ovarian Cancer Awareness Fund is created as a special fund in the State treasury. All moneys in the Ovarian Cancer Awareness Fund shall be paid, subject to appropriation by the General Assembly and distribution by the Secretary, as grants to the National Ovarian Cancer Coalition, Inc. for ovarian cancer research, education, screening, and treatment.

625 ILCS 5/3-679 — Law Enforcement Torch Run For Special Olympics license plates

Sec. 3-679. Law Enforcement Torch Run For Special Olympics license plates.

(a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary of State, may issue special registration plates designated to be Law Enforcement Torch Run For Special Olympics license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, autocycles, motor vehicles of the second division weighing not more than 8,000 pounds, and recreational vehicles as defined by Section 1-169 of this Code. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the plates shall be wholly within the discretion of the Secretary of State. Appropriate documentation, as determined by the Secretary, shall accompany the application. The Secretary may, in his or her

discretion, allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code.

(c) An applicant shall be charged a \$45 fee for original issuance in addition to the appropriate registration fee, if applicable. Of this fee, \$30 shall be deposited into the Special Olympics Illinois and Special Children's Charities Fund and \$15 shall be deposited into the Secretary of State Special License Plate Fund. For each registration renewal period, a \$27 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, \$25 shall be deposited into the Special Olympics Illinois and Special Children's Charities Fund and \$2 shall be deposited into the Secretary of State Special License Plate Fund.

625 ILCS 5/3-680

Sec. 3-680. U.S. Army Veteran license plates.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue U.S. Army Veteran license plates to residents of Illinois who meet eligibility requirements prescribed by the Secretary of State. The special U.S. Army Veteran plate issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary of State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land Of Lincoln", as prescribed in subsection

(b) of Section 3-412 of this Code. The Secretary shall prescribe the eligibility requirements and, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) (Blank).

625 ILCS 5/3-681

Sec. 3-681. U.S. Navy license plates.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue U.S. Navy license plates to residents of Illinois who meet eligibility requirements prescribed by the Secretary of State. The special U.S. Navy plate issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The plates shall display the U.S. Navy emblem. In all other respects, the design, color, and format of the plates shall be within the discretion of the Secretary of State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land Of Lincoln", as prescribed in subsection

(b) of Section 3-412 of this Code. The Secretary shall prescribe the eligibility requirements and, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) (Blank).

625 ILCS 5/3-682 — Illinois Police Association license plates

Sec. 3-682. Illinois Police Association license plates.

(a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary, may issue special registration plates designated as Illinois Police Association license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, autocycles, and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the plates is wholly within the discretion of the Secretary. The Secretary may allow the plates to be issued as vanity plates or personalized under Section 3-405.1 of the Code. The Secretary shall prescribe stickers or decals as provided under Section 3-412 of this Code. The Secretary may, in his or her discretion, allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code.

(c) An applicant for the special plate shall be charged a \$25 fee for original issuance in addition to the appropriate registration fee. Of this fee, \$10 shall be deposited into the Illinois Police Association Fund and \$15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs. For each registration renewal period, a \$25 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, \$23 shall be deposited into the Illinois Police Association Fund and \$2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Illinois Police Association Fund is created as a special fund in the State treasury. All money in the Illinois Police Association Fund shall be used, subject to appropriation, for providing death benefits for the families of police officers killed in the line of duty or the families of members of the Illinois Police Association dying of natural causes, and for providing scholarships, for graduate study, undergraduate study, or both, to children and spouses of police officers killed in the line of duty or to children and spouses of members of the Illinois Police Association dying of natural causes.

625 ILCS 5/3-683 — Distinguished Service Cross license plates

Sec. 3-683. Distinguished Service Cross license plates. The Secretary, upon receipt of an application made in the form prescribed by the Secretary of State, shall issue special registration plates to any Illinois resident who has been awarded the Distinguished Service Cross by a branch of the armed forces of the United States. The Secretary, upon receipt of the proper application, shall also issue these special registration plates to an Illinois resident who is the surviving spouse of a person who was awarded the Distinguished Service Cross by a branch of the armed forces of the United States. The special plates issued under this Section should be affixed only to passenger vehicles of the first division, including motorcycles, or motor vehicles of the second division weighing not more than 8,000 pounds. The design and color of the plates shall be wholly within the discretion of the Secretary of State. Appropriate documentation, as determined by the Secretary, and the appropriate registration fee shall accompany the application. However, for an individual who has been issued Distinguished Service Cross plates for a vehicle and who has been approved for benefits under the Senior Citizens and Persons with Disabilities Property Tax Relief Act, the annual fee for the registration of the vehicle shall be as provided in Section 3-806.3 of this Code.

625 ILCS 5/3-684

Sec. 3-684. (Repealed).

625 ILCS 5/3-685

Sec. 3-685. (Repealed).

625 ILCS 5/3-686 — Distinguished Flying Cross license plates

Sec. 3-686. Distinguished Flying Cross license plates.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue Distinguished Flying Cross license plates to residents of Illinois who have been awarded the Distinguished Flying Cross medal by the United States Armed Forces. The special Distinguished Flying Cross plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary of State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land Of Lincoln", as prescribed in subsection

(b) of Section 3-412 of this Code. The Secretary shall, in his or her discretion, approve and prescribe stickers or decals as provided under Section 3-412.

(c) (Blank).

625 ILCS 5/3-687 — International Brotherhood of Teamsters license plate

Sec. 3-687. International Brotherhood of Teamsters license plate.

(a) The Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary, may issue special registration plates designated as International Brotherhood of Teamsters license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, autocycles, motor

vehicles of the second division weighing not more than 8,000 pounds, and recreational vehicles as defined by Section 1-169 of this Code. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the plates is wholly within the discretion of the Secretary of State. Appropriate documentation, as determined by the Secretary, shall accompany the application. The Secretary, in his or her discretion, may allow the plates to be issued as vanity or personalized plates under Section 3-405.1 of this Code. The Secretary shall prescribe stickers or decals as provided under Section 3-412 of this Code.

(c) An applicant for the special plate shall be charged a \$40 fee for original issuance in addition to the appropriate registration fee. Of this fee, \$25 shall be deposited into the International Brotherhood of Teamsters Fund and \$15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs. For each registration renewal period, a \$27 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, \$25 shall be deposited into the International Brotherhood of Teamsters Fund and \$2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The International Brotherhood of Teamsters Fund is created as a special fund in the State treasury. All money in the International Brotherhood of Teamsters Fund shall be paid, subject to appropriation by the General Assembly and distribution by the Secretary of State, as grants to the Teamsters Joint Council 25 Charitable Trust, an independent organization established and registered as a tax exempt entity under Section 501(c)(3) of the Internal Revenue Code, for religious, charitable, scientific, literary, and educational purposes.

625 ILCS 5/3-688 — Operation Iraqi Freedom License Plates

Sec. 3-688. Operation Iraqi Freedom License Plates.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue Operation Iraqi Freedom license plates to residents of Illinois who meet eligibility requirements prescribed by the Secretary of State. The special Operation Iraqi Freedom plate issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary of State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land Of Lincoln", as prescribed in subsection

(b) of Section 3-412 of this Code. The Secretary shall prescribe the eligibility requirements and, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) (Blank).

625 ILCS 5/3-689 — Share the Road license plates

Sec. 3-689. Share the Road license plates.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue Share the Road license plates. The special Share the Road plate issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, autocycles, and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary of State. Appropriate documentation, as determined by the Secretary, must accompany each application. The Secretary, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) An applicant for the special plate shall be charged a \$22 fee for original issuance in addition to the appropriate registration fee. Of this fee, \$17 shall be deposited into the Share the Road Fund and \$5 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs. For each registration renewal period, a \$22 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, \$20 shall be deposited into the Share the Road Fund and \$2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Share the Road Fund is created as a special fund in the State treasury. All money in the Share the Road Fund shall be paid, subject to appropriation by the General Assembly and distribution by the Secretary, as grants to the League of Illinois Bicyclists, a not for profit corporation, for educational programs instructing bicyclists and motorists how to legally and more safely share the roadways.

625 ILCS 5/3-690

Sec. 3-690. (Repealed).

625 ILCS 5/3-691 — Illinois Fraternal Order of Police license plates

Sec. 3-691. Illinois Fraternal Order of Police license plates.

(a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary, may issue special registration plates designated as Illinois Fraternal Order of Police license plates to residents of Illinois who are members in good standing of the Fraternal Order of Police-Illinois State Lodge and meet other eligibility requirements prescribed by the Secretary of State. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, autocycles, and motor vehicles of the second division weighing not more than 8,000 pounds, and recreational vehicles, as defined by Section 1-169 of this Code. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the plates is wholly within the discretion of the Secretary, except that the Illinois Fraternal Order of Police emblem shall appear on the plates. The Secretary may allow the plates to be issued as vanity plates or personalized under Section 3-405.1 of the Code. The Secretary shall prescribe stickers or decals as provided under Section 3-412 of this Code. The plates are not required to designate "Land of Lincoln" as prescribed in subsection

(b) of Section 3-412 of this Code. The Secretary may, in his or her discretion, allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code.

(c) An applicant for the special plate shall be charged a \$25 fee for original issuance in addition to the appropriate registration fee. Of this fee, \$10 shall be deposited into the Fraternal Order of Police Fund and \$15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs. For each registration renewal period, a \$25 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, \$23 shall be deposited into the Fraternal Order of Police Fund and \$2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Fraternal Order of Police Fund is created as a special fund in the State treasury. All moneys in the Fraternal Order of Police Fund shall be paid, subject to appropriation by the General Assembly and distribution by the Secretary, as grants to the Illinois Fraternal Order of Police to increase the efficiency and professionalism of law enforcement officers in Illinois, to educate the public about law enforcement issues, to more firmly establish the public confidence in law enforcement, to create partnerships with the public, and to honor the service of law enforcement officers dedicated to the protection of life and property.

625 ILCS 5/3-692

Sec. 3-692. (Repealed).

625 ILCS 5/3-693 — Women Veteran license plates

Sec. 3-693. Women Veteran license plates.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue Women Veteran license plates to residents of Illinois who meet eligibility requirements prescribed by the Secretary of State. The special Women Veteran plate issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary of State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code. The Secretary shall prescribe the eligibility requirements and, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) (Blank).

625 ILCS 5/3-694

Sec. 3-694. (Repealed).

625 ILCS 5/3-695 — Ducks Unlimited license plates

Sec. 3-695. Ducks Unlimited license plates.

(a) The Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary, may issue special registration plates designated as Ducks Unlimited license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, autocycles, or motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the special plates shall be wholly within the discretion of the Secretary. Appropriate documentation, as determined by the Secretary, shall accompany each application. The Secretary may allow the plates to be issued as vanity plates or personalized plates under Section 3-405.1 of this Code. The Secretary shall prescribe stickers or decals as provided under Section 3-412 of this Code.

(c) An applicant for the special plate shall be charged a \$40 fee for original issuance in addition to the appropriate registration fee. Of this fee, \$25 shall be deposited into the Ducks Unlimited Fund and \$15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs. For each registration renewal period, a \$27 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, \$25 shall be deposited into the Ducks Unlimited Fund and \$2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Ducks Unlimited Fund is created as a special fund in the State treasury. All moneys in the Ducks Unlimited Fund shall be paid, subject to appropriation by the General Assembly and distribution by the Secretary, as grants to Ducks Unlimited, Inc., a tax exempt entity under Section 501(c)(3) of the Internal Revenue Code, to fund wetland protection, enhancement, and restoration projects in the State of Illinois, to fund education and outreach for media, volunteers, members, and the general public regarding waterfowl and wetlands conservation in the State of Illinois, and to cover the reasonable cost for Ducks Unlimited special plate advertising and administration of the wetland conservation projects and education program.

625 ILCS 5/3-696

Sec. 3-696. (Repealed).

625 ILCS 5/3-697 — Chicago Police Memorial Foundation license plates

Sec. 3-697. Chicago Police Memorial Foundation license plates.

(a) The Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary, may issue special registration plates designated as Chicago Police Memorial Foundation license plates to active or retired law enforcement officers and their family members, surviving family members of deceased law enforcement officers, and members of or donors to the Chicago Police Memorial Foundation. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division or motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the plates is wholly within the discretion of the Secretary. The Secretary may allow the plates to be issued as vanity plates or personalized under Section 3-405.1 of the Code. Appropriate documentation, as determined by the Secretary, shall accompany each application. The Secretary shall prescribe stickers or decals as provided under Section 3-412 of this Code. The Secretary must make a version of the special registration plates authorized under this Section in a form appropriate for motorcycles.

(c) An applicant for the special plate shall be charged a \$25 fee for original issuance in addition to the appropriate registration fee. Of this fee, \$10 shall be deposited into the Chicago Police Memorial Foundation Fund and \$15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs. For each registration renewal period, a \$25 fee, in addition to the appropriate registration

fee, shall be charged. Of this fee, \$23 shall be deposited into the Chicago Police Memorial Foundation Fund and \$2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Chicago Police Memorial Foundation Fund is created as a special fund in the State treasury. All moneys in the Chicago Police Memorial Foundation Fund shall be paid, subject to appropriation by the General Assembly and approval by the Secretary, as grants to the Chicago Police Memorial Foundation for maintenance of a memorial and park, holding an annual memorial commemoration, giving scholarships to children of police officers killed or catastrophically injured in the line of duty, providing financial assistance to police officers and their families when a police officer is killed or injured in the line of duty, and paying the insurance premiums for police officers who are terminally ill.

625 ILCS 5/3-698

Sec. 3-698. U.S. Air Force license plates.

(a) The Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue special registration plates designated as U.S. Air Force license plates to residents of Illinois who meet eligibility requirements prescribed by the Secretary of State. The special plate issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, autocycles, motor vehicles of the second division weighing not more than 8,000 pounds, and recreational vehicles as defined by Section 1-169 of this Code. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary of State, except that the U.S. Air Force emblem shall appear on the plates. The Secretary may, in his or her discretion, allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land Of Lincoln", as prescribed in subsection

(b) of Section 3-412 of this Code. The Secretary shall prescribe the eligibility requirements and, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) An applicant shall be charged a \$20 fee for original issuance in addition to the applicable registration fee. Of this additional fee, \$15 shall be deposited into the Secretary of State Special License Plate Fund and \$5 shall be deposited into the Octave Chanute Aerospace Heritage Fund. For each registration renewal period, a \$20 fee, in addition to the appropriate registration fee, shall be charged. Of this additional fee, \$2 shall be deposited into the Secretary of State Special License Plate Fund and \$18 shall be deposited into the Octave Chanute Aerospace Heritage Fund.

(d) The Octave Chanute Aerospace Heritage Fund is created as a special fund in the State treasury. All moneys in the Octave Chanute Aerospace Heritage Fund shall be paid, subject to appropriation by the General Assembly and approval by the Secretary, as grants to the Rantoul Historical Society and Museum, or any other charitable foundation responsible for the former exhibits and collections of the Chanute Air Museum, for operational and program expenses of the Chanute Air Museum and any other structure housing exhibits and collections of the Chanute Air Museum.

625 ILCS 5/3-699

Sec. 3-699. (Repealed).

625 ILCS 5/3-699.1

Sec. 3-699.1. (Repealed).

625 ILCS 5/3-699.2 — Diabetes Awareness license plates

Sec. 3-699.2. Diabetes Awareness license plates.

(a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary, may issue special registration plates designated as Diabetes Awareness license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, autocycles, and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the plates is wholly within the discretion of the Secretary of State. The Secretary, in his or her discretion, may allow the plates to be issued as vanity or personalized plates under Section 3-405.1 of this Code. The Secretary shall prescribe stickers or decals as provided under Section 3-412 of this Code.

(c) An applicant for the special plate shall be charged a \$40 fee for original issuance in addition to the appropriate registration fee. Of this fee, \$25 shall be deposited into the Diabetes Research Checkoff Fund and \$15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs. For each registration renewal period, a \$27 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, \$25 shall be deposited into the Diabetes Research Checkoff Fund and \$2 shall be deposited into the Secretary of State Special License Plate Fund.

625 ILCS 5/3-699.3 — Illinois Nurses license plates

Sec. 3-699.3. Illinois Nurses license plates.

(a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary, may issue special registration plates designated as Illinois Nurses license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, autocycles, and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the plates is wholly within the discretion of the Secretary. The Secretary may allow the plates to be issued as vanity plates or personalized under Section 3-405.1 of the Code. The Secretary shall prescribe stickers or decals as provided under Section 3-412 of this Code.

(c) An applicant for the special plate shall be charged a \$35 fee for original issuance in addition to the appropriate registration fee. Of this fee, \$20 shall be deposited into the Illinois Nurses Foundation Fund and \$15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray administrative processing costs. For each registration renewal period, a \$22 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, \$20 shall be deposited into the Illinois Nurses Foundation Fund and \$2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Illinois Nurses Foundation Fund is created as a special fund in the State treasury. All money in the Illinois Nurses Foundation Fund shall be paid, subject to appropriation by the General Assembly and distribution by the Secretary, as grants to the Illinois Nurses Foundation, to promote the health of the public by advancing the nursing profession in this State.

625 ILCS 5/3-699.4

Sec. 3-699.4. (Repealed).

625 ILCS 5/3-699.5

Sec. 3-699.5. (Repealed).

625 ILCS 5/3-699.6 — Alzheimer's Awareness license plates

Sec. 3-699.6. Alzheimer's Awareness license plates.

(a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary, may issue special registration plates designated as Alzheimer's Awareness license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, autocycles, and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the plates is wholly within the discretion of the Secretary. The Secretary may allow the plates to be issued as vanity plates or personalized under Section 3-405.1 of this Code. The Secretary shall prescribe stickers or decals as provided under Section 3-412 of this Code.

(c) An applicant for the special plate shall be charged a \$25 fee for original issuance in addition to the appropriate registration fee. Of this fee, \$10 shall be deposited into the Alzheimer's Awareness Fund and \$15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray administrative processing costs. For each registration renewal period, a \$25 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, \$23 shall be deposited into the Alzheimer's Awareness Fund and \$2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Alzheimer's Awareness Fund is created as a special fund in the State treasury. All money in the Alzheimer's Awareness Fund shall be paid, subject to appropriation by the General Assembly and distribution by the Secretary, as grants to the Alzheimer's Disease and Related Disorders Association, Greater Illinois Chapter, for Alzheimer's care, support, education, and awareness programs.

625 ILCS 5/3-699.7 — Prince Hall Freemasonry plates

Sec. 3-699.7. Prince Hall Freemasonry plates.

(a) The Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary, may issue special registration plates designated as Prince Hall Freemasonry license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, autocycles, or motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the special plates shall be wholly within the discretion of the Secretary. Appropriate documentation, as determined by the Secretary, shall accompany each application.

(c) An applicant for the special plate shall be charged a \$25 fee for original issuance in addition to the appropriate registration fee. Of this fee, \$10 shall be deposited into the Master Mason Fund and \$15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs. For each registration renewal period, a \$25 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, \$23 shall be deposited into the Master Mason Fund and \$2 shall be deposited into the Secretary of State Special License Plate Fund.

625 ILCS 5/3-699.8 — Illinois Police K-9 Memorial Plates

Sec. 3-699.8. Illinois Police K-9 Memorial Plates.

(a) The Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary, may issue special registration plates designated as Illinois Police K-9 Memorial license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, autocycles, or motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the plates is wholly within the discretion of the Secretary. The Secretary may allow the plates to be issued as vanity plates or personalized under Section 3-405.1 of the Code. Appropriate documentation, as determined by the Secretary, shall accompany each application. The Secretary shall prescribe stickers or decals as provided under Section 3-412 of this Code.

(c) An applicant shall be charged a \$40 fee for original issuance in addition to the applicable registration fee. Of this additional fee, \$15 shall be deposited into the Secretary of State Special License Plate Fund and \$25 shall be deposited into the Illinois Police K-9 Memorial Fund. For each registration renewal period, a \$27 fee, in addition to the appropriate registration fee, shall be charged. Of this additional fee, \$2 shall be deposited into the Secretary of State Special License Plate Fund and \$25 shall be deposited into the Illinois Police K-9 Memorial Fund.

(d) The Illinois Police K-9 Memorial Fund is created as a special fund in the State treasury. All moneys in the Illinois Police K-9 Memorial Fund shall be paid, subject to appropriation by the General Assembly and distribution by the Secretary, for grants under the Care for Retired Police Dogs Program Act.

(e) Notwithstanding the requirements of subsection

(a) of Section 3-600, if the Secretary of State has not received 2,000 plate applications to issue the special plate authorized under this Section by January 1, 2028, then the Secretary of State's authority to issue the special plate is nullified and the plate shall not be issued.

(f) If the Secretary of State has not received 2,000 plate applications to issue the special plate authorized under this Section by January 1, 2028, then the provisions of this Section, other than this subsection (f), are inoperative after January 1, 2028.

625 ILCS 5/3-699.9

Sec. 3-699.9. (Repealed).

625 ILCS 5/3-699.10

Sec. 3-699.10. (Repealed).

625 ILCS 5/3-699.11 — Retired Law Enforcement license plates

Sec. 3-699.11. Retired Law Enforcement license plates.

(a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary, may issue special registration plates designated as Retired Law Enforcement license plates to residents of Illinois who meet eligibility requirements prescribed by the Secretary of State. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, autocycles, and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the plates is wholly within the discretion of the Secretary. The Secretary may allow the plates to be issued as vanity plates or personalized under Section 3-405.1 of the Code. The Secretary shall prescribe stickers or decals as provided under Section 3-412 of this Code.

(c) An applicant for the special plate shall be charged a \$25 fee for original issuance in addition to the appropriate registration fee. Of this fee, \$10 shall be deposited into the Illinois Sheriffs' Association Scholarship and Training Fund and \$15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs. For each registration renewal period, a \$25 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, \$23 shall be deposited into the Illinois Sheriffs' Association Scholarship and Training Fund and \$2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Illinois Sheriffs' Association Scholarship and Training Fund is created as a special fund in the State treasury. All money in the Illinois Sheriffs' Association Scholarship and Training Fund shall be paid, subject to appropriation by the General Assembly and distribution by the Secretary, as grants to the Illinois Sheriffs' Association, for scholarships obtained in a competitive process to attend the Illinois Teen Institute or an accredited college or university, for programs designed to benefit the elderly and teens, and for law enforcement training.

625 ILCS 5/3-699.12 — Legion of Merit plates

Sec. 3-699.12. Legion of Merit plates. The Secretary, upon receipt of an application made in the form prescribed by the Secretary of State, may issue special registration plates designated as Legion of Merit license plates to recipients awarded the Legion of Merit by a branch of the armed forces of the United States who reside in Illinois. The special plates issued pursuant to this Section should be affixed only to passenger vehicles of the 1st division, including motorcycles, or motor vehicles of the 2nd division weighing not more than 8,000 pounds. The Secretary may, in his or her discretion, allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code. The Secretary of State must make a version of the special registration plates authorized under this Section in a form appropriate for motorcycles. The design and color of such plates shall be wholly within the discretion of the Secretary of State. No registration fee, including the fees established under Section 3-806 of this Code, shall be charged for the issuance or renewal of any plates issued under this Section.

625 ILCS 5/3-699.13 — Illinois State Police Memorial Park license plates

Sec. 3-699.13. Illinois State Police Memorial Park license plates.

(a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary of State, may issue special registration plates designated as Illinois State Police Memorial Park license plates to active or retired law enforcement officers or their family members, surviving family members of deceased law enforcement officers, and members of or donors to the Illinois State Police Heritage Foundation. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles over 150cc, or motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the plates shall be wholly within the discretion of the Secretary of State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code. The Secretary shall prescribe stickers or decals as provided under Section 3-412 of this Code.

(c) An applicant shall be charged a \$25 fee for original issuance in addition to the appropriate registration fee, if applicable. Of this fee, \$10 shall be deposited into the Illinois State Police Memorial Park Fund and \$15 shall be deposited into the Secretary of State Special License Plate Fund. For each registration renewal period, a \$25 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, \$23 shall be deposited into the Illinois State Police Memorial Park Fund and \$2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Illinois State Police Memorial Park Fund is created as a special fund in the State treasury. All moneys in the Illinois State Police Memorial Park Fund shall be paid, subject to appropriation by the General Assembly and distribution by the Secretary, as grants to the Illinois State Police Heritage Foundation, Inc. for building and maintaining a memorial and park, holding an annual memorial commemoration, giving scholarships to children of State police officers killed or catastrophically injured in the line of duty, and providing financial assistance to police officers and their families when a police officer is killed or injured in the line of duty.

625 ILCS 5/3-699.14 — Universal special license plates

Sec. 3-699.14. Universal special license plates.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary, may issue Universal special license plates to residents of Illinois on behalf of organizations that have been authorized by the General Assembly to issue decals for Universal special license plates. Appropriate documentation, as determined by the Secretary, shall accompany each application. Authorized organizations shall be designated by amendment to this Section. When applying for a Universal special license plate the applicant shall inform the Secretary of the name of the authorized organization from which the applicant will obtain a decal to place on the plate. The Secretary shall make a record of that organization and that organization shall remain affiliated with that plate until the plate is surrendered, revoked, or otherwise canceled. The authorized organization may charge a fee to offset the cost of producing and distributing the decal, but that fee shall be retained by the authorized organization and shall be separate and distinct from any registration fees charged by the Secretary. No decal, sticker, or other material may be affixed to a Universal special license plate other than a decal authorized by the General Assembly in this Section or a registration renewal sticker. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, including motorcycles and autocycles, or motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure under Section 3-414.1 of this Code.

(b) The design, color, and format of the Universal special license plate shall be wholly within the discretion of the Secretary. Universal special license plates are not required to designate "Land of Lincoln", as prescribed in subsection

(b) of Section 3-412 of this Code. The design shall allow for the application of a decal to the plate. Organizations authorized by the General Assembly to issue decals for Universal special license plates shall comply with rules adopted by the Secretary governing the requirements for and approval of Universal special license plate decals. The Secretary may, in his or her discretion, allow Universal special license plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code. The Secretary of State must make a version of the special registration plates authorized under this Section in a form appropriate for motorcycles and autocycles.

(c) When authorizing a Universal special license plate, the General Assembly shall set forth whether an additional fee is to be charged for the plate and, if a fee is to be charged, the amount of the fee and how the fee is to be distributed. When necessary, the authorizing language shall create a special fund in the State treasury into which fees may be deposited for an authorized Universal special license plate. Additional fees may only be charged if the fee is to be paid over to a State agency or to a charitable entity that is in compliance with the registration and reporting requirements of the Charitable Trust Act and the Solicitation for Charity Act. Any charitable entity receiving fees for the sale of Universal special license plates shall annually provide the Secretary of State a letter of compliance issued by the Attorney General verifying that the entity is in compliance with the Charitable Trust Act and the Solicitation for Charity Act.

(d) Upon original issuance and for each registration renewal period, in addition to the appropriate registration fee, if applicable, the Secretary shall collect any additional fees, if required, for issuance of Universal special license plates. The fees shall be collected on behalf of the organization designated by the applicant when applying for the plate. All fees collected shall be transferred to the State agency on whose behalf the fees were collected, or paid into the special fund designated in the law authorizing the organization to issue decals for Universal special license plates. All money in the designated fund shall be distributed by the Secretary subject to appropriation by the General Assembly.

(e) The following organizations may issue decals for Universal special license plates with the original and renewal fees and fee distribution as follows:

(1) The Illinois Department of Natural Resources. (A) Original issuance: \$25; with \$10 to the Roadside Monarch Habitat Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Roadside Monarch Habitat Fund and \$2 to the Secretary of State Special License Plate Fund.

(2) Illinois Veterans' Homes. (A) Original issuance: \$26, which shall be deposited into the Illinois Veterans' Homes Fund. (B) Renewal: \$26, which shall be deposited into the Illinois Veterans' Homes Fund.

(3) The Illinois Department of Human Services for volunteerism decals. (A) Original issuance: \$25, which shall be deposited into the Secretary of State Special License Plate Fund. (B) Renewal: \$25, which shall be deposited into the Secretary of State Special License Plate Fund.

(4) The Illinois Department of Public Health. (A) Original issuance: \$25; with \$10 to the Prostate Cancer Awareness Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Prostate Cancer Awareness Fund and \$2 to the Secretary of State Special License Plate Fund.

(5) Horsemen's Council of Illinois. (A) Original issuance: \$25; with \$10 to the Horsemen's Council of Illinois Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Horsemen's Council of Illinois Fund and \$2 to the Secretary of State Special License Plate Fund.

(6) K9s for Veterans, NFP. (A) Original issuance: \$25; with \$10 to the Post-Traumatic Stress Disorder Awareness Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Post-Traumatic Stress Disorder Awareness Fund and \$2 to the Secretary of State Special License Plate Fund.

(7) The International Association of Machinists and Aerospace Workers. (A) Original issuance: \$35; with \$20 to the Guide Dogs of America Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 going to the Guide Dogs of America Fund and \$2 to the Secretary of State Special License Plate Fund.

(8) Local Lodge 701 of the International Association of Machinists and Aerospace Workers. (A) Original issuance: \$35; with \$10 to the Guide Dogs of America Fund, \$10 to the Mechanics Training Fund, and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$30; with \$13 to the Guide Dogs of America Fund, \$15 to the Mechanics Training Fund, and \$2 to the Secretary of State Special License Plate Fund.

(9) Illinois Department of Human Services. (A) Original issuance: \$25; with \$10 to the Theresa Tracy Trot - Illinois CancerCare Foundation Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Theresa Tracy Trot - Illinois CancerCare Foundation Fund and \$2 to the Secretary of State Special License Plate Fund.

(10) The Illinois Department of Human Services for developmental disabilities awareness decals. (A) Original issuance: \$25; with \$10 to the Developmental Disabilities Awareness Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Developmental Disabilities Awareness Fund and \$2 to the Secretary of State Special License Plate Fund.

(11) The Illinois Department of Human Services for pediatric cancer awareness decals. (A) Original issuance: \$25; with \$10 to the Pediatric Cancer Awareness Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Pediatric Cancer Awareness Fund and \$2 to the Secretary of State Special License Plate Fund.

(12) The Department of Veterans' Affairs for Fold of Honor decals. (A) Original issuance: \$25; with \$10 to the Folds of Honor Foundation Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Folds of Honor Foundation Fund and \$2 to the Secretary of State Special License Plate Fund.

(13) The Illinois chapters of the Experimental Aircraft Association for aviation enthusiast decals. (A) Original issuance: \$25; with \$10 to the Experimental Aircraft Association Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Experimental Aircraft Association Fund and \$2 to the Secretary of State Special License Plate Fund.

(14) The Illinois Department of Human Services for Child Abuse Council of the Quad Cities decals. (A) Original issuance: \$25; with \$10 to the Child Abuse Council of the Quad Cities Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Child Abuse Council of the Quad Cities Fund and \$2 to the Secretary of State Special License Plate Fund.

(15) The Illinois Department of Public Health for health care worker decals. (A) Original issuance: \$25; with \$10 to the Illinois Health Care Workers Benefit Fund, and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Illinois Health Care Workers Benefit Fund and \$2 to the Secretary of State Special License Plate Fund.

(16) The Department of Agriculture for Future Farmers of America decals. (A) Original issuance: \$25; with \$10 to the Future Farmers of America Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Future Farmers of America Fund and \$2 to the Secretary of State Special License Plate Fund.

(17) The Illinois Department of Public Health for autism awareness decals that are designed with input from autism advocacy organizations. (A) Original issuance: \$25; with \$10 to the Autism Awareness Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Autism Awareness Fund and \$2 to the Secretary of State Special License Plate Fund.

(18) The Department of Natural Resources for Lyme disease research decals. (A) Original issuance: \$25; with \$10 to the Tick Research, Education, and Evaluation Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Tick Research, Education, and Evaluation Fund and \$2 to the Secretary of State Special License Plate Fund.

(19) The IBEW Thank a Line Worker decal. (A) Original issuance: \$15, which shall be deposited into the Secretary of State Special License Plate Fund. (B) Renewal: \$2, which shall be deposited into the Secretary of State Special License Plate Fund.

(20) An Illinois chapter of the Navy Club for Navy Club decals. (A) Original issuance: \$5; which shall be deposited into the Navy Club Fund. (B) Renewal: \$18; which shall be deposited into the Navy Club Fund.

(21) An Illinois chapter of the International Brotherhood of Electrical Workers for International Brotherhood of Electrical Workers decal. (A) Original issuance: \$25; with \$10 to the International Brotherhood of Electrical Workers Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the International Brotherhood of Electrical Workers Fund and \$2 to the Secretary of State Special License Plate Fund.

(22) The 100 Club of Illinois decal. (A) Original issuance: \$45; with \$30 to the 100 Club of Illinois Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$27; with \$25 to the 100 Club of Illinois Fund and \$2 to the Secretary of State Special License Plate Fund.

(23) The Illinois USTA/Midwest Youth Tennis Foundation decal. (A) Original issuance: \$40; with \$25 to the Illinois USTA/Midwest Youth Tennis Foundation Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$40; with \$38 to the Illinois USTA/Midwest Youth Tennis Foundation Fund and \$2 to the Secretary of State Special License Plate Fund.

(24) The Sons of the American Legion decal. (A) Original issuance: \$25; with \$10 to the Sons of the American Legion Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Sons of the American Legion Fund and \$2 to the Secretary of State Special License Plate Fund.

(f) The following funds are created as special funds in the State treasury:

(1) The Roadside Monarch Habitat Fund. All money in the Roadside Monarch Habitat Fund shall be paid as grants by the Illinois Department of Natural Resources to fund roadside monarch and other pollinator habitat development, enhancement, and restoration projects in this State.

(2) The Prostate Cancer Awareness Fund. All money in the Prostate Cancer Awareness Fund shall be paid as grants to the Prostate Cancer Foundation of Chicago.

(3) The Horsemen's Council of Illinois Fund. All money in the Horsemen's Council of Illinois Fund shall be paid as grants to the Horsemen's Council of Illinois.

(4) The Post-Traumatic Stress Disorder Awareness Fund. All money in the Post-Traumatic Stress Disorder Awareness Fund shall be paid as grants to K9s for Veterans, NFP for support, education, and awareness of veterans with post-traumatic stress disorder.

(5) The Guide Dogs of America Fund. All money in the Guide Dogs of America Fund shall be paid as grants to the International Guiding Eyes, Inc., doing business as Guide Dogs of America.

(6) The Mechanics Training Fund. All money in the Mechanics Training Fund shall be paid as grants to the Mechanics Local 701 Training Fund.

(7) The Theresa Tracy Trot - Illinois CancerCare Foundation Fund. All money in the Theresa Tracy Trot - Illinois CancerCare Foundation Fund shall be paid to the Illinois CancerCare Foundation for the purpose of furthering pancreatic cancer research.

(8) The Developmental Disabilities Awareness Fund. All money in the Developmental Disabilities Awareness Fund shall be paid as grants to the Illinois Department of Human Services to fund legal aid groups to assist with guardianship fees for private citizens willing to become guardians for individuals with developmental disabilities but who are unable to pay the legal fees associated with becoming a guardian.

(9) The Pediatric Cancer Awareness Fund. All money in the Pediatric Cancer Awareness Fund shall be paid as grants to the Cancer Center at Illinois for pediatric cancer treatment and research.

(10) The Folds of Honor Foundation Fund. All money in the Folds of Honor Foundation Fund shall be paid as grants to the Folds of Honor Foundation to aid in providing educational scholarships to military families.

(11) The Experimental Aircraft Association Fund. All money in the Experimental Aircraft Association Fund shall be paid, subject to appropriation by the General Assembly and distribution by the Secretary, as grants to promote recreational aviation.

(12) The Child Abuse Council of the Quad Cities Fund. All money in the Child Abuse Council of the Quad Cities Fund shall be paid as grants to benefit the Child Abuse Council of the Quad Cities.

(13) The Illinois Health Care Workers Benefit Fund. All money in the Illinois Health Care Workers Benefit Fund shall be paid as grants to the Trinity Health Foundation for the benefit of health care workers, doctors, nurses, and others who work in the health care industry in this State.

(14) The Future Farmers of America Fund. All money in the Future Farmers of America Fund shall be paid as grants to the Illinois Association of Future Farmers of America.

(15) The Tick Research, Education, and Evaluation Fund. All money in the Tick Research, Education, and Evaluation Fund shall be paid as grants to the Illinois Lyme Association.

(16) The Navy Club Fund. All money in the Navy Club Fund shall be paid as grants to any local chapter of the Navy Club that is located in this State.

(17) The International Brotherhood of Electrical Workers Fund. All money in the International Brotherhood of Electrical Workers Fund shall be paid as grants to any local chapter of the International Brotherhood of Electrical Workers that is located in this State.

(18) The 100 Club of Illinois Fund. All money in the 100 Club of Illinois Fund shall be paid as grants to the 100 Club of Illinois for the purpose of giving financial support to children and spouses of first responders killed in the line of duty and mental health resources for active duty first responders.

(19) The Illinois USTA/Midwest Youth Tennis Foundation Fund. All money in the Illinois USTA/Midwest Youth Tennis Foundation Fund shall be paid as grants to Illinois USTA/Midwest Youth Tennis Foundation to aid USTA/Midwest districts in the State with exposing youth to the game of tennis.

(20) The Sons of the American Legion Fund. All money in the Sons of the American Legion Fund shall be paid as grants to the Illinois Detachment of the Sons of the American Legion. (Text of Section from P.A. 104-234) Sec. 3-699.14.

Universal special license plates.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary, may issue Universal special license plates to residents of Illinois on behalf of organizations that have been authorized by the General Assembly to issue decals for Universal special license plates. Appropriate documentation, as determined by the Secretary, shall accompany each application. Authorized organizations shall be designated by amendment to this Section. When applying for a Universal special license plate the applicant shall inform the Secretary of the name of the authorized organization from which the applicant will obtain a decal to place on the plate. The Secretary shall make a record of that organization and that organization shall remain affiliated with that plate until the plate is surrendered, revoked, or otherwise cancelled. The authorized organization may charge a fee to offset the cost of producing and distributing the decal, but that fee shall be retained by the authorized organization and shall be separate and distinct from any registration fees charged by the Secretary. No decal, sticker, or other material may be affixed to a Universal special license plate other than a decal authorized by the General Assembly in this Section or a registration renewal sticker. The special plates issued under this Section shall be affixed only to passenger vehicles of the

first division, including motorcycles and autocycles, or motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure under Section 3-414.1 of this Code.

(b) The design, color, and format of the Universal special license plate shall be wholly within the discretion of the Secretary. Universal special license plates are not required to designate "Land of Lincoln", as prescribed in subsection

(b) of Section 3-412 of this Code. The design shall allow for the application of a decal to the plate. Organizations authorized by the General Assembly to issue decals for Universal special license plates shall comply with rules adopted by the Secretary governing the requirements for and approval of Universal special license plate decals. The Secretary may, in his or her discretion, allow Universal special license plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code. The Secretary of State must make a version of the special registration plates authorized under this Section in a form appropriate for motorcycles and autocycles.

(c) When authorizing a Universal special license plate, the General Assembly shall set forth whether an additional fee is to be charged for the plate and, if a fee is to be charged, the amount of the fee and how the fee is to be distributed. When necessary, the authorizing language shall create a special fund in the State treasury into which fees may be deposited for an authorized Universal special license plate. Additional fees may only be charged if the fee is to be paid over to a State agency or to a charitable entity that is in compliance with the registration and reporting requirements of the Charitable Trust Act and the Solicitation for Charity Act. Any charitable entity receiving fees for the sale of Universal special license plates shall annually provide the Secretary of State a letter of compliance issued by the Attorney General verifying that the entity is in compliance with the Charitable Trust Act and the Solicitation for Charity Act.

(d) Upon original issuance and for each registration renewal period, in addition to the appropriate registration fee, if applicable, the Secretary shall collect any additional fees, if required, for issuance of Universal special license plates. The fees shall be collected on behalf of the organization designated by the applicant when applying for the plate. All fees collected shall be transferred to the State agency on whose behalf the fees were collected, or paid into the special fund designated in the law authorizing the organization to issue decals for Universal special license plates. All money in the designated fund shall be distributed by the Secretary subject to appropriation by the General Assembly.

(e) The following organizations may issue decals for Universal special license plates with the original and renewal fees and fee distribution as follows:

(1) The Illinois Department of Natural Resources. (A) Original issuance: \$25; with \$10 to the Roadside Monarch Habitat Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Roadside Monarch Habitat Fund and \$2 to the Secretary of State Special License Plate Fund.

(2) Illinois Veterans' Homes. (A) Original issuance: \$26, which shall be deposited into the Illinois Veterans' Homes Fund. (B) Renewal: \$26, which shall be deposited into the Illinois Veterans' Homes Fund.

(3) The Illinois Department of Human Services for volunteerism decals. (A) Original issuance: \$25, which shall be deposited into the Secretary of State Special License Plate Fund. (B) Renewal: \$25, which shall be deposited into the Secretary of State Special License Plate Fund.

(4) The Illinois Department of Public Health. (A) Original issuance: \$25; with \$10 to the Prostate Cancer Awareness Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Prostate Cancer Awareness Fund and \$2 to the Secretary of State Special License Plate Fund.

(5) Horsemen's Council of Illinois. (A) Original issuance: \$25; with \$10 to the Horsemen's Council of Illinois Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Horsemen's Council of Illinois Fund and \$2 to the Secretary of State Special License Plate Fund.

(6) K9s for Veterans, NFP. (A) Original issuance: \$25; with \$10 to the Post-Traumatic Stress Disorder Awareness Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Post-Traumatic Stress Disorder Awareness Fund and \$2 to the Secretary of State Special License Plate Fund.

(7) The International Association of Machinists and Aerospace Workers. (A) Original issuance: \$35; with \$20 to the Guide Dogs of America Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 going to the Guide Dogs of America Fund and \$2 to the Secretary of State Special License Plate Fund.

(8) Local Lodge 701 of the International Association of Machinists and Aerospace Workers. (A) Original issuance: \$35; with \$10 to the Guide Dogs of America Fund, \$10 to the Mechanics Training Fund, and \$15 to the Secretary of State

Special License Plate Fund. (B) Renewal: \$30; with \$13 to the Guide Dogs of America Fund, \$15 to the Mechanics Training Fund, and \$2 to the Secretary of State Special License Plate Fund.

(9) Illinois Department of Human Services. (A) Original issuance: \$25; with \$10 to the Theresa Tracy Trot - Illinois CancerCare Foundation Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Theresa Tracy Trot - Illinois CancerCare Foundation Fund and \$2 to the Secretary of State Special License Plate Fund.

(10) The Illinois Department of Human Services for developmental disabilities awareness decals. (A) Original issuance: \$25; with \$10 to the Developmental Disabilities Awareness Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Developmental Disabilities Awareness Fund and \$2 to the Secretary of State Special License Plate Fund.

(11) The Illinois Department of Human Services for pediatric cancer awareness decals. (A) Original issuance: \$25; with \$10 to the Pediatric Cancer Awareness Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Pediatric Cancer Awareness Fund and \$2 to the Secretary of State Special License Plate Fund.

(12) The Department of Veterans Affairs for Fold of Honor decals. (A) Original issuance: \$25; with \$10 to the Folds of Honor Foundation Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Folds of Honor Foundation Fund and \$2 to the Secretary of State Special License Plate Fund.

(13) The Illinois chapters of the Experimental Aircraft Association for aviation enthusiast decals. (A) Original issuance: \$25; with \$10 to the Experimental Aircraft Association Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Experimental Aircraft Association Fund and \$2 to the Secretary of State Special License Plate Fund.

(14) The Illinois Department of Human Services for Child Abuse Council of the Quad Cities decals. (A) Original issuance: \$25; with \$10 to the Child Abuse Council of the Quad Cities Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Child Abuse Council of the Quad Cities Fund and \$2 to the Secretary of State Special License Plate Fund.

(15) The Illinois Department of Public Health for health care worker decals. (A) Original issuance: \$25; with \$10 to the Illinois Health Care Workers Benefit Fund, and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Illinois Health Care Workers Benefit Fund and \$2 to the Secretary of State Special License Plate Fund.

(16) The Department of Agriculture for Future Farmers of America decals. (A) Original issuance: \$25; with \$10 to the Future Farmers of America Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Future Farmers of America Fund and \$2 to the Secretary of State Special License Plate Fund.

(17) The Illinois Department of Public Health for autism awareness decals that are designed with input from autism advocacy organizations. (A) Original issuance: \$25; with \$10 to the Autism Awareness Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Autism Awareness Fund and \$2 to the Secretary of State Special License Plate Fund.

(18) The Department of Natural Resources for Lyme disease research decals. (A) Original issuance: \$25; with \$10 to the Tick Research, Education, and Evaluation Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Tick Research, Education, and Evaluation Fund and \$2 to the Secretary of State Special License Plate Fund.

(19) The IBEW Thank a Line Worker decal. (A) Original issuance: \$15, which shall be deposited into the Secretary of State Special License Plate Fund. (B) Renewal: \$2, which shall be deposited into the Secretary of State Special License Plate Fund.

(20) An Illinois chapter of the Navy Club for Navy Club decals. (A) Original issuance: \$5; which shall be deposited into the Navy Club Fund. (B) Renewal: \$18; which shall be deposited into the Navy Club Fund.

(21) An Illinois chapter of the International Brotherhood of Electrical Workers for International Brotherhood of Electrical Workers decal. (A) Original issuance: \$25; with \$10 to the International Brotherhood of Electrical Workers Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the International Brotherhood of Electrical Workers Fund and \$2 to the Secretary of State Special License Plate Fund.

(22) The 100 Club of Illinois decal. (A) Original issuance: \$45; with \$30 to the 100 Club of Illinois Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$27; with \$25 to the 100 Club of Illinois Fund and \$2 to the Secretary of State Special License Plate Fund.

(23) The Illinois USTA/Midwest Youth Tennis Foundation decal. (A) Original issuance: \$40; with \$25 to the Illinois USTA/Midwest Youth Tennis Foundation Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$40; with \$38 to the Illinois USTA/Midwest Youth Tennis Foundation Fund and \$2 to the Secretary of State Special License Plate Fund.

(24) The Sons of the American Legion decal. (A) Original issuance: \$25; with \$10 to the Sons of the American Legion Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Sons of the American Legion Fund and \$2 to the Secretary of State Special License Plate Fund.

(f) The following funds are created as special funds in the State treasury:

(1) The Roadside Monarch Habitat Fund. All money in the Roadside Monarch Habitat Fund shall be paid as grants to the Illinois Department of Natural Resources to fund roadside monarch and other pollinator habitat development, enhancement, and restoration projects in this State.

(2) The Prostate Cancer Awareness Fund. All money in the Prostate Cancer Awareness Fund shall be paid as grants to the Prostate Cancer Foundation of Chicago.

(3) The Horsemen's Council of Illinois Fund. All money in the Horsemen's Council of Illinois Fund shall be paid as grants to the Horsemen's Council of Illinois.

(4) The Post-Traumatic Stress Disorder Awareness Fund. All money in the Post-Traumatic Stress Disorder Awareness Fund shall be paid as grants to K9s for Veterans, NFP for support, education, and awareness of veterans with post-traumatic stress disorder.

(5) The Guide Dogs of America Fund. All money in the Guide Dogs of America Fund shall be paid as grants to the International Guiding Eyes, Inc., doing business as Guide Dogs of America.

(6) The Mechanics Training Fund. All money in the Mechanics Training Fund shall be paid as grants to the Mechanics Local 701 Training Fund.

(7) The Theresa Tracy Trot - Illinois CancerCare Foundation Fund. All money in the Theresa Tracy Trot - Illinois CancerCare Foundation Fund shall be paid to the Illinois CancerCare Foundation for the purpose of furthering pancreatic cancer research.

(8) The Developmental Disabilities Awareness Fund. All money in the Developmental Disabilities Awareness Fund shall be paid as grants to the Illinois Department of Human Services to fund legal aid groups to assist with guardianship fees for private citizens willing to become guardians for individuals with developmental disabilities but who are unable to pay the legal fees associated with becoming a guardian.

(9) The Pediatric Cancer Awareness Fund. All money in the Pediatric Cancer Awareness Fund shall be paid as grants to the Cancer Center at Illinois for pediatric cancer treatment and research.

(10) The Folds of Honor Foundation Fund. All money in the Folds of Honor Foundation Fund shall be paid as grants to the Folds of Honor Foundation to aid in providing educational scholarships to military families.

(11) The Experimental Aircraft Association Fund. All money in the Experimental Aircraft Association Fund shall be paid, subject to appropriation by the General Assembly and distribution by the Secretary, as grants to promote recreational aviation.

(12) The Child Abuse Council of the Quad Cities Fund. All money in the Child Abuse Council of the Quad Cities Fund shall be paid as grants to benefit the Child Abuse Council of the Quad Cities.

(13) The Illinois Health Care Workers Benefit Fund. All money in the Illinois Health Care Workers Benefit Fund shall be paid as grants to the Trinity Health Foundation for the benefit of health care workers, doctors, nurses, and others who work in the health care industry in this State.

(14) The Future Farmers of America Fund. All money in the Future Farmers of America Fund shall be paid as grants to the Illinois Association of Future Farmers of America.

(15) The Tick Research, Education, and Evaluation Fund. All money in the Tick Research, Education, and Evaluation Fund shall be paid as grants to the Illinois Lyme Association.

(16) The Navy Club Fund. All money in the Navy Club Fund shall be paid as grants to any local chapter of the Navy Club that is located in this State.

(17) The International Brotherhood of Electrical Workers Fund. All money in the International Brotherhood of Electrical Workers Fund shall be paid as grants to any local chapter of the International Brotherhood of Electrical Workers that is located in this State.

(18) The 100 Club of Illinois Fund. All money in the 100 Club of Illinois Fund shall be paid as grants to the 100 Club of Illinois for the purpose of giving financial support to children and spouses of first responders killed in the line of duty and mental health resources for active duty first responders.

(19) The Illinois USTA/Midwest Youth Tennis Foundation Fund. All money in the Illinois USTA/Midwest Youth Tennis Foundation Fund shall be paid as grants to Illinois USTA/Midwest Youth Tennis Foundation to aid USTA/Midwest districts in the State with exposing youth to the game of tennis.

(20) The Sons of the American Legion Fund. All money in the Sons of the American Legion Fund shall be paid as grants to the Illinois Detachment of the Sons of the American Legion. (Text of Section from P.A. 104-417) Sec. 3-699.14. Universal special license plates.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary, may issue Universal special license plates to residents of Illinois on behalf of organizations that have been authorized by the General Assembly to issue decals for Universal special license plates. Appropriate documentation, as determined by the Secretary, shall accompany each application. Authorized organizations shall be designated by amendment to this Section. When applying for a Universal special license plate the applicant shall inform the Secretary of the name of the authorized organization from which the applicant will obtain a decal to place on the plate. The Secretary shall make a record of that organization and that organization shall remain affiliated with that plate until the plate is surrendered, revoked, or otherwise cancelled. The authorized organization may charge a fee to offset the cost of producing and distributing the decal, but that fee shall be retained by the authorized organization and shall be separate and distinct from any registration fees charged by the Secretary. No decal, sticker, or other material may be affixed to a Universal special license plate other than a decal authorized by the General Assembly in this Section or a registration renewal sticker. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, including motorcycles and autocycles, or motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure under Section 3-414.1 of this Code.

(b) The design, color, and format of the Universal special license plate shall be wholly within the discretion of the Secretary. Universal special license plates are not required to designate "Land of Lincoln", as prescribed in subsection

(b) of Section 3-412 of this Code. The design shall allow for the application of a decal to the plate. Organizations authorized by the General Assembly to issue decals for Universal special license plates shall comply with rules adopted by the Secretary governing the requirements for and approval of Universal special license plate decals. The Secretary may, in his or her discretion, allow Universal special license plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code. The Secretary of State must make a version of the special registration plates authorized under this Section in a form appropriate for motorcycles and autocycles.

(c) When authorizing a Universal special license plate, the General Assembly shall set forth whether an additional fee is to be charged for the plate and, if a fee is to be charged, the amount of the fee and how the fee is to be distributed. When necessary, the authorizing language shall create a special fund in the State treasury into which fees may be deposited for an authorized Universal special license plate. Additional fees may only be charged if the fee is to be paid over to a State agency or to a charitable entity that is in compliance with the registration and reporting requirements of the Charitable Trust Act and the Solicitation for Charity Act. Any charitable entity receiving fees for the sale of Universal special license plates shall annually provide the Secretary of State a letter of compliance issued by the Attorney General verifying that the entity is in compliance with the Charitable Trust Act and the Solicitation for Charity Act.

(d) Upon original issuance and for each registration renewal period, in addition to the appropriate registration fee, if applicable, the Secretary shall collect any additional fees, if required, for issuance of Universal special license plates. The fees shall be collected on behalf of the organization designated by the applicant when applying for the plate. All fees collected shall be transferred to the State agency on whose behalf the fees were collected, or paid into the special fund designated in the law authorizing the organization to issue decals for Universal special license plates. All money in the

designated fund shall be distributed by the Secretary subject to appropriation by the General Assembly.

(e) The following organizations may issue decals for Universal special license plates with the original and renewal fees and fee distribution as follows:

(1) The Illinois Department of Natural Resources. (A) Original issuance: \$25; with \$10 to the Roadside Monarch Habitat Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Roadside Monarch Habitat Fund and \$2 to the Secretary of State Special License Plate Fund.

(2) Illinois Veterans' Homes. (A) Original issuance: \$26, which shall be deposited into the Illinois Veterans' Homes Fund. (B) Renewal: \$26, which shall be deposited into the Illinois Veterans' Homes Fund.

(3) The Illinois Department of Human Services for volunteerism decals. (A) Original issuance: \$25, which shall be deposited into the Secretary of State Special License Plate Fund. (B) Renewal: \$25, which shall be deposited into the Secretary of State Special License Plate Fund.

(4) The Illinois Department of Public Health. (A) Original issuance: \$25; with \$10 to the Prostate Cancer Awareness Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Prostate Cancer Awareness Fund and \$2 to the Secretary of State Special License Plate Fund.

(5) Horsemen's Council of Illinois. (A) Original issuance: \$25; with \$10 to the Horsemen's Council of Illinois Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Horsemen's Council of Illinois Fund and \$2 to the Secretary of State Special License Plate Fund.

(6) K9s for Veterans, NFP. (A) Original issuance: \$25; with \$10 to the Post-Traumatic Stress Disorder Awareness Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Post-Traumatic Stress Disorder Awareness Fund and \$2 to the Secretary of State Special License Plate Fund.

(7) The International Association of Machinists and Aerospace Workers. (A) Original issuance: \$35; with \$20 to the Guide Dogs of America Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 going to the Guide Dogs of America Fund and \$2 to the Secretary of State Special License Plate Fund.

(8) Local Lodge 701 of the International Association of Machinists and Aerospace Workers. (A) Original issuance: \$35; with \$10 to the Guide Dogs of America Fund, \$10 to the Mechanics Training Fund, and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$30; with \$13 to the Guide Dogs of America Fund, \$15 to the Mechanics Training Fund, and \$2 to the Secretary of State Special License Plate Fund.

(9) Illinois Department of Human Services. (A) Original issuance: \$25; with \$10 to the Theresa Tracy Trot - Illinois CancerCare Foundation Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Theresa Tracy Trot - Illinois CancerCare Foundation Fund and \$2 to the Secretary of State Special License Plate Fund.

(10) The Illinois Department of Human Services for developmental disabilities awareness decals. (A) Original issuance: \$25; with \$10 to the Developmental Disabilities Awareness Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Developmental Disabilities Awareness Fund and \$2 to the Secretary of State Special License Plate Fund.

(11) The Illinois Department of Human Services for pediatric cancer awareness decals. (A) Original issuance: \$25; with \$10 to the Pediatric Cancer Awareness Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Pediatric Cancer Awareness Fund and \$2 to the Secretary of State Special License Plate Fund.

(12) The Department of Veterans' Affairs for Fold of Honor decals. (A) Original issuance: \$25; with \$10 to the Folds of Honor Foundation Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Folds of Honor Foundation Fund and \$2 to the Secretary of State Special License Plate Fund.

(13) The Illinois chapters of the Experimental Aircraft Association for aviation enthusiast decals. (A) Original issuance: \$25; with \$10 to the Experimental Aircraft Association Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Experimental Aircraft Association Fund and \$2 to the Secretary of State Special License Plate Fund.

(14) The Illinois Department of Human Services for Child Abuse Council of the Quad Cities decals. (A) Original issuance: \$25; with \$10 to the Child Abuse Council of the Quad Cities Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Child Abuse Council of the Quad Cities Fund and \$2 to the Secretary of State Special License Plate Fund.

(15) The Illinois Department of Public Health for health care worker decals. (A) Original issuance: \$25; with \$10 to the Illinois Health Care Workers Benefit Fund, and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Illinois Health Care Workers Benefit Fund and \$2 to the Secretary of State Special License Plate Fund.

(16) The Department of Agriculture for Future Farmers of America decals. (A) Original issuance: \$25; with \$10 to the Future Farmers of America Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Future Farmers of America Fund and \$2 to the Secretary of State Special License Plate Fund.

(17) The Illinois Department of Public Health for autism awareness decals that are designed with input from autism advocacy organizations. (A) Original issuance: \$25; with \$10 to the Autism Awareness Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Autism Awareness Fund and \$2 to the Secretary of State Special License Plate Fund.

(18) The Department of Natural Resources for Lyme disease research decals. (A) Original issuance: \$25; with \$10 to the Tick Research, Education, and Evaluation Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Tick Research, Education, and Evaluation Fund and \$2 to the Secretary of State Special License Plate Fund.

(19) The IBEW Thank a Line Worker decal. (A) Original issuance: \$15, which shall be deposited into the Secretary of State Special License Plate Fund. (B) Renewal: \$2, which shall be deposited into the Secretary of State Special License Plate Fund.

(20) An Illinois chapter of the Navy Club for Navy Club decals. (A) Original issuance: \$5; which shall be deposited into the Navy Club Fund. (B) Renewal: \$18; which shall be deposited into the Navy Club Fund.

(21) An Illinois chapter of the International Brotherhood of Electrical Workers for International Brotherhood of Electrical Workers decal. (A) Original issuance: \$25; with \$10 to the International Brotherhood of Electrical Workers Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the International Brotherhood of Electrical Workers Fund and \$2 to the Secretary of State Special License Plate Fund.

(22) The 100 Club of Illinois decal. (A) Original issuance: \$45; with \$30 to the 100 Club of Illinois Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$27; with \$25 to the 100 Club of Illinois Fund and \$2 to the Secretary of State Special License Plate Fund.

(23) The Illinois USTA/Midwest Youth Tennis Foundation decal. (A) Original issuance: \$40; with \$25 to the Illinois USTA/Midwest Youth Tennis Foundation Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$40; with \$38 to the Illinois USTA/Midwest Youth Tennis Foundation Fund and \$2 to the Secretary of State Special License Plate Fund.

(24) The Sons of the American Legion decal. (A) Original issuance: \$25; with \$10 to the Sons of the American Legion Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Sons of the American Legion Fund and \$2 to the Secretary of State Special License Plate Fund.

(f) The following funds are created as special funds in the State treasury:

(1) The Roadside Monarch Habitat Fund. All money in the Roadside Monarch Habitat Fund shall be paid as grants to the Illinois Department of Natural Resources to fund roadside monarch and other pollinator habitat development, enhancement, and restoration projects in this State.

(2) The Prostate Cancer Awareness Fund. All money in the Prostate Cancer Awareness Fund shall be paid as grants to the Prostate Cancer Foundation of Chicago.

(3) The Horsemen's Council of Illinois Fund. All money in the Horsemen's Council of Illinois Fund shall be paid as grants to the Horsemen's Council of Illinois.

(4) The Post-Traumatic Stress Disorder Awareness Fund. All money in the Post-Traumatic Stress Disorder Awareness Fund shall be paid as grants to K9s for Veterans, NFP for support, education, and awareness of veterans with post-traumatic stress disorder.

(5) The Guide Dogs of America Fund. All money in the Guide Dogs of America Fund shall be paid as grants to the International Guiding Eyes, Inc., doing business as Guide Dogs of America.

(6) The Mechanics Training Fund. All money in the Mechanics Training Fund shall be paid as grants to the Mechanics Local 701 Training Fund.

(7) The Theresa Tracy Trot - Illinois CancerCare Foundation Fund. All money in the Theresa Tracy Trot - Illinois CancerCare Foundation Fund shall be paid to the Illinois CancerCare Foundation for the purpose of furthering pancreatic cancer research.

(8) The Developmental Disabilities Awareness Fund. All money in the Developmental Disabilities Awareness Fund shall be paid as grants to the Illinois Department of Human Services to fund legal aid groups to assist with guardianship fees for private citizens willing to become guardians for individuals with developmental disabilities but who are unable to pay the legal fees associated with becoming a guardian.

(9) The Pediatric Cancer Awareness Fund. All money in the Pediatric Cancer Awareness Fund shall be paid as grants to the Cancer Center at Illinois for pediatric cancer treatment and research.

(10) The Folds of Honor Foundation Fund. All money in the Folds of Honor Foundation Fund shall be paid as grants to the Folds of Honor Foundation to aid in providing educational scholarships to military families.

(11) The Experimental Aircraft Association Fund. All money in the Experimental Aircraft Association Fund shall be paid, subject to appropriation by the General Assembly and distribution by the Secretary, as grants to promote recreational aviation.

(12) The Child Abuse Council of the Quad Cities Fund. All money in the Child Abuse Council of the Quad Cities Fund shall be paid as grants to benefit the Child Abuse Council of the Quad Cities.

(13) The Illinois Health Care Workers Benefit Fund. All money in the Illinois Health Care Workers Benefit Fund shall be paid as grants to the Trinity Health Foundation for the benefit of health care workers, doctors, nurses, and others who work in the health care industry in this State.

(14) The Future Farmers of America Fund. All money in the Future Farmers of America Fund shall be paid as grants to the Illinois Association of Future Farmers of America.

(15) The Tick Research, Education, and Evaluation Fund. All money in the Tick Research, Education, and Evaluation Fund shall be paid as grants to the Illinois Lyme Association.

(16) The Navy Club Fund. All money in the Navy Club Fund shall be paid as grants to any local chapter of the Navy Club that is located in this State.

(17) The International Brotherhood of Electrical Workers Fund. All money in the International Brotherhood of Electrical Workers Fund shall be paid as grants to any local chapter of the International Brotherhood of Electrical Workers that is located in this State.

(18) The 100 Club of Illinois Fund. All money in the 100 Club of Illinois Fund shall be paid as grants to the 100 Club of Illinois for the purpose of giving financial support to children and spouses of first responders killed in the line of duty and mental health resources for active duty first responders.

(19) The Illinois USTA/Midwest Youth Tennis Foundation Fund. All money in the Illinois USTA/Midwest Youth Tennis Foundation Fund shall be paid as grants to Illinois USTA/Midwest Youth Tennis Foundation to aid USTA/Midwest districts in the State with exposing youth to the game of tennis.

(20) The Sons of the American Legion Fund. All money in the Sons of the American Legion Fund shall be paid as grants to the Illinois Detachment of the Sons of the American Legion. (Text of Section from P.A. 104-435) Sec. 3-699.14.

Universal special license plates.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary, may issue Universal special license plates to residents of Illinois on behalf of organizations that have been authorized by the General Assembly to issue decals for Universal special license plates. Appropriate documentation, as determined by the Secretary, shall accompany each application. Authorized organizations shall be designated by amendment to this Section. When applying for a Universal special license plate the applicant shall inform the Secretary of the name of the authorized organization from which the applicant will obtain a decal to place on the plate. The Secretary shall make a record of that organization and that organization shall remain affiliated with that plate until the plate is surrendered, revoked, or otherwise cancelled. The authorized organization may charge a fee to offset the cost of producing and distributing the decal, but that fee shall be retained by the authorized organization and shall be separate and distinct from any registration fees charged by the Secretary. No decal, sticker, or other material may be affixed to a Universal special license plate other than a decal authorized by the General Assembly in this Section or a registration renewal sticker. The special plates issued under this Section shall be affixed only to passenger vehicles of the

first division, including motorcycles and autocycles, or motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure under Section 3-414.1 of this Code.

(b) The design, color, and format of the Universal special license plate shall be wholly within the discretion of the Secretary. Universal special license plates are not required to designate "Land of Lincoln", as prescribed in subsection

(b) of Section 3-412 of this Code. The design shall allow for the application of a decal to the plate. Organizations authorized by the General Assembly to issue decals for Universal special license plates shall comply with rules adopted by the Secretary governing the requirements for and approval of Universal special license plate decals. The Secretary may, in his or her discretion, allow Universal special license plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code. The Secretary of State must make a version of the special registration plates authorized under this Section in a form appropriate for motorcycles and autocycles.

(c) When authorizing a Universal special license plate, the General Assembly shall set forth whether an additional fee is to be charged for the plate and, if a fee is to be charged, the amount of the fee and how the fee is to be distributed. When necessary, the authorizing language shall create a special fund in the State treasury into which fees may be deposited for an authorized Universal special license plate. Additional fees may only be charged if the fee is to be paid over to a State agency or to a charitable entity that is in compliance with the registration and reporting requirements of the Charitable Trust Act and the Solicitation for Charity Act. Any charitable entity receiving fees for the sale of Universal special license plates shall annually provide the Secretary of State a letter of compliance issued by the Attorney General verifying that the entity is in compliance with the Charitable Trust Act and the Solicitation for Charity Act.

(d) Upon original issuance and for each registration renewal period, in addition to the appropriate registration fee, if applicable, the Secretary shall collect any additional fees, if required, for issuance of Universal special license plates. The fees shall be collected on behalf of the organization designated by the applicant when applying for the plate. All fees collected shall be transferred to the State agency on whose behalf the fees were collected, or paid into the special fund designated in the law authorizing the organization to issue decals for Universal special license plates. All money in the designated fund shall be distributed by the Secretary subject to appropriation by the General Assembly.

(e) The following organizations may issue decals for Universal special license plates with the original and renewal fees and fee distribution as follows:

(1) The Illinois Department of Natural Resources. (A) Original issuance: \$25; with \$10 to the Roadside Monarch Habitat Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Roadside Monarch Habitat Fund and \$2 to the Secretary of State Special License Plate Fund.

(2) Illinois Veterans' Homes. (A) Original issuance: \$26, which shall be deposited into the Illinois Veterans' Homes Fund. (B) Renewal: \$26, which shall be deposited into the Illinois Veterans' Homes Fund.

(3) The Illinois Department of Human Services for volunteerism decals. (A) Original issuance: \$25, which shall be deposited into the Secretary of State Special License Plate Fund. (B) Renewal: \$25, which shall be deposited into the Secretary of State Special License Plate Fund.

(4) (Blank).

(5) (Blank).

(6) K9s for Veterans, NFP. (A) Original issuance: \$25; with \$10 to the Post-Traumatic Stress Disorder Awareness Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Post-Traumatic Stress Disorder Awareness Fund and \$2 to the Secretary of State Special License Plate Fund.

(7) The International Association of Machinists and Aerospace Workers. (A) Original issuance: \$35; with \$20 to the Guide Dogs of America Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 going to the Guide Dogs of America Fund and \$2 to the Secretary of State Special License Plate Fund.

(8) Local Lodge 701 of the International Association of Machinists and Aerospace Workers. (A) Original issuance: \$35; with \$10 to the Guide Dogs of America Fund, \$10 to the Mechanics Training Fund, and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$30; with \$13 to the Guide Dogs of America Fund, \$15 to the Mechanics Training Fund, and \$2 to the Secretary of State Special License Plate Fund.

(9) (Blank).

(10) (Blank).

- (11) The Illinois Department of Human Services for pediatric cancer awareness decals. (A) Original issuance: \$25; with \$10 to the Pediatric Cancer Awareness Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Pediatric Cancer Awareness Fund and \$2 to the Secretary of State Special License Plate Fund.
- (12) The Department of Veterans' Affairs for Fold of Honor decals. (A) Original issuance: \$25; with \$10 to the Folds of Honor Foundation Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Folds of Honor Foundation Fund and \$2 to the Secretary of State Special License Plate Fund.
- (13) The Illinois chapters of the Experimental Aircraft Association for aviation enthusiast decals. (A) Original issuance: \$25; with \$10 to the Experimental Aircraft Association Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Experimental Aircraft Association Fund and \$2 to the Secretary of State Special License Plate Fund.
- (14) The Illinois Department of Human Services for Child Abuse Council of the Quad Cities decals. (A) Original issuance: \$25; with \$10 to the Child Abuse Council of the Quad Cities Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Child Abuse Council of the Quad Cities Fund and \$2 to the Secretary of State Special License Plate Fund.
- (15) The Illinois Department of Public Health for health care worker decals. (A) Original issuance: \$25; with \$10 to the Illinois Health Care Workers Benefit Fund, and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Illinois Health Care Workers Benefit Fund and \$2 to the Secretary of State Special License Plate Fund.
- (16) The Department of Agriculture for Future Farmers of America decals. (A) Original issuance: \$25; with \$10 to the Future Farmers of America Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Future Farmers of America Fund and \$2 to the Secretary of State Special License Plate Fund.
- (17) The Illinois Department of Public Health for autism awareness decals that are designed with input from autism advocacy organizations. (A) Original issuance: \$25; with \$10 to the Autism Awareness Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Autism Awareness Fund and \$2 to the Secretary of State Special License Plate Fund.
- (18) The Department of Natural Resources for Lyme disease research decals. (A) Original issuance: \$25; with \$10 to the Tick Research, Education, and Evaluation Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Tick Research, Education, and Evaluation Fund and \$2 to the Secretary of State Special License Plate Fund.
- (19) The IBEW Thank a Line Worker decal. (A) Original issuance: \$15, which shall be deposited into the Secretary of State Special License Plate Fund. (B) Renewal: \$2, which shall be deposited into the Secretary of State Special License Plate Fund.
- (20) An Illinois chapter of the Navy Club for Navy Club decals. (A) Original issuance: \$5; which shall be deposited into the Navy Club Fund. (B) Renewal: \$18; which shall be deposited into the Navy Club Fund.
- (21) An Illinois chapter of the International Brotherhood of Electrical Workers for International Brotherhood of Electrical Workers decal. (A) Original issuance: \$25; with \$10 to the International Brotherhood of Electrical Workers Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the International Brotherhood of Electrical Workers Fund and \$2 to the Secretary of State Special License Plate Fund.
- (22) The 100 Club of Illinois decal. (A) Original issuance: \$45; with \$30 to the 100 Club of Illinois Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$27; with \$25 to the 100 Club of Illinois Fund and \$2 to the Secretary of State Special License Plate Fund.
- (23) The Illinois USTA/Midwest Youth Tennis Foundation decal. (A) Original issuance: \$40; with \$25 to the Illinois USTA/Midwest Youth Tennis Foundation Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$40; with \$38 to the Illinois USTA/Midwest Youth Tennis Foundation Fund and \$2 to the Secretary of State Special License Plate Fund.
- (24) The Sons of the American Legion decal. (A) Original issuance: \$25; with \$10 to the Sons of the American Legion Fund and \$15 to the Secretary of State Special License Plate Fund. (B) Renewal: \$25; with \$23 to the Sons of the American Legion Fund and \$2 to the Secretary of State Special License Plate Fund.
- (f) The following funds are created as special funds in the State treasury:

(1) The Roadside Monarch Habitat Fund. All money in the Roadside Monarch Habitat Fund shall be paid as grants to the Illinois Department of Natural Resources to fund roadside monarch and other pollinator habitat development, enhancement, and restoration projects in this State.

(2) (Blank).

(3) (Blank).

(4) The Post-Traumatic Stress Disorder Awareness Fund. All money in the Post-Traumatic Stress Disorder Awareness Fund shall be paid as grants to K9s for Veterans, NFP for support, education, and awareness of veterans with post-traumatic stress disorder.

(5) The Guide Dogs of America Fund. All money in the Guide Dogs of America Fund shall be paid as grants to the International Guiding Eyes, Inc., doing business as Guide Dogs of America.

(6) The Mechanics Training Fund. All money in the Mechanics Training Fund shall be paid as grants to the Mechanics Local 701 Training Fund.

(7) (Blank).

(8) (Blank).

(9) The Pediatric Cancer Awareness Fund. All money in the Pediatric Cancer Awareness Fund shall be paid as grants to the Cancer Center at Illinois for pediatric cancer treatment and research.

(10) The Folds of Honor Foundation Fund. All money in the Folds of Honor Foundation Fund shall be paid as grants to the Folds of Honor Foundation to aid in providing educational scholarships to military families.

(11) The Experimental Aircraft Association Fund. All money in the Experimental Aircraft Association Fund shall be paid, subject to appropriation by the General Assembly and distribution by the Secretary, as grants to promote recreational aviation.

(12) The Child Abuse Council of the Quad Cities Fund. All money in the Child Abuse Council of the Quad Cities Fund shall be paid as grants to benefit the Child Abuse Council of the Quad Cities.

(13) The Illinois Health Care Workers Benefit Fund. All money in the Illinois Health Care Workers Benefit Fund shall be paid as grants to the Trinity Health Foundation for the benefit of health care workers, doctors, nurses, and others who work in the health care industry in this State.

(14) The Future Farmers of America Fund. All money in the Future Farmers of America Fund shall be paid as grants to the Illinois Association of Future Farmers of America.

(15) The Tick Research, Education, and Evaluation Fund. All money in the Tick Research, Education, and Evaluation Fund shall be paid as grants to the Illinois Lyme Association.

(16) The Navy Club Fund. All money in the Navy Club Fund shall be paid as grants to any local chapter of the Navy Club that is located in this State.

(17) The International Brotherhood of Electrical Workers Fund. All money in the International Brotherhood of Electrical Workers Fund shall be paid as grants to any local chapter of the International Brotherhood of Electrical Workers that is located in this State.

(18) The 100 Club of Illinois Fund. All money in the 100 Club of Illinois Fund shall be paid as grants to the 100 Club of Illinois for the purpose of giving financial support to children and spouses of first responders killed in the line of duty and mental health resources for active duty first responders.

(19) The Illinois USTA/Midwest Youth Tennis Foundation Fund. All money in the Illinois USTA/Midwest Youth Tennis Foundation Fund shall be paid as grants to Illinois USTA/Midwest Youth Tennis Foundation to aid USTA/Midwest districts in the State with exposing youth to the game of tennis.

(20) The Sons of the American Legion Fund. All money in the Sons of the American Legion Fund shall be paid as grants to the Illinois Detachment of the Sons of the American Legion.

(g) The following funds are dissolved on July 1, 2025:

(1) The Prostate Cancer Awareness Fund.

(2) The Horsemen's Council of Illinois Fund.

(3) The Theresa Tracy Trot-Illinois CancerCare Foundation Fund.

(4) The Developmental Disabilities Awareness Fund.

625 ILCS 5/3-699.15 — Coast Guard license plates

Sec. 3-699.15. Coast Guard license plates.

(a) The Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue special registration plates designated as U.S. Coast Guard plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, autocycles, or motor vehicles of the second division weighing not more than 8,000 pounds. Plates under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the special plates shall be wholly within the discretion of the Secretary. Appropriate documentation, as determined by the Secretary, shall accompany each application.

(c) An applicant shall be charged a \$26 fee for the original issuance in addition to the appropriate registration fee, if applicable. Of this fee, \$11 shall be deposited into the Illinois Veterans' Homes Fund and \$15 shall be deposited into the Secretary of State Special License Plate Fund. For each registration renewal period, a \$26 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, \$24 shall be deposited into the Illinois Veterans' Homes Fund and \$2 shall be deposited into the Secretary of State Special License Plate Fund.

625 ILCS 5/3-699.16 — Operation Desert Shield/Desert Storm license plates

Sec. 3-699.16. Operation Desert Shield/Desert Storm license plates.

(a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary, may issue special registration plates designated as Operation Desert Shield/Desert Storm license plates to any Illinois resident who has earned the Southwest Asia Service Medal from the United States Armed Forces. The special plates issued under this Section may be affixed only to passenger vehicles of the first division, motorcycles, or motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary. Appropriate documentation, as determined by the Secretary, and the appropriate registration fee shall accompany the application. The Secretary may, in his or her discretion, allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land of Lincoln", as prescribed in subsection

(b) of Section 3-412 of this Code. The Secretary shall, in his or her discretion, approve and prescribe stickers or decals as provided under Section 3-412.

625 ILCS 5/3-699.17 — Global War on Terrorism license plates

Sec. 3-699.17. Global War on Terrorism license plates.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary, may issue Global War on Terrorism license plates to residents of this State who have earned the Global War on Terrorism Expeditionary Medal from the United States Armed Forces. The special Global War on Terrorism plates issued under this Section shall be affixed only to passenger vehicles of the first division, including motorcycles, or motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure under Section 3-414.1 of this Code.

(b) The design, color, and format of the Global War on Terrorism license plate shall be wholly within the discretion of the Secretary. The Secretary may, in his or her discretion, allow the Global War on Terrorism license plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code. Global War on Terrorism license plates are not required to designate "Land of Lincoln", as prescribed in subsection

(b) of Section 3-412 of this Code. The Secretary shall, in his or her discretion, approve and prescribe stickers or decals as provided under Section 3-412.

625 ILCS 5/3-699.18 — Cold War license plates

Sec. 3-699.18. Cold War license plates.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue Cold War license plates to residents of Illinois who served in

the United States Armed Forces between August 15, 1945 and January 1, 1992. The special Cold War plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary of State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land of Lincoln", as prescribed in subsection (b) of Section 3-412 of this Code. The Secretary shall, in his or her discretion, approve and prescribe stickers or decals as provided under Section 3-412.

625 ILCS 5/3-699.19 — Combat Action Ribbon license plates

Sec. 3-699.19. Combat Action Ribbon license plates.

(a) The Secretary of State, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary, may issue special registration plates designated as Combat Action Ribbon plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, and motor vehicles of the second division weighing not more than 8,000 pounds. Plates under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The plates shall display the Combat Action Ribbon. In all other respects, the design and color of the special plates shall be wholly within the discretion of the Secretary. Appropriate documentation, as determined by the Secretary, shall accompany each application. The Secretary may, in his or her discretion, allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land of Lincoln", as prescribed in subsection

(b) of Section 3-412 of this Code. The Secretary shall prescribe the eligibility requirements and, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

625 ILCS 5/3-699.20 — Combat Action Badge license plates

Sec. 3-699.20. Combat Action Badge license plates.

(a) The Secretary of State, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary, may issue special registration plates designated as Combat Action Badge plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, and motor vehicles of the second division weighing not more than 8,000 pounds. Plates under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The plates shall display the Combat Action Badge. In all other respects, the design and color of the special plates shall be wholly within the discretion of the Secretary. Appropriate documentation, as determined by the Secretary, shall accompany each application. The Secretary may, in his or her discretion, allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land of Lincoln", as prescribed in subsection

(b) of Section 3-412 of this Code. The Secretary shall prescribe the eligibility requirements and, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

625 ILCS 5/3-699.21 — United Nations Protection Force license plates

Sec. 3-699.21. United Nations Protection Force license plates.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue United Nations Protection Force license plates to residents of this State who served in the United Nations Protection Force in Yugoslavia, Somalia, Panama, or Grenada. The special United Nations Protection Force plate issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, autocycles, and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary of State. The Secretary may, in his or her discretion, allow the plates to be issued as vanity plates or personalized in accordance with

Section 3-405.1 of this Code. The plates are not required to designate "Land of Lincoln", as prescribed in subsection (b) of Section 3-412 of this Code. The Secretary shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) An applicant shall be charged a \$15 fee for original issuance in addition to the applicable registration fee. This additional fee shall be deposited into the Secretary of State Special License Plate Fund. For each registration renewal period, a \$2 fee, in addition to the appropriate registration fee, shall be charged and shall be deposited into the Secretary of State Special License Plate Fund.

625 ILCS 5/3-699.22 — United States Submarine Veterans plates

Sec. 3-699.22. United States Submarine Veterans plates.

(a) The Secretary of State, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary, may issue special registration plates designated as United States Submarine Veterans plates to each resident of this State who served in the United States Navy as a submariner. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, and motor vehicles of the second division weighing not more than 8,000 pounds. Plates under this Section shall expire according to the multi-year procedure established by Section 3-414.1.

(b) The plates shall display the United States Submarine Veterans logo and the phrase "Silent Service". In all other respects, the design and color of the special plates shall be wholly within the discretion of the Secretary. Appropriate documentation, as determined by the Secretary, shall accompany each application. The Secretary, in the Secretary's discretion, may allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1. The plates are not required to designate "Land of Lincoln", as prescribed in subsection

(b) of Section 3-412. The Secretary shall prescribe the eligibility requirements and, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

625 ILCS 5/3-699.23 — Defense Superior Service license plates

Sec. 3-699.23. Defense Superior Service license plates.

(a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary, may issue special registration plates designated as Defense Superior Service license plates to recipients awarded the Defense Superior Service Medal by a branch of the armed forces of the United States who reside in this State. The special plates issued pursuant to this Section shall be affixed only to passenger vehicles of the first division, motorcycles, and motor vehicles of the second division weighing not more than 8,000 pounds. The Secretary may allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code. The Secretary shall make a version of the special registration plates authorized under this Section in a form appropriate for motorcycles.

(b) The plates shall display the Defense Superior Service Medal. In all other respects, the design and color of the plates shall be wholly within the discretion of the Secretary. Appropriate documentation, as determined by the Secretary, shall accompany each application. The Secretary may, in his or her discretion, allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land of Lincoln", as prescribed in subsection

(b) of Section 3-412 of this Code. The Secretary shall prescribe the eligibility requirements and, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412. No registration fee, including the fees established under Section 3-806 of this Code, shall be charged for the issuance or renewal of any plates issued under this Section. However, no individual shall be issued more than one pair of plates under this Section for which no fee is required in accordance with Section 3-806.2.

625 ILCS 5/3-699.24 — Defense Distinguished Service license plates

Sec. 3-699.24. Defense Distinguished Service license plates.

(a) The Secretary, upon receipt of an application made in the form prescribed by the Secretary, may issue special registration plates designated as Defense Distinguished Service license plates to recipients awarded the Defense Superior Service Medal by a branch of the armed forces of the United States who reside in this State. The special plates issued pursuant to this Section shall be affixed only to passenger vehicles of the first division, motorcycles, and motor vehicles of the second division weighing not more than 8,000 pounds. The Secretary may allow the plates to be issued as

vanity or personalized plates in accordance with Section 3-405.1 of this Code. The Secretary shall make a version of the special registration plates authorized under this Section in a form appropriate for motorcycles.

(b) The plates shall display the Defense Distinguished Service Medal. In all other respects, the design and color of the plates shall be wholly within the discretion of the Secretary. Appropriate documentation, as determined by the Secretary, shall accompany each application. The Secretary may, in his or her discretion, allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land of Lincoln", as prescribed in subsection

(b) of Section 3-412 of this Code. The Secretary shall prescribe the eligibility requirements and, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412. No registration fee, including the fees established under Section 3-806 of this Code, shall be charged for the issuance or renewal of any plates issued under this Section. However, no individual shall be issued more than one pair of plates under this Section for which no fee is required in accordance with Section 3-806.2.

625 ILCS 5/3-699.25 — Air Force Combat Action Medal license plates

Sec. 3-699.25. Air Force Combat Action Medal license plates.

(a) In addition to any other special license plate, the Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary of State, may issue Air Force Combat Action Medal license plates to residents of this State who have been awarded the Air Force Combat Action Medal. The special Air Force Combat Action Medal plate issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1.

(b) The plates shall display the Air Force Combat Action Medal. In all other respects, the design, color, and format of the special plates shall be wholly within the discretion of the Secretary. The Secretary may, in the Secretary's own discretion, allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land of Lincoln", as prescribed in subsection

(b) of Section 3-412. The Secretary shall prescribe the eligibility requirements and, in the Secretary's own discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

625 ILCS 5/3-699.26 — EMS chief license plates

Sec. 3-699.26. EMS chief license plates.

(a) Beginning with the 2027 registration year, the Secretary, upon receipt of a request from a municipality that operates a fire department or a fire protection district, accompanied by an application and the appropriate fee, may issue, to an emergency medical services (EMS) chief of the municipality or fire protection district, special registration plates designated as EMS chief license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division or motor vehicles of the second division weighing not more than 8,000 pounds that are owned by an EMS chief, a municipality, or a fire protection district. Plates issued under this Section shall expire according to the multiyear procedure established by Section 3-414.1.

(b) The design and color of the special plates shall be wholly within the discretion of the Secretary. The plates are not required to designate "Land of Lincoln" as prescribed in subsection

(b) of Section 3-412. The Secretary may prescribe rules governing the requirements and approval of the special plates. The fee for this plate for a vehicle owned by an EMS chief shall be the same as the fee prescribed for first division vehicles under Section 3-806. Permanent license plates for EMS vehicles owned by a municipality or fire protection district shall be issued at the fee prescribed in subsection

(b) of Section 3-808.1.

(c) With the exception of permanently issued plates, upon the resignation, termination, or reassignment to a rank or position other than EMS chief, a person issued plates under this Section shall immediately surrender the license plate to the Secretary of State. The Secretary of State shall have the ability to recover license plates issued under this Section.

(d) Plates issued to a vehicle owned by an EMS chief under this Section shall be exempt from the requirements of subsection

(a) of Section 3-600. (Text of Section from P.A. 104-214) Sec. 3-699.26. Air Medal license plates.

(a) Beginning with the 2027 registration year, the Secretary of State, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary, may issue special registration plates designated as Air Medal plates to residents of the State who have been awarded the Air Medal by the United States Armed Forces. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division, motorcycles, autocycles, and motor vehicles of the second division weighing not more than 8,000 pounds. Plates under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The plates shall display the Air Medal. In all other respects, the design and color of the special plates shall be wholly within the discretion of the Secretary. Appropriate documentation, as determined by the Secretary, shall accompany each application. The Secretary may, in his or her discretion, allow the plates to be issued as vanity plates or personalized in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land of Lincoln", as prescribed in subsection

(b) of Section 3-412 of this Code. The Secretary shall prescribe the eligibility requirements and, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412. (Text of Section from P.A. 104-216) (This Section may contain text from a Public Act with a delayed effective date) Sec. 3-699.26. Armed Forces Expeditionary Medal license plates.

(a) In addition to any other special license plate, the Secretary of State, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary, may issue special registration plates registered as Armed Forces Expeditionary license plates to residents of Illinois who have been awarded the Armed Forces Expeditionary Medal for service in the United States Armed Forces after July 1, 1958 and participated in U.S. military operations, U.S. operations in direct support of the United Nations, or U.S. operations of assistance for friendly foreign nations. The special plates issued pursuant to this Section shall be affixed only to passenger vehicles of the first division, motorcycles, and motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the staggered multi-year procedure established by Section 3-414.1 of this Code.

(b) The design, color, and format of the plates shall be wholly within the discretion of the Secretary. The Secretary may allow the plates to be issued as vanity plates or personalized plates in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land of Lincoln", as prescribed in subsection

(b) of Section 3-412 of this Code. The Secretary shall, in his or her discretion, approve and prescribe stickers or decals as provided under Section 3-412.

625 ILCS 5/3-701

Sec. 3-701. Operation of vehicles without evidence of registration - Operation under mileage plates when odometer broken or disconnected.

(a) No person shall operate, nor shall an owner knowingly permit to be operated, except as provided in subsection

(b) of this Section, a vehicle upon any highway unless there shall be attached thereto and displayed thereon when and as required by law, proper evidence of registration in Illinois, as follows:

(1) A vehicle required to be registered in Illinois. A current and valid Illinois registration sticker or stickers and plate or plates or digital registration sticker or stickers and digital plate or plates, or an Illinois temporary registration permit, or a drive-away or in-transit permit, issued therefor by the Secretary of State.

(2) A vehicle eligible for Reciprocity. A current and valid reciprocal foreign registration plate or digital registration plate or plates properly issued to such vehicle or a temporary registration issued therefor, by the reciprocal State, and, in addition, when required by the Secretary, a current and valid Illinois Reciprocity Permit or Prorate Decal issued therefor by the Secretary of State; or except as otherwise expressly provided for in this Chapter.

(3) A vehicle commuting for repairs in Illinois. A dealer plate issued by a foreign state shall exempt a vehicle from the requirements of this Section if the vehicle is being operated for the purpose of transport to a repair facility in Illinois to have repairs performed on the vehicle displaying foreign dealer plates. The driver of the motor vehicle bearing dealer plates shall provide a work order or contract with the repair facility to a law enforcement officer upon request.

(b) A person may operate or permit operation of a vehicle upon any highway a vehicle that has been properly registered but does not display a current and valid Illinois registration sticker or digital registration sticker if he or she has proof, in the form of a printed receipt from the Secretary, that he or she registered the vehicle but has not received a new registration sticker or digital registration sticker from the Secretary. This printed proof of registration is valid for 30 days

from the expiration of the previous registration sticker's or digital registration sticker's date or 30 days from the purchase date of the new registration sticker or digital registration sticker, whichever occurs later.

(c) No person shall operate, nor shall any owner knowingly permit to be operated, any vehicle of the second division for which the owner has made an election to pay the mileage tax in lieu of the annual flat weight tax, at any time when the odometer of such vehicle is broken or disconnected, or is inoperable or not operating.

625 ILCS 5/3-702 — Operation of vehicle when registration cancelled, suspended or revoked

Sec. 3-702. Operation of vehicle when registration cancelled, suspended or revoked.

(a) No person shall operate, nor shall an owner knowingly permit to be operated, upon any highway:

(1) A vehicle the registration of which has been cancelled, suspended or revoked; or

(2) A vehicle properly registered in another Reciprocal State, the foreign registration of which, or the Illinois Reciprocity Permit or Decal of which, has been cancelled, suspended or revoked.

(b) No person shall use, nor shall any owner use or knowingly permit the use of any Illinois registration plate or plates or digital registration plate or plates or registration sticker or digital registration sticker or any Illinois Reciprocity Permit or Prorate Decal which has been cancelled, suspended or revoked.

(c) Any violation of this Section is a Class A misdemeanor unless: 1. the registration of the motor vehicle has been suspended for noninsurance, then the provisions of Section 3-708 of this Code apply in lieu of this Section. 2. the registration of the motor vehicle has been suspended for failure to purchase a vehicle tax sticker pursuant to Section 3-704.1 of this Code, then the violation shall be considered a business offense and the person shall be required to pay a fine in excess of \$500, but not more than \$1,000.

625 ILCS 5/3-703 — Improper use of evidences of registration or certificate of title

Sec. 3-703. Improper use of evidences of registration or certificate of title. No person shall lend to another any certificate of title, registration card, registration plate or digital registration plate, registration sticker or digital registration sticker, special plate or permit or other evidences of proper registration issued to him if the person desiring to borrow the same would not be entitled to the use thereof, nor shall any person knowingly permit the use of any of the same by one not entitled thereto, nor shall any person display upon a vehicle any registration card, registration sticker or digital registration sticker, registration plate or digital registration plate or other evidences of proper registration not issued for such vehicle or not otherwise lawfully used thereon under this Code. No person shall duplicate, alter or attempt to reproduce in any manner a registration plate or digital registration plate or registration sticker or digital registration sticker issued under this Code. No person shall make fraudulent use of evidences of registration or certificates of title issued erroneously by the Secretary of State. No person shall manufacture, advertise, distribute or sell any certificate of title, registration card, registration plate or digital registration plate, registration sticker or digital registration sticker, special plate or permit or other evidences of proper registration which purports to have been issued under this Code. The Secretary of State may request the Attorney General to seek a restraining order in the circuit court against any person who violates this Section by advertising such fraudulent items. Any violation of this Section is a Class C misdemeanor.

625 ILCS 5/3-704

Sec. 3-704. Authority of Secretary of State to suspend or revoke a registration or certificate of title; authority to suspend or revoke the registration of a vehicle.

(a) The Secretary of State may suspend or revoke the registration of a vehicle or a certificate of title, registration card, registration sticker or digital registration sticker, registration plate or digital registration plate, disability parking decal or device, or any nonresident or other permit in any of the following events: 1. When the Secretary of State is satisfied that such registration or that such certificate, card, plate or digital plate, registration sticker or digital registration sticker, or permit was fraudulently or erroneously issued; 2. When a registered vehicle has been dismantled or wrecked or is not properly equipped; 3. When the Secretary of State determines that any fines, penalties, or required fees have not been paid to the Secretary of State, to the Illinois Commerce Commission, or to the Illinois Department of Revenue under the Motor Fuel Tax Law, and the same are not paid upon reasonable notice and demand; 4. When a registration card, registration plate or digital registration plate, registration sticker or digital registration sticker, or permit is knowingly displayed upon a vehicle other than the one for which issued; 5. When the Secretary of State determines that the owner has committed any offense under this Chapter involving the registration or the certificate, card, plate or digital plate,

registration sticker or digital registration sticker, or permit to be suspended or revoked; 6. When the Secretary of State determines that a vehicle registered not-for-hire is used or operated for-hire unlawfully, or used or operated for purposes other than those authorized; 7. When the Secretary of State determines that an owner of a for-hire motor vehicle has failed to give proof of financial responsibility as required by this Act; 8. When the Secretary determines that the vehicle is not subject to or eligible for a registration; 9. When the Secretary determines that the owner of a vehicle registered under the mileage weight tax option fails to maintain the records specified by law, or fails to file the reports required by law, or that such vehicle is not equipped with an operable and operating speedometer or odometer; 10. When the Secretary of State is so authorized under any other provision of law; 11. When the Secretary of State determines that the holder of a disability parking decal or device has committed any offense under Chapter 11 of this Code involving the use of a disability parking decal or device. (a-5) The Secretary of State may revoke a certificate of title and registration card and issue a corrected certificate of title and registration card, at no fee to the vehicle owner or lienholder, if there is proof that the vehicle identification number is erroneously shown on the original certificate of title.

(b) The Secretary of State may suspend or revoke the registration of a vehicle as follows: 1. When the Secretary of State determines that the owner of a vehicle has not paid a civil penalty or a settlement agreement arising from the violation of rules adopted under the Illinois Motor Carrier Safety Law or the Illinois Hazardous Materials Transportation Act or that a vehicle, regardless of ownership, was the subject of violations of these rules that resulted in a civil penalty or settlement agreement which remains unpaid. 2. When the Secretary of State determines that a vehicle registered for a gross weight of more than 16,000 pounds within an affected area is not in compliance with the provisions of Section 13-109.1 of this Code. 3. When the Secretary of State is notified by the United States Department of Transportation that a vehicle is in violation of the Federal Motor Carrier Safety Regulations, as they are now or hereafter amended, and is prohibited from operating.

(c) The Secretary of State may suspend the registration of a vehicle when a court finds that the vehicle was used in a violation of Section 24-3A of the Criminal Code of 1961 or the Criminal Code of 2012 relating to gunrunning. A suspension of registration under this subsection

(c) may be for a period of up to 90 days.

(d) The Secretary shall deny, suspend, or revoke registration if the applicant fails to disclose material information required, if the applicant has made a materially false statement on the application, if the applicant has applied as a subterfuge for the real party in interest who has been issued a federal out-of-service order, or if the applicant's business is operated by, managed by, or otherwise controlled by or affiliated with a person who is ineligible for registration, including the applicant entity, a relative, family member, corporate officer, or shareholder. The Secretary shall deny, suspend, or revoke registration for either

(i) a vehicle if the motor carrier responsible for the safety of the vehicle has been prohibited from operating by the Federal Motor Carrier Safety Administration; or (ii) a carrier whose business is operated by, managed by, or otherwise controlled by or affiliated with a person who is ineligible for registration, which may include the owner, a relative, family member, corporate officer, or shareholder of the carrier.

625 ILCS 5/3-704.1 — Municipal vehicle tax liability; suspension of registration

Sec. 3-704.1. Municipal vehicle tax liability; suspension of registration.

(a) As used in this Section:

(1) "Municipality" means a city, village or incorporated town with a population over 1,000,000.

(2) "Vehicle tax" means a motor vehicle tax and any related late fees or charges imposed by a municipality under Section 8-11-4 of the Illinois Municipal Code or under the municipality's home rule powers.

(3) "Vehicle owner" means the registered owner or owners of a vehicle who are residents of the municipality.

(b) A municipality that imposes a vehicle tax may, by ordinance adopted under this Section, establish a system whereby the municipality notifies the Secretary of State of vehicle tax liability and the Secretary of State suspends the registration of vehicles for which the tax has not been paid. An ordinance establishing a system must provide for the following:

(1) A first notice for failure to pay a vehicle tax shall be sent by first class mail to the vehicle owner at the owner's address recorded with the Secretary of State whenever the municipality has reasonable cause to believe that the vehicle owner has failed to pay a vehicle tax as required by ordinance. The notice shall include at least the following: (A) The name and address of the vehicle owner. (B) The registration plate or digital registration plate number of the vehicle. (C) The period

for which the vehicle tax is due. (D) The amount of vehicle tax that is due. (E) A statement that the vehicle owner's registration for the vehicle will be subject to suspension proceedings unless the vehicle owner pays the vehicle tax or successfully contests the owner's alleged liability within 30 days of the date of the notice. (F) An explanation of the vehicle owner's opportunity to be heard under subsection (c).

(2) If a vehicle owner fails to pay the vehicle tax or to contest successfully the owner's alleged liability within the period specified in the first notice, a second notice of impending registration suspension shall be sent by first class mail to the vehicle owner at the owner's address recorded with the Secretary of State. The notice shall contain the same information as the first notice, but shall also state that the failure to pay the amount owing, or to contest successfully the alleged liability within 45 days of the date of the second notice, will result in the municipality's notification of the Secretary of State that the vehicle owner is eligible for initiation of suspension proceedings under this Section.

(c) An ordinance adopted under this Section must also give the vehicle owner an opportunity to be heard upon the filing of a timely petition with the municipality. A vehicle owner may contest the alleged tax liability either through an adjudication by mail or at an administrative hearing, at the option of the vehicle owner. The grounds upon which the liability may be contested may be limited to the following:

(1) The alleged vehicle owner does not own the vehicle.

(2) The vehicle is not subject to the vehicle tax by law.

(3) The vehicle tax for the period in question has been paid. At an administrative hearing, the formal or technical rules of evidence shall not apply. The hearing shall be recorded. The person conducting the hearing shall have the power to administer oaths and to secure by subpoena the attendance and testimony of witnesses and the production of relevant documents.

(d) If a vehicle owner who has been sent a first notice of failure to pay a vehicle tax and a second notice of impending registration suspension fails to pay the vehicle tax or to contest successfully the vehicle owner's liability within the periods specified in the notices, the appropriate official shall cause a certified report to be sent to the Secretary of State under subsection (e).

(e) A report of a municipality notifying the Secretary of State of a vehicle owner's failure to pay a vehicle tax or related fines or penalties under this Section shall be certified by the appropriate official and shall contain the following:

(1) The name, last known address, and registration plate or digital registration plate number of the vehicle of the person who failed to pay the vehicle tax.

(2) The name of the municipality making the report.

(3) A statement that the municipality sent notices as required by subsection (b); the date on which the notices were sent; the address to which the notices were sent; and the date of the hearing, if any.

(f) Following receipt of the certified report under this Section, the Secretary of State shall notify the vehicle owner that the vehicle's registration will be suspended at the end of a reasonable specified period of time unless the Secretary of State is presented with a notice from the municipality certifying that the person has paid the necessary vehicle tax, or that inclusion of that person's name or registration number on the certified report was in error. The Secretary's notice shall state in substance the information contained in the certified report from the municipality to the Secretary, and shall be effective as specified by subsection

(c) of Section 6-211 of this Code. The notice shall also inform the person of the person's right to a hearing under subsection (g).

(g) An administrative hearing with the Office of the Secretary of State to contest an impending suspension or a suspension made under this Section may be had upon filing a written request with the Secretary of State. The filing fee for this hearing shall be \$20 to be paid at the time the request is made.

(1) The scope of any administrative hearing with the Secretary of State to contest an impending suspension under this Section shall be limited to the following issues: (A) Whether the report of the appropriate official of the municipality was certified and contained the information required by this Section. (B) Whether the municipality making the certified report to the Secretary of State established procedures by ordinance for persons to challenge the accuracy of the certified report. (C) Whether the Secretary of State notified the vehicle owner that the vehicle's registration would be suspended at the end of the specified time period unless the Secretary of State was presented with a notice from the municipality certifying that the person has purchased the necessary vehicle tax sticker or that inclusion of that person's name or registration

number on the certified report was in error. A municipality that files a certified report with the Secretary of State under this Section shall reimburse the Secretary for all reasonable costs incurred by the Secretary as a result of the filing of the report, including but not limited to the costs of providing the notice required under subsection

(f) and the costs incurred by the Secretary in any hearing conducted with respect to the report under this subsection and any appeal from that hearing.

(h) After the expiration of the time specified under subsection (g), the Secretary of State shall, unless the suspension is successfully contested, suspend the registration of the vehicle until the Secretary receives notice under subsection (i).

(i) Any municipality making a certified report to the Secretary of State under this subsection shall notify the Secretary of State, in a form prescribed by the Secretary, whenever a person named in the certified report has subsequently paid a vehicle tax or whenever the municipality determines that the original report was in error. A certified copy of the notification shall also be given upon request and at no additional charge to the person named in the report. Upon receipt of the notification or presentation of a certified copy of the notification by the municipality, the Secretary of State shall terminate the suspension.

(j) To facilitate enforcement of municipal vehicle tax liability, a municipality may provide by ordinance for a program of vehicle immobilization as provided by Section 11-1430.1 of this Code.

625 ILCS 5/3-704.2 — Failure to satisfy fines or penalties for toll violations or evasions; suspension of vehicle registration

Sec. 3-704.2. Failure to satisfy fines or penalties for toll violations or evasions; suspension of vehicle registration.

(a) Upon receipt of a certified report, as prescribed by subsection

(c) of this Section, from the Authority stating that the owner of a registered vehicle has failed to satisfy any fine or penalty resulting from a final order issued by the Authority relating directly or indirectly to 5 or more toll violations, toll evasions, or both, the Secretary of State shall suspend the vehicle registration of the person in accordance with the procedures set forth in this Section.

(b) Following receipt of the certified report of the Authority as specified in the Section, the Secretary of State shall notify the person whose name appears on the certified report that the person's vehicle registration will be suspended at the end of a specified period unless the Secretary of State is presented with a notice from the Authority certifying that the fines or penalties owing the Authority have been satisfied or that inclusion of that person's name on the certified report was in error. The Secretary's notice shall state in substance the information contained in the Authority's certified report to the Secretary, and shall be effective as specified by subsection

(c) of Section 6-211 of this Code.

(c) The report from the Authority notifying the Secretary of unsatisfied fines or penalties pursuant to this Section shall be certified and shall contain the following:

(1) The name, last known address, and driver's license number of the person who failed to satisfy the fines or penalties and the registration number of any vehicle known to be registered in this State to that person.

(2) A statement that the Authority sent a notice of impending suspension of the person's driver's license, vehicle registration, or both, as prescribed by rules enacted pursuant to subsection (a-5) of Section 10 of the Toll Highway Act, to the person named in the report at the address recorded with the Secretary of State; the date on which the notice was sent; and the address to which the notice was sent.

(d) The Authority, after making a certified report to the Secretary pursuant to this Section, shall notify the Secretary, on a form prescribed by the Secretary, whenever a person named in the certified report has satisfied the previously reported fines or penalties or whenever the Authority determines that the original report was in error. A certified copy of the notification shall also be given upon request and at no additional charge to the person named therein. Upon receipt of the Authority's notification or presentation of a certified copy of the notification, the Secretary shall terminate the suspension.

(e) The Authority shall, by rule, establish procedures for persons to challenge the accuracy of the certified report made pursuant to this Section. The rule shall also provide the grounds for a challenge, which may be limited to:

(1) the person not having been the owner or lessee of the vehicle or vehicles receiving 5 or more toll violation or toll evasion notices on the date or dates the notices were issued; or

(2) the person having already satisfied the fines or penalties for the 5 or more toll violations or toll evasions indicated on the certified report.

(f) All notices sent by the Authority to persons involved in administrative adjudications, hearings, and final orders issued pursuant to rules implementing subsection (a-5) of Section 10 of the Toll Highway Act shall state, in clear and unambiguous language, the consequences of failing to satisfy the fines or penalties imposed by the Authority.

(g) A person may request an administrative hearing to contest an impending suspension or a suspension made pursuant to this Section upon filing a written request with the Secretary. The filing fee for this hearing is \$20, to be paid at the time of the request. The Authority shall reimburse the Secretary for all reasonable costs incurred by the Secretary as a result of the filing of a certified report pursuant to this Section, including, but not limited to, the costs of providing notice required pursuant to subsection

(b) and the costs incurred by the Secretary in any hearing conducted with respect to the report pursuant to this subsection and any appeal from that hearing.

(h) The Secretary and the Authority may promulgate rules to enable them to carry out their duties under this Section.

(i) The Authority shall cooperate with the Secretary in the administration of this Section and shall provide the Secretary with any information the Secretary may deem necessary for these purposes, including regular and timely access to toll violation enforcement records. The Secretary shall cooperate with the Authority in the administration of this Section and shall provide the Authority with any information the Authority may deem necessary for the purposes of this Section, including regular and timely access to vehicle registration records. Section 2-123 of this Code shall not apply to the provision of this information, but the Secretary shall be reimbursed for the cost of providing this information.

(j) For purposes of this Section, the term "Authority" means the Illinois State Toll Highway Authority.

625 ILCS 5/3-704.3 — Failure to satisfy fines or penalties for toll bridge violations; suspension of vehicle registration

Sec. 3-704.3. Failure to satisfy fines or penalties for toll bridge violations; suspension of vehicle registration.

(a) Notwithstanding any law to the contrary, upon the Secretary's receipt of a report, as described in subsection (b), from a private tolling authority stating that the owner of a registered vehicle has failed to satisfy any fees, fines, charges, or penalties resulting from a final invoice or notice by the private tolling authority relating directly or indirectly to 5 or more toll violations, the Secretary shall suspend the vehicle registration of the person in accordance with the procedures set forth in this Section.

(b) The report from the private tolling authority notifying the Secretary of unsatisfied fees, fines, charges, or penalties may be generated by the private tolling authority and received by the Secretary by automated process. The report shall contain the following:

(1) The name, last known address, and driver's license number of the person who failed to satisfy the fees, fines, charges, or penalties, and the registration number of any vehicle known to be registered in this State to that person.

(2) A statement that the private tolling authority sent a notice of impending suspension of the person's vehicle registration to the person named in the report at the address recorded with the Secretary; the date on which the notice was sent; and the address to which the notice was sent.

(c) Following the Secretary's receipt of a report described in subsection (b), the Secretary shall notify the person whose name appears on the report that the person's vehicle registration will be suspended at the end of a specified period unless the Secretary is presented with a notice from the private tolling authority stating that the fees, fines, charges, or penalties owed to the private tolling authority have been satisfied or that inclusion of that person's name on the report described in subsection

(b) was in error. The Secretary's notice shall state in substance the information contained in the private tolling authority's report to the Secretary described in subsection (b), and shall be effective as specified by subsection

(c) of Section 6-211.

(d) The private tolling authority, after making a report to the Secretary described in subsection (b), shall notify the Secretary, on a form prescribed by the Secretary or by automated process, whenever a person named in the report has satisfied the previously reported fees, fines, charges, or penalties or whenever the private tolling authority determines that the original report was in error. A copy of the notification shall also be given upon request and at no additional charge to

the person named therein. Upon receipt of the private tolling authority's notification, the Secretary shall lift the suspension.

(e) The private tolling authority shall establish procedures for persons to challenge the accuracy of the report described in subsection (b). The procedures shall provide the grounds for a challenge, which may include:

(1) the person not having been the owner or lessee of the vehicle or vehicles receiving 5 or more toll violations on the date or dates the violations occurred; or

(2) the person having already satisfied the fees, fines, charges, or penalties for the 5 or more toll violations indicated on the report described in subsection (b).

(f) The Secretary and the Authority may promulgate rules necessary to implement this Section.

(g) The Secretary, the Authority, and the private tolling authority shall cooperate with one another in the administration and implementation of this Section.

(h) The Secretary shall provide the Authority and the private tolling authority with any information the Authority or the private tolling authority may deem necessary for the purposes of this Section or for the private tolling authority's invoicing, collection, and administrative functions, including regular and timely access to driver's license, vehicle registration, and license plate information, and the Secretary's driver, title, and vehicle record databases. Section 2-123 does not apply to the provision of such information, but the Secretary shall be entitled to reimbursement for its costs in providing such information.

(i) The Authority shall provide the Secretary and the private tolling authority with any information the Secretary or the private tolling authority may deem necessary for purposes of this Section or for the private tolling authority's invoicing, collection, and administrative functions, including regular and timely access to toll violation records.

(j) As used in this Section: "Authority" means the Illinois State Toll Highway Authority. "Private tolling authority" means the owner, lessee, licensee, or operator of a toll bridge authorized under the Toll Bridge Act. "Secretary" means the Illinois Secretary of State.

625 ILCS 5/3-704.4 — Failure to satisfy fines or penalties assessed by the Commission; suspension of tow truck registrations

Sec. 3-704.4. Failure to satisfy fines or penalties assessed by the Commission; suspension of tow truck registrations.

(a) Beginning July 1, 2026, upon receipt of a report pursuant to Section 18d-158, as set forth in subsection (c), from the Commission stating that the owner of a registered tow truck has failed to satisfy any fine or penalty issued by the Commission, the Secretary of State shall suspend all tow truck registrations of the person in accordance with the procedures set forth in this Section.

(b) Following receipt of the certified report of the Commission as specified in this Section, the Secretary of State shall notify the person whose name appears on the certified report that the person's tow truck registrations shall be suspended within 30 calendar days unless the Secretary of State is presented with a notice from the Commission certifying that the fines or penalties owing the Commission have been satisfied or that inclusion of that person's name on the certified report was in error. The Secretary's notice shall state in substance the information contained in the Commission's certified report to the Secretary, and shall be effective as specified by subsection

(c) of Section 6-211.

(c) The report from the Commission notifying the Secretary of unsatisfied fines or penalties pursuant to this Section shall be certified by the Transportation Division Manager, or his or her designee, and shall contain the following:

(1) The name and last known address of the person that failed to satisfy the fines or penalties and the vehicle identification number of any tow trucks known to be registered in the State to that person.

(2) A statement that the Commission sent a notice consistent with subsection

(b) of Section 18d-158 to the person named in the report at the address recorded with the Secretary of State, the date on which the notice was sent, and the address to which the notice was sent.

(d) The Commission, after making a certified report to the Secretary pursuant to this Section, shall notify the Secretary, on a form prescribed by the Secretary, whenever a person named in the certified report has satisfied the previously reported fines or penalties or whenever the Commission determines that the original report was in error. A certified copy of the notification shall also be given upon request and at no additional charge to the person named therein. Upon receipt of the Commission's notification or presentation of a certified copy of the notification, the Secretary shall terminate the

suspension.

(e) A person may request an administrative hearing to contest a suspension or impending suspension made pursuant to this Section as authorized under Section 2-118. The Commission may reimburse the Secretary for all reasonable costs incurred by the Secretary as a result of the filing of a certified report pursuant to this Section, including, but not limited to, the costs of providing notice required pursuant to subsection

(b) and the costs incurred by the Secretary in any hearing conducted with respect to the report pursuant to this subsection and any appeal from that hearing.

(f) The Secretary and the Commission may adopt rules to enable them to carry out their duties under this Section.

(g) The Commission shall cooperate with the Secretary in the administration of this Section and shall provide the Secretary with any information the Secretary may deem necessary for these purposes. The Secretary shall cooperate with the Commission in the administration of this Section and shall provide any information that the Commission may deem necessary, subject to the limitations set forth in Section 2-123.

(h) For purposes of this Section, "Commission" means the Illinois Commerce Commission.

625 ILCS 5/3-705

Sec. 3-705. Suspending or revoking certificate or special plates of a manufacturer, engine and driveline component manufacturer, transporter, reposessor or dealer. The Secretary of State is also authorized to suspend or revoke a certificate or the special plates issued to a manufacturer, engine and driveline component manufacturer, transporter, reposessor or dealer upon determining that any such person is not lawfully entitled thereto or has made or knowingly permitted any illegal use of such plates or has committed fraud in the registration of vehicles or failed to give notices of transfers when and as required by this Chapter.

625 ILCS 5/3-706 — Owner to return evidences of registration upon cancellation, revocation or suspension

Sec. 3-706. Owner to return evidences of registration upon cancellation, revocation or suspension. Whenever the Secretary of State cancels or revokes the registration of a vehicle or a certificate of title, registration card, registration sticker or stickers or digital registration sticker or stickers, registration plate or plates or digital registration plate or plates, or a nonresident or other permit or the license of any dealer or wrecker, the owner or person in possession of the same shall immediately return the evidences of registration, title or license so cancelled or revoked to the Secretary. Whenever the Secretary suspends the registration of a vehicle or the license of any dealer or wrecker, the owner or person in possession of the same, upon request by the Secretary, shall immediately return all evidence of the registration or the license so suspended to the Secretary.

625 ILCS 5/3-707 — Operation of uninsured motor vehicle - penalty

Sec. 3-707. Operation of uninsured motor vehicle - penalty.

(a) No person shall operate a motor vehicle in this State unless the motor vehicle is covered by a liability insurance policy in accordance with Section 7-601 of this Code. (a-5) A person commits the offense of operation of uninsured motor vehicle causing bodily harm when the person:

(1) operates a motor vehicle in violation of Section 7-601 of this Code; and

(2) causes, as a proximate result of the person's operation of the motor vehicle, bodily harm to another person. (a-6) Uninsured operation of a motor vehicle under subsection (a-5) is a Class A misdemeanor. If a person convicted of the offense of operation of a motor vehicle under subsection (a-5) has previously been convicted of 2 or more violations of subsection (a-5) of this Section or of Section 7-601 of this Code, a fine of \$2,500, in addition to any sentence of incarceration, must be imposed.

(b) Any person who fails to comply with a request by a law enforcement officer for display of evidence of insurance, as required under Section 7-602 of this Code, shall be deemed to be operating an uninsured motor vehicle.

(c) Except as provided in subsections (a-6) and (c-5), any operator of a motor vehicle subject to registration under this Code, or under a similar law of another state, who is convicted of violating this Section is guilty of a petty offense and shall be required to pay a fine in excess of \$500, but not more than \$1,000, except a person convicted of a third or subsequent violation of this Section shall be guilty of a business offense and shall be required to pay a fine of \$1,000. However, no person charged with violating this Section shall be convicted if such person produces in court satisfactory evidence that at the time of the arrest the motor vehicle was covered by a liability insurance policy in accordance with Section 7-601 of this

Code. The chief judge of each circuit may designate an officer of the court to review the documentation demonstrating that at the time of arrest the motor vehicle was covered by a liability insurance policy in accordance with Section 7-601 of this Code. (c-1) A person convicted of violating this Section shall also have his or her driver's license, permit, or privileges suspended for 3 months. After the expiration of the 3 months, the person's driver's license, permit, or privileges shall not be reinstated until he or she has paid a reinstatement fee of \$100. If a person violates this Section while his or her driver's license, permit, or privileges are suspended under this subsection (c-1), his or her driver's license, permit, or privileges shall be suspended for an additional 6 months and until he or she pays the reinstatement fee. (c-5) A person who

(i) has not previously been convicted of or received a disposition of court supervision for violating this Section and (ii) produces at his or her court appearance satisfactory evidence that the motor vehicle is covered, as of the date of the court appearance, by a liability insurance policy in accordance with Section 7-601 of this Code shall, for a violation of this Section, other than a violation of subsection (a-5), pay a fine of \$100 and receive a disposition of court supervision. The person must, on the date that the period of court supervision is scheduled to terminate, produce satisfactory evidence that the vehicle was covered by the required liability insurance policy during the entire period of court supervision. An officer of the court designated under subsection

(c) may also review liability insurance documentation under this subsection (c-5) to determine if the motor vehicle is, as of the date of the court appearance, covered by a liability insurance policy in accordance with Section 7-601 of this Code. The officer of the court shall also determine, on the date the period of court supervision is scheduled to terminate, whether the vehicle was covered by the required policy during the entire period of court supervision.

(d) A person convicted a third or subsequent time of violating this Section or a similar provision of a local ordinance must give proof to the Secretary of State of the person's financial responsibility as defined in Section 7-315. The person must maintain the proof in a manner satisfactory to the Secretary for a minimum period of 3 years after the date the proof is first filed. The Secretary must suspend the driver's license of any person determined by the Secretary not to have provided adequate proof of financial responsibility as required by this subsection.

625 ILCS 5/3-708 — Operation of motor vehicle when registration suspended for noninsurance

Sec. 3-708. Operation of motor vehicle when registration suspended for noninsurance. No person shall operate a vehicle the registration of which is suspended pursuant to Section 7-606 or 7-607 of this Code. Any person convicted of violating this Section is guilty of a business offense and shall be required to pay a fine of not less than \$1,000 and not more than \$2,000. Any person convicted of a second or subsequent violation of this Section is guilty of a Class B misdemeanor and shall be required to pay a fine of not less than \$1,000 and not more than \$2,000.

625 ILCS 5/3-710 — Display of false insurance card

Sec. 3-710. Display of false insurance card. No person shall display evidence of insurance to a law enforcement officer, court, or officer of the court, knowing there is no valid liability insurance in effect on the motor vehicle as required under Section 7-601 of this Code or knowing the evidence of insurance is illegally altered, counterfeit, or otherwise invalid as evidence of insurance required under Section 7-602 of this Code. If the law enforcement officer issues a citation to a motor vehicle operator for displaying invalid evidence of insurance, the officer shall confiscate the evidence for presentation in court. Any person convicted of violating this Section is guilty of a Class A misdemeanor.

625 ILCS 5/3-711

Sec. 3-711. Whenever a court convicts a person of a violation of Section 3-707, 3-708 or 3-710 of this Code, or enters an order placing on supervision the person charged with the violation, the clerk of the court within 5 days shall forward a report of the conviction or order of supervision to the Secretary of State in a form prescribed by the Secretary. In any case where the person charged with the violation fails to appear in court, the procedures provided in Section 6-308 of this Code shall apply. The Secretary shall keep records of such reports. However, reports of orders of supervision shall not be released to any outside source, except the affected driver and law enforcement agencies, and shall be used only to inform the Secretary and the courts that such driver previously has been assigned court supervision.

625 ILCS 5/3-712 — Improper application for certificate of title or registration; special military plate

Sec. 3-712. Improper application for certificate of title or registration; special military plate.

(a) Except as provided in Chapter 4 of this Code, relating to anti-theft laws and abandoned vehicles, and except as otherwise provided in subsection

(b) of this Section, any person who knowingly provides false information to the Secretary of State on an application for vehicle title or registration is guilty of a Class A misdemeanor and shall be fined not less than \$500.

(b) Except as provided in Chapter 4 of this Code, relating to anti-theft laws and abandoned vehicles, any person who, for purposes of obtaining or renewing a special license plate designating military decorations, military service, or status as a military veteran,

(i) claims to have been awarded a military decoration, knowing that he or she has not been awarded that decoration, or (ii) claims to have the status of active duty military personnel or military veteran, knowing that he or she does not have the status required for the registration for which he or she has applied, is guilty of a Class A misdemeanor and shall be fined not less than \$1,000. Of the amounts collected as fines under this subsection (b), 99% shall be deposited into the Illinois Military Family Relief Fund and 1% shall be deposited into the Circuit Court Clerk Operation and Administrative Fund created by the Clerk of the Circuit Court to be used to offset the costs incurred by the Circuit Court Clerk in performing the additional duties required to collect and disburse funds to entities of State and local government as provided by law.

625 ILCS 5/3-801 — Registration

Sec. 3-801. Registration.

(a) Except as provided herein for new residents, every owner of any vehicle which shall be operated upon the public highways of this State shall, within 24 hours after becoming the owner or at such time as such vehicle becomes subject to registration under the provisions of this Act, file in an office of the Secretary of State, an application for registration properly completed and executed. New residents need not secure registration until 30 days after establishing residency in this State, provided the vehicle is properly registered in another jurisdiction. By the expiration of such 30-day statutory grace period, a new resident shall comply with the provisions of this Act and apply for Illinois vehicle registration. All applications for registration shall be accompanied by all documentation required under the provisions of this Act. The appropriate registration fees and taxes provided for in this Article of this Chapter shall be paid to the Secretary of State with the application for registration of vehicles subject to registration under this Act.

(b) Any resident of this State, who has been serving as a member or as a civilian employee of the United States Armed Services, or as a civilian employee of the United States Department of Defense, outside of the State of Illinois, need not secure registration until 45 days after returning to this State, provided the vehicle displays temporary military registration.

(c) When an application is submitted by mail, the applicant may not submit cash or postage stamps for payment of fees or taxes due. The Secretary in his discretion, may decline to accept a personal or company check or electronic payment in payment of fees or taxes. An application submitted to a dealer, or a remittance made to the Secretary of State shall be deemed in compliance with this Section.

625 ILCS 5/3-802 — Reclassifications and upgrades

Sec. 3-802. Reclassifications and upgrades.

(a) Definitions. For the purposes of this Section, the following words shall have the meanings ascribed to them as follows: "Reclassification" means changing the registration of a vehicle from one plate category to another. "Upgrade" means increasing the registered weight of a vehicle within the same plate category.

(b) When reclassing the registration of a vehicle from one plate category to another, the owner shall receive credit for the unused portion of the present plate and be charged the current portion fees for the new plate. In addition, the appropriate replacement plate and replacement sticker fees shall be assessed. (b-5) Any individual who has a registration issued under either Section 3-405 or 3-405.1 that qualifies for a special license plate under Section 3-609, 3-609.1, 3-620, 3-621, 3-622, 3-623, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650, 3-651, 3-664, 3-666, 3-667, 3-668, 3-669, 3-676, 3-677, 3-680, 3-681, 3-683, 3-686, 3-688, 3-693, 3-698, 3-699.12, 3-699.15, 3-699.16, 3-699.17, 3-699.19, 3-699.20, or 3-699.25 may reclass his or her registration upon acquiring a special license plate listed in this subsection (b-5) without a replacement plate or digital plate fee or registration sticker or digital registration sticker cost. (b-10) Any individual who has a special license plate issued under Section 3-609, 3-609.1, 3-620, 3-621, 3-622, 3-623, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650, 3-651, 3-664, 3-666, 3-667, 3-668, 3-669, 3-676, 3-677, 3-680, 3-681, 3-683, 3-686, 3-688, 3-693, 3-698, 3-699.12, 3-699.17, or 3-699.25 may reclass his or her special license plate upon acquiring a new registration under Section 3-405 or 3-405.1 without a replacement plate or digital plate fee or registration sticker or digital registration sticker cost.

- (c) When upgrading the weight of a registration within the same plate category, the owner shall pay the difference in current period fees between the 2 plates. In addition, the appropriate replacement plate and replacement sticker fees shall be assessed. In the event new plates are not required, the corrected registration card fee shall be assessed.
- (d) In the event the owner of the vehicle desires to change the registered weight and change the plate category, the owner shall receive credit for the unused portion of the registration fee of the current plate and pay the current portion of the registration fee for the new plate, and in addition, pay the appropriate replacement plate and replacement sticker fees.
- (e) Reclassing from one plate category to another plate category can be done only once within any registration period.
- (f) No refunds shall be made in any of the circumstances found in subsection (b), subsection (c), or subsection (d); however, when reclassing from a flat weight plate to an apportioned plate, a refund may be issued if the credit amounts to an overpayment.
- (g) In the event the registration of a vehicle registered under the mileage tax option is revoked, the owner shall be required to pay the annual registration fee in the new plate category and shall not receive any credit for the mileage plate fees.
- (h) Certain special interest plates may be displayed on first division vehicles, second division vehicles weighing 8,000 pounds or less, and recreational vehicles. Those plates can be transferred within those vehicle groups.
- (i) Plates displayed on second division vehicles weighing 8,000 pounds or less and passenger vehicle plates may be reclassified from one division to the other.
- (j) Other than in subsection (i), reclassing from one division to the other division is prohibited. In addition, a reclass from a motor vehicle to a trailer or a trailer to a motor vehicle is prohibited.

625 ILCS 5/3-803 — Reductions

Sec. 3-803. Reductions.

- (a) Reduction of fees and taxes prescribed in this Chapter shall be applicable only to vehicles newly-acquired by the owner after the beginning of a registration period or which become subject to registration after the beginning of a registration period as specified in this Act. The Secretary of State may deny a reduction as to any vehicle operated in this State without being properly and timely registered in Illinois under this Chapter, of a vehicle in violation of any provision of this Chapter, or upon detection of such violation by an audit, or upon determining that such vehicle was operated in Illinois before such violation. Bond or other security in the proper amount may be required by the Secretary of State while the matter is under investigation. Reductions shall be granted if a person becomes the owner after the dates specified or if a vehicle becomes subject to registration under this Act, as amended, after the dates specified.
- (b) Vehicles of the First Division. The annual fees and taxes prescribed by Section 3-806 shall be reduced by 50% on and after June 15, except as provided in Sections 3-414 and 3-802 of this Act.
- (c) Vehicles of the Second Division. The annual fees and taxes prescribed by Sections 3-402, 3-402.1, 3-815 and 3-819 and paid on a calendar year for such vehicles shall be reduced on a quarterly basis if the vehicle becomes subject to registration on and after March 31, June 30 or September 30. Where such fees and taxes are payable on a fiscal year basis, they shall be reduced on a quarterly basis on and after September 30, December 31 or March 31.
- (d) Two-year Registrations. The fees and taxes prescribed by Section 3-808 for 2-year registrations shall not be reduced in any event. However, the fees and taxes prescribed for all other 2-year registrations by this Act, shall be reduced as follows: By 25% on and after June 15; By 50% on and after December 15; By 75% on and after the next ensuing June 15.
- (e) The registration fees and taxes imposed upon certain vehicles shall not be reduced by any amount in any event in the following instances: Permits under Sections 3-403 and 3-811; Governmental or charitable vehicles under Section 3-808; Farm Machinery under Section 3-809; Soil and conservation equipment under Section 3-809.1; Special Plates under Section 3-810; Permanently mounted equipment under Section 3-812; Registration fee under Section 3-813; Semitrailer fees under Section 3-814; Farm trucks under Section 3-815; Mileage weight tax option under Section 3-818; Farm trailers under Section 3-819; Duplicate plates under Section 3-820; Fees under Section 3-821; Search Fees under Section 3-823.
- (f) The reductions provided for shall not apply to any vehicle of the first or second division registered by the same applicant in the prior registration year. The changes to this Section made by Public Act 84-210 take effect with the 1986 Calendar Registration Year.

(g) Reductions shall in no event result in payment of a fee or tax less than \$6, and the Secretary of State shall promulgate schedules of fees reflecting applicable reductions. Where any reduced amount is not stated in full dollars, the Secretary of State may adjust the amount due to the nearest full dollar amount.

(h) The reductions provided for in subsections

(a) through

(g) of this Section shall not apply to those vehicles of the first or second division registered on a staggered registration basis.

(i) A vehicle which becomes subject to registration during the last month of the current registration year is exempt from any applicable reduced fourth quarter or second semiannual registration fee, and may register for the subsequent registration year as its initial registration. This subsection does not include those apportioned and prorated fees under Sections 3-402 and 3-402.1 of this Code.

625 ILCS 5/3-804 — Antique vehicles

Sec. 3-804. Antique vehicles.

(a) The owner of an antique vehicle may register such vehicle for a fee not to exceed \$6 per registration year. The application for registration must be accompanied by an affirmation of the owner that such vehicle will be driven on the highway only for the purpose of going to and returning from an antique auto show or an exhibition, or for servicing or demonstration and also affirming that the mechanical condition, physical condition, brakes, lights, glass, and appearance of such vehicle is the same or as safe as originally equipped. The Secretary may, in his discretion, prescribe that antique vehicle plates be issued for a definite or an indefinite term, such term to correspond to the term of registration plates issued generally, as provided in Section 3-414.1. Any person requesting antique plates under this Section may also apply to have vanity or personalized plates as provided under Section 3-405.1.

(b) Any person who is the registered owner of an antique vehicle may display a historical Illinois-issued license plate that represents the model year of the vehicle, furnished by such person, in lieu of the current and valid Illinois antique vehicle plates issued thereto, provided that valid and current Illinois antique vehicle plates and registration card issued to such antique vehicle are simultaneously carried within such vehicle and are available for inspection.

625 ILCS 5/3-804.01 — Expanded-use antique vehicles

Sec. 3-804.01. Expanded-use antique vehicles.

(a) The owner of a motor vehicle that is more than 25 years of age or a bona fide replica thereof may register the vehicle as an expanded-use antique vehicle. In addition to the appropriate registration and renewal fees, the fee for expanded-use antique vehicle registration and renewal, except as provided under subsection (d), shall be \$45 per year. The application for registration must be accompanied by an affirmation of the owner that:

(1) from January 1 through the last day of February and from December 1 through December 31, the vehicle will be driven on the highways only for the purpose of going to and returning from an antique auto show or an exhibition, or for servicing or demonstration; and

(2) the mechanical condition, physical condition, brakes, lights, glass, and appearance of such vehicle is the same or as safe as originally equipped. From March 1 through November 30, a vehicle registered as an expanded-use antique vehicle may be driven on the highways without being subject to the restrictions set forth in subdivision (1). The Secretary may prescribe, in the Secretary's discretion, that expanded-use antique vehicle plates be issued for a definite or an indefinite term, such term to correspond to the term of registration plates issued generally, as provided in Section 3-414.1. Any person requesting expanded-use antique vehicle plates under this Section may also apply to have vanity or personalized plates as provided under Section 3-405.1.

(b) Any person who is the registered owner of an expanded-use antique vehicle may display a historical Illinois-issued license plate that represents the model year of the vehicle, furnished by such person, in lieu of the current and valid Illinois expanded-use antique vehicle plates issued thereto, provided that the valid and current Illinois expanded-use antique vehicle plates and registration card issued to the expanded-use antique vehicle are simultaneously carried within the vehicle and are available for inspection.

(c) The Secretary may credit a pro-rated portion of a fee previously paid for an antique vehicle registration under Section 3-804 to an owner who applies to have that vehicle registered as an expanded-use antique vehicle instead of an antique

vehicle.

(d) The Secretary may make a version of the registration plate authorized under this Section in a form appropriate for motorcycles. In addition to the required registration and renewal fees, the fee for motorcycle expanded-use antique vehicle registration and renewal shall be \$23 per year.

625 ILCS 5/3-804.02 — Commuter Vans

Sec. 3-804.02. Commuter Vans. The owner of a commuter van may register such van for an annual fee not to exceed \$63. The Secretary may prescribe that commuter van plates be issued for an indefinite term, such term to correspond to the term of registration plates issued generally. In no event may the registration fee for commuter vans exceed \$63 per registration year.

625 ILCS 5/3-804.1 — Custom vehicles

Sec. 3-804.1. Custom vehicles.

(a) The owner of a custom vehicle may register that vehicle for the standard registration fee for a vehicle of the first division, other than a motorcycle, motor driven cycle, or pedalcycle, and obtain a custom vehicle plate. An applicant for the special plate shall be charged, in addition to the standard registration fee, \$15 for original issuance to be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray administrative costs. For each renewal period, in addition to the standard registration fee, the applicant shall be charged \$2, which shall be deposited into the Secretary of State Special License Plate Fund. The application for registration must be accompanied by an affirmation of the owner that the vehicle will be maintained for occasional transportation, exhibitions, club activities, parades, tours, and similar uses and will not be used for general daily transportation. The Secretary may, in his or her discretion, prescribe that custom vehicle plates be issued for a definite or an indefinite term, the term to correspond to the term of registration plates issued generally, as provided in Section 3-414.1. Any person requesting custom vehicle plates under this Section may also apply to have vanity or personalized plates as provided under Section 3-405.1.

(b) Upon initial registration of a custom vehicle, the owner of the custom vehicle must have the vehicle inspected as required by Section 3-406 of this Code. Except where otherwise provided, custom vehicles are considered to be in compliance with all vehicle equipment requirements if they have passed the approved vehicle safety inspection.

625 ILCS 5/3-804.2 — Street rods

Sec. 3-804.2. Street rods.

(a) The owner of a street rod may register the vehicle for the standard registration fee for a vehicle of the first division, other than a motorcycle, motor driven cycle, or pedalcycle, and obtain a street rod plate. An applicant for the special plate shall be charged, in addition to the standard registration fee, \$15 for original issuance to be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray administrative costs. For each renewal period, in addition to the standard registration fee, the applicant shall be charged \$2, which shall be deposited into the Secretary of State Special License Plate Fund. The application for registration must be accompanied by an affirmation of the owner that the vehicle will be maintained for occasional transportation, exhibitions, club activities, parades, tours, and similar uses and will not be used for general daily transportation. The Secretary may, in his or her discretion, prescribe that street rod plates be issued for a definite or an indefinite term, the term to correspond to the term of registration plates issued generally, as provided in Section 3-414.1. Any person requesting street rod plates under this Section may also apply to have vanity or personalized plates as provided under Section 3-405.1.

(b) Upon initial registration of a street rod, the owner of the street rod must have the vehicle inspected as required by Section 3-406 of this Code.

625 ILCS 5/3-804.3 — Former military vehicles

Sec. 3-804.3. Former military vehicles.

(a) The owner of a former military vehicle may register the vehicle for a fee not to exceed:

- (1) \$100 for a vehicle with a gross vehicle weight rating of 26,000 pounds or less;
- (2) \$150 for a vehicle with a gross vehicle weight rating of 26,001 to 45,000 pounds;
- (3) \$500 for a vehicle with a gross vehicle weight rating of 45,001 to 65,000 pounds;
- (4) \$1,000 for a vehicle with a gross vehicle weight rating of over 65,000 pounds; or

(5) \$25 for a trailer with a weight of 3,000 pounds or less; or

(6) \$75 for a trailer with a weight of over 3,000 pounds.

(b) The Secretary may prescribe, in the Secretary's discretion, that former military vehicle plates be issued for a definite or an indefinite term, such term to correspond to the term of registration plates issued generally, as provided in Section 3-414.1. Any person requesting former military vehicle plates under this Section may also apply to have vanity or personalized plates as provided under Section 3-405.1.

(c) A vehicle registered as a former military vehicle is not subject to Section 3-815 and 3-818 of this Code.

(d) A vehicle may not be registered under this Section unless a title for the vehicle has been issued by the Secretary and the vehicle is eligible for registration without regard to its status as a military vehicle.

625 ILCS 5/3-805 — Electric vehicles

Sec. 3-805. Electric vehicles.

(a) The owner of a motor vehicle of the first division or a motor vehicle of the second division weighing 8,000 pounds or less propelled by an electric engine and not utilizing motor fuel may register such vehicle for a registration fee equal to the fee set forth in Section 3-806 for motor vehicles of the first division, other than Autocycles, Motorcycles, Motor Driven Cycles, and Pedalcycles. In addition to the registration fees, the Secretary shall assess an additional \$100 per year in lieu of the payment of motor fuel taxes. \$1 of the additional fees shall be deposited into the Secretary of State Special Services Fund and the remainder of the additional fees shall be deposited into the Road Fund.

(b) Beginning with the 2023 registration year, upon the request of the vehicle owner, an electric vehicle owner may register an electric vehicle with any qualifying registration issued under this Chapter, and an additional \$100 surcharge shall be collected in addition to the applicable registration fee. The \$100 additional fee is to identify the vehicle as an electric vehicle. The \$100 additional fee is an annual, flat fee that shall be based on an applicant's new or existing registration year for the vehicle's corresponding weight category. A designation as an electric vehicle under this subsection shall not alter a vehicle's registration. Of the additional fees, \$1 shall be deposited into the Secretary of State Special Services Fund, and the remainder of the additional fees shall be deposited into the Road Fund. The Secretary shall adopt any rules necessary to implement this subsection (b).

625 ILCS 5/3-805.5 — Low-speed vehicles

Sec. 3-805.5. Low-speed vehicles. Every owner of a low-speed vehicle shall make application to the Secretary of State for registration, or renewal of registration, at the annual fee of \$18.

625 ILCS 5/3-806 — Registration Fees; Motor Vehicles of the First Division

Sec. 3-806. Registration Fees; Motor Vehicles of the First Division. Every owner of any other motor vehicle of the first division, except as provided in Sections 3-804, 3-804.01, 3-804.3, 3-805, 3-806.3, 3-806.7, and 3-808, and every second division vehicle weighing 8,000 pounds or less, shall pay the Secretary of State an annual registration fee at the following rates: SCHEDULE OF REGISTRATION FEES REQUIRED BY LAW Beginning with the 2021 registration year Annual Fee Motor vehicles of the first division other than Autocycles, Motorcycles, Motor Driven Cycles and Pedalcycles \$148 Autocycles 68 Motorcycles, Motor Driven Cycles and Pedalcycles 38 A \$1 surcharge shall be collected in addition to the above fees for motor vehicles of the first division, autocycles, motorcycles, motor driven cycles, and pedalcycles to be deposited into the State Police Vehicle Fund. All of the proceeds of the additional fees imposed by Public Act 96-34 shall be deposited into the Capital Projects Fund. A \$2 surcharge shall be collected in addition to the above fees for motor vehicles of the first division, autocycles, motorcycles, motor driven cycles, and pedalcycles to be deposited into the Park and Conservation Fund for the Department of Natural Resources to use for conservation efforts. The monies deposited into the Park and Conservation Fund under this Section shall not be subject to administrative charges or chargebacks unless otherwise authorized by this Act. Of the fees collected for motor vehicles of the first division other than Autocycles, Motorcycles, Motor Driven Cycles, and Pedalcycles, \$1 of the fees shall be deposited into the Secretary of State Special Services Fund and \$49 of the fees shall be deposited into the Road Fund.

625 ILCS 5/3-806.1 — Additional fees for vanity license plates

Sec. 3-806.1. Additional fees for vanity license plates. In addition to the regular registration fee or electric vehicle registration fee, an applicant for a vanity license plate, other than a vanity plate in any military series or a vanity plate issued under Section 3-664, shall be charged \$94 for each set of vanity license plates issued to a vehicle of the first

division or a vehicle of the second division registered at not more than 8,000 pounds or to a recreational vehicle and \$50 for each set of vanity plates issued to an autocycle or motorcycle. In addition to the regular renewal fee or electric vehicle registration renewal fee, an applicant for a vanity plate, other than a vanity plate in any military series or a vanity plate issued under Section 3-664, shall be charged \$13 for the renewal of each set of vanity license plates. There shall be no additional fees for a vanity license plate in any military series of plates or a vanity plate issued under Section 3-664.

625 ILCS 5/3-806.2 — Limitations on no-fee plates

Sec. 3-806.2. Limitations on no-fee plates. No individual shall be issued more than one pair of plates of any category for which no fee is required. The Secretary of State may issue additional pairs of plates of any such category upon receiving the required application and registration fees.

625 ILCS 5/3-806.3 — Senior citizens

Sec. 3-806.3. Senior citizens. Commencing with the 2009 registration year, the registration fee paid by any vehicle owner who has been approved for benefits under the Senior Citizens and Persons with Disabilities Property Tax Relief Act or who is the spouse of such a person shall be \$10 instead of the fee otherwise provided in this Code for passenger cars displaying standard multi-year registration plates or digital registration plates issued under Section 3-414.1, motor vehicles displaying special registration plates or digital registration plates issued under Section 3-609, 3-616, 3-621, 3-622, 3-623, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650, 3-651, 3-663, or 3-699.17, motor vehicles registered at 8,000 pounds or less under Section 3-815(a), and recreational vehicles registered at 8,000 pounds or less under Section 3-815(b). Widows and widowers of claimants shall also be entitled to this reduced registration fee for the registration year in which the claimant was eligible. Commencing with the 2009 registration year, the registration fee paid by any vehicle owner who has claimed and received a grant under the Senior Citizens and Persons with Disabilities Property Tax Relief Act or who is the spouse of such a person shall be \$10 instead of the fee otherwise provided in this Code for passenger cars displaying standard multi-year registration plates or digital registration plates issued under Section 3-414.1, motor vehicles displaying special registration plates or digital registration plates issued under Section 3-607, 3-609, 3-616, 3-621, 3-622, 3-623, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650, 3-651, 3-663, 3-664, or 3-699.17, motor vehicles registered at 8,000 pounds or less under Section 3-815(a), and recreational vehicles registered at 8,000 pounds or less under Section 3-815(b). Widows and widowers of claimants shall also be entitled to this reduced registration fee for the registration year in which the claimant was eligible. Commencing with the 2017 registration year, the reduced fee under this Section shall apply to any special registration plate or digital registration plate authorized in Article VI of Chapter 3 of this Code for which the applicant would otherwise be eligible. Surcharges for vehicle registrations under Section 3-806 of this Code shall not be collected from any vehicle owner who has been approved for benefits under the Senior Citizens and Disabled Persons Property Tax Relief Act or a person who is the spouse of such a person. No more than one reduced registration fee under this Section shall be allowed during any 12-month period based on the primary eligibility of any individual, whether such reduced registration fee is allowed to the individual or to the spouse, widow or widower of such individual. This Section does not apply to the fee paid in addition to the registration fee for motor vehicles displaying vanity, personalized, or special license plates.

625 ILCS 5/3-806.4

Sec. 3-806.4. (Renumbered).

625 ILCS 5/3-806.5 — Additional fees for personalized license plates

Sec. 3-806.5. Additional fees for personalized license plates. For registration periods commencing after December 31, 2003, in addition to the regular registration fee or electric vehicle registration fee, an applicant for a personalized license plate, other than a personalized plate in any military series or a personalized plate issued under Section 3-664, shall be charged \$47 for each set of personalized license plates issued to a vehicle of the first division or a vehicle of the second division registered at not more than 8,000 pounds or to a recreational vehicle and \$25 for each set of personalized plates issued to an autocycle or motorcycle. In addition to the regular renewal fee or electric vehicle registration renewal fee, an applicant for a personalized plate other than a personalized plate in any military series or a personalized plate issued under Section 3-664, shall be charged \$7 for the renewal of each set of personalized license plates. There shall be no additional fees charged for a personalized plate in any military series of plates or a personalized plate issued under Section 3-664. Of the money received by the Secretary of State as additional fees for personalized license plates, 50% shall be deposited into the Secretary of State Special License Plate Fund and 50% shall be deposited into the General

Revenue Fund.

625 ILCS 5/3-806.6 — Victims of domestic violence

Sec. 3-806.6. Victims of domestic violence.

(a) The Secretary shall issue new and different license plates immediately upon request to the registered owner of a vehicle who appears in person and submits a completed application, if all of the following are provided:

- (1) proof of ownership of the vehicle that is acceptable to the Secretary;
 - (2) a driver's license or identification card containing a picture of the licensee or cardholder issued to the registered owner by the Secretary under Section 6-110 or 6-107 of this Code or Section 4 of the Illinois Identification Card Act. The Office of the Secretary shall conduct a search of its records to verify the authenticity of any document submitted under this paragraph (2);
 - (3) the previously issued license plates from the vehicle;
 - (4) payment of the required fee for the issuance of duplicate license plates under Section 3-417; and
 - (5) one of the following: (A) a copy of a police report, court documentation, or other law enforcement documentation identifying the registered owner of the vehicle as the victim of an incident of abuse, as defined in Section 103 of the Illinois Domestic Violence Act of 1986, or the subject of stalking, as defined in Section 12-7.3 of the Criminal Code of 2012; (B) a written acknowledgment, dated within 30 days of submission, on the letterhead of a domestic violence agency, that the registered owner is actively seeking assistance or has sought assistance from that agency within the past year; or (C) an order of protection issued under Section 214 of the Illinois Domestic Violence Act of 1986 that names the registered owner as a protected party.
- (b) This Section does not apply to license plates issued under Section 3-664 or to special license plates issued under Article VI of this Chapter.

625 ILCS 5/3-806.7 — Registration fees for active duty military personnel

Sec. 3-806.7. Registration fees for active duty military personnel.

- (a) Beginning with the 2011 registration year, the standard registration fee set forth in Section 3-806 of this Code for passenger motor vehicles of the first division and motor vehicles of the second division weighing not more than 8,000 pounds and registered under Section 3-815 of this Code, shall be reduced by 50% for any Illinois vehicle owner who was on active duty as a member of the Armed Forces of the United States and stationed outside of the United States for a period of 90 days or longer during the preceding registration year.
- (b) Illinois residents who are members of the Armed Forces of the United States and who have been stationed outside of the United States for a period of 6 months or longer, and who placed their registered motor vehicle in storage during the time they served abroad, shall be entitled to credit for the unused portion of that registration when they renew the registration of that vehicle upon their return to the United States. For each month or part thereof that the vehicle was in storage and had current registration, the member of the armed forces shall receive one month of registration without charge.
- (c) Beginning with the 2017 registration year, the standard registration fee set forth in Section 3-806 of this Code for passenger motor vehicles of the first division and motor vehicles of the second division weighing not more than 8,000 pounds and registered under Section 3-815 of this Code, shall be waived for the year following the return of any Illinois vehicle owner who is a member of the active-duty or reserve component of the United States Armed Forces who can provide proof of serving in a combat mission. Nothing in this subsection is applicable to the additional fees incurred by specialty, personalized, or vanity license plates.

625 ILCS 5/3-806.8

Sec. 3-806.8. (Repealed).

625 ILCS 5/3-806.9 — Expedited vehicle registration

Sec. 3-806.9. Expedited vehicle registration. The Secretary of State may provide an expedited process for the issuance of vehicle registration plates. Expedited registration applications must be complete, including necessary forms, fees, and taxes. The Secretary shall charge an additional fee of not more than \$10 for this service, and that fee shall cover the cost of shipping the vehicle registration plates via an express mail service. All fees collected by the Secretary for expedited

registration services shall be deposited into the Motor Vehicle License Plate Fund.

625 ILCS 5/3-806.10 — Vehicles manufactured in Illinois

Sec. 3-806.10. Vehicles manufactured in Illinois. Upon payment of the title fee for a first division passenger vehicle other than an autocycle, motor driven cycle, or pedalcycle or for a second division vehicle weighing 8,000 pounds or less, the buyer or owner of the vehicle may apply for a rebate in the amount of \$25 on a form prescribed by the Secretary of State if the vehicle is manufactured in this State and the application for title is made no more than one year after the month in which the vehicle was manufactured. Each qualifying vehicle shall be eligible for one rebate of \$25 for the lifetime of the qualifying vehicle. The Secretary of State shall adopt administrative rules to administer this Section that include the information necessary for the rebate application.

625 ILCS 5/3-807

Sec. 3-807. (Repealed).

625 ILCS 5/3-808 — Governmental and charitable vehicles; Registration fees

Sec. 3-808. Governmental and charitable vehicles; Registration fees.

(a) A registration fee of \$10 per 2 year registration period shall be paid by the owner in the following cases: 1. Vehicles operated exclusively as a school bus for school purposes by any school district or any religious or denominational institution, except that such a school bus may be used by such a religious or denominational institution for the transportation of persons to or from any of its official activities. 2. Vehicles operated exclusively in a high school driver training program by any school district or school operated by a religious institution. 3. Rescue squad vehicles which are owned and operated by a corporation or association organized and operated not for profit for the purpose of conducting such rescue operations. 4. Vehicles, used exclusively as school buses for any school district, which are neither owned nor operated by such district. 5. Charitable vehicles.

(b) Annual vehicle registration plates shall be issued, at no charge, to the following: 1. Medical transport vehicles owned and operated by the State of Illinois or by any State agency financed by funds appropriated by the General Assembly. 2. Medical transport vehicles operated by or for any county, township or municipal corporation.

(c) Ceremonial plates. Upon payment of a registration fee of \$98 per 2-year registration period, the Secretary of State shall issue registration plates to vehicles operated exclusively for ceremonial purposes by any not-for-profit veterans', fraternal, or civic organization. The Secretary of State may prescribe that ceremonial vehicle registration plates be issued for an indefinite term, that term to correspond to the term of registration plates issued generally, as provided in Section 3-414.1. All of the proceeds of the additional fees imposed by this amendatory Act of the 96th General Assembly shall be deposited into the Capital Projects Fund.

(d) In any event, any vehicle registered under this Section used or operated for purposes other than those herein prescribed shall be subject to revocation, and in that event, the owner may be required to properly register such vehicle under the provisions of this Code.

(e) As a prerequisite to registration under this Section, the Secretary of State may require the vehicle owners listed in subsection

(a) of this Section who are exempt from federal income taxation under subsection

(c) of Section 501 of the Internal Revenue Code of 1986, as now or hereafter amended, to submit to him a determination letter, ruling or other written evidence of tax exempt status issued by the Internal Revenue Service. The Secretary may accept a certified copy of the document issued by the Internal Revenue Service as evidence of the exemption. The Secretary may require documentation of eligibility under this Section to accompany an application for registration.

(f) Special event plates. The Secretary of State may issue registration plates in recognition or commemoration of special events which promote the interests of Illinois citizens. These plates shall be valid for no more than 60 days prior to the date of expiration. The Secretary shall require the applicant for such plates to pay for the costs of furnishing the plates. Beginning July 1, 1991, all special event plates shall be recorded in the Secretary of State's files for immediate identification. The Secretary of State, upon issuing a new series of special event plates, shall notify all law enforcement officials of the design and other special features of the special plate series. All special event plates shall indicate, in the lower right corner, the date of expiration in characters no less than 1/2 inch high.

625 ILCS 5/3-808.1 — Permanent vehicle registration plate

Sec. 3-808.1. Permanent vehicle registration plate.

(a) Permanent vehicle registration plates shall be issued, at no charge, to the following: 1. Vehicles, other than medical transport vehicles, owned and operated by the State of Illinois or by any State agency financed by funds appropriated by the General Assembly; 2. Special disability plates issued to vehicles owned and operated by the State of Illinois or by any State agency financed by funds appropriated by the General Assembly.

(b) Permanent vehicle registration plates shall be issued, for a one-time fee of \$8.00, to the following: 1. Vehicles, other than medical transport vehicles, operated by or for any county, township or municipal corporation. 2. Vehicles owned by counties, townships or municipal corporations for persons with disabilities. 3. Beginning with the 1991 registration year, county-owned vehicles operated by or for any county sheriff and designated deputy sheriffs. These registration plates shall contain the specific county code and unit number. 4. All-terrain vehicles owned by counties, townships, or municipal corporations and used for law enforcement purposes when the Manufacturer's Statement of Origin is accompanied with a letter from the original manufacturer or a manufacturer's franchised dealer stating that this all-terrain vehicle has been converted to a street worthy vehicle that meets the equipment requirements set forth in Chapter 12 of this Code. 5. Beginning with the 2001 registration year, municipally owned vehicles operated by or for any police department. These registration plates shall contain the designation "municipal police" and shall be numbered and distributed as prescribed by the Secretary of State. 6. Beginning with the 2014 registration year, municipally owned, fire district owned, or Mutual Aid Box Alarm System (MABAS) owned vehicles operated by or for any fire department, fire protection district, or MABAS. These registration plates shall display the designation "Fire Department" and shall display the specific fire department, fire district, fire unit, or MABAS division number or letter. 7. Beginning with the 2017 registration year, vehicles that do not require a school bus driver permit under Section 6-104 to operate and are not registered under Section 3-617 of this Code, and are owned by a public school district from grades K-12 or a public community college. 8. Beginning with the 2017 registration year, vehicles of the first division or vehicles of the second division weighing not more than 8,000 pounds that are owned by a medical facility or hospital of a municipality, county, or township. 9. Beginning with the 2020 registration year, 2-axle motor vehicles that

(i) are designed and used as buses in a public system for transporting more than 10 passengers; (ii) are used as common carriers in the general transportation of passengers and not devoted to any specialized purpose; (iii) operate entirely within the territorial limits of a single municipality or a single municipality and contiguous municipalities; and (iv) are subject to the regulation of the Illinois Commerce Commission. The owner of a vehicle under this paragraph is exempt from paying a flat weight tax or a mileage weight tax under this Code. 10. Beginning with the 2027 registration year, vehicles owned by a municipality or fire protection district operated by or for the emergency medical services (EMS) chief that are eligible for issuance of EMS chief license plates under Section 3-699.26. (b-5) Beginning with the 2016 registration year, permanent vehicle registration plates shall be issued for a one-time fee of \$8.00 to a county, township, or municipal corporation that owns or operates vehicles used for the purpose of community workplace commuting as defined by the Secretary of State by administrative rule. The design and color of the plates shall be wholly within the discretion of the Secretary. The Secretary of State may adopt rules to implement this subsection (b-5).

(c) Beginning with the 2012 registration year, county-owned vehicles operated by or for any county sheriff and designated deputy sheriffs that have been issued registration plates under subsection

(b) of this Section shall be exempt from any fee for the transfer of registration from one vehicle to another vehicle. Each county sheriff shall report to the Secretary of State any transfer of registration plates from one vehicle to another vehicle operated by or for any county sheriff and designated deputy sheriffs. The Secretary of State shall adopt rules to implement this subsection (c). (c-5) Beginning with the 2014 registration year, municipally owned, fire district owned, or Mutual Aid Box Alarm System (MABAS) owned vehicles operated by or for any fire department, fire protection district, or MABAS that have been issued registration plates under subsection

(b) of this Section shall be exempt from any fee for the transfer of registration from one vehicle to another vehicle. Each fire department, fire protection district, or MABAS shall report to the Secretary of State any transfer of registration plates from one vehicle to another vehicle operated by or for any fire department, fire protection district, or MABAS. The Secretary of State shall adopt rules to implement this subsection.

(d) Beginning with the 2013 registration year, municipally owned vehicles operated by or for any police department that have been issued registration plates under subsection

(b) of this Section shall be exempt from any fee for the transfer of registration from one vehicle to another vehicle. Each municipal police department shall report to the Secretary of State any transfer of registration plates from one vehicle to another vehicle operated by or for any municipal police department. The Secretary of State shall adopt rules to implement this subsection (d).

(e) Beginning with the 2016 registration year, any vehicle owned or operated by a county, township, or municipal corporation that has been issued registration plates under this Section is exempt from any fee for the transfer of registration from one vehicle to another vehicle. Each county, township, or municipal corporation shall report to the Secretary of State any transfer of registration plates from one vehicle to another vehicle operated by or for any county, township, or municipal corporation.

(f) Beginning with the 2020 registration year, any vehicle owned or operated by a public school district from grades K-12, a public community college, or a medical facility or hospital of a municipality, county, or township that has been issued registration plates under this Section is exempt from any fee for the transfer of registration from one vehicle to another vehicle. Each school district, public community college, or medical facility or hospital shall report to the Secretary any transfer of registration plates from one vehicle to another vehicle operated by the school district, public community college, or medical facility.

(g) Beginning with the 2025 registration year, vehicles owned or operated by or for a private or public university police department or a private or public college police department, except for motor driven cycles and all-terrain vehicles, may be registered under subsection

(b) of this Section. These registration plates shall contain the designation "university police" or "college police" and shall be numbered and distributed as prescribed by the Secretary of State. (Text of Section from P.A. 104-304) Sec. 3-808.1. Permanent vehicle registration plate.

(a) Permanent vehicle registration plates shall be issued, at no charge, to the following: 1. Vehicles, other than medical transport vehicles, owned and operated by the State of Illinois or by any State agency financed by funds appropriated by the General Assembly; 2. Special disability plates issued to vehicles owned and operated by the State of Illinois or by any State agency financed by funds appropriated by the General Assembly.

(b) Permanent vehicle registration plates shall be issued, for a one-time fee of \$8.00, to the following: 1. Vehicles, other than medical transport vehicles, operated by or for any county, township or municipal corporation. 2. Vehicles owned by counties, townships or municipal corporations for persons with disabilities. 3. Beginning with the 1991 registration year, county-owned vehicles operated by or for any county sheriff and designated deputy sheriffs. These registration plates shall contain the specific county code and unit number. 4. All-terrain vehicles owned by counties, townships, or municipal corporations and used for law enforcement purposes or used as fire department vehicles when the Manufacturer's Statement of Origin is accompanied with a letter from the original manufacturer or a manufacturer's franchised dealer stating that this all-terrain vehicle has been converted to a street worthy vehicle that meets the equipment requirements set forth in Chapter 12 of this Code. 5. Beginning with the 2001 registration year, municipally owned vehicles operated by or for any police department. These registration plates shall contain the designation "municipal police" and shall be numbered and distributed as prescribed by the Secretary of State. 6. Beginning with the 2014 registration year, municipally owned, fire district owned, or Mutual Aid Box Alarm System (MABAS) owned vehicles operated by or for any fire department, fire protection district, or MABAS. These registration plates shall display the designation "Fire Department" and shall display the specific fire department, fire district, fire unit, or MABAS division number or letter. 7. Beginning with the 2017 registration year, vehicles that do not require a school bus driver permit under Section 6-104 to operate and are not registered under Section 3-617 of this Code, and are owned by a public school district from grades K-12 or a public community college. 8. Beginning with the 2017 registration year, vehicles of the first division or vehicles of the second division weighing not more than 8,000 pounds that are owned by a medical facility or hospital of a municipality, county, or township. 9. Beginning with the 2020 registration year, 2-axle motor vehicles that

(i) are designed and used as buses in a public system for transporting more than 10 passengers; (ii) are used as common carriers in the general transportation of passengers and not devoted to any specialized purpose; (iii) operate entirely within the territorial limits of a single municipality or a single municipality and contiguous municipalities; and (iv) are subject to the regulation of the Illinois Commerce Commission. The owner of a vehicle under this paragraph is exempt from paying a flat weight tax or a mileage weight tax under this Code. (b-5) Beginning with the 2016 registration year, permanent vehicle registration plates shall be issued for a one-time fee of \$8.00 to a county, township, or municipal corporation that owns or operates vehicles used for the purpose of community workplace commuting as defined by the

Secretary of State by administrative rule. The design and color of the plates shall be wholly within the discretion of the Secretary. The Secretary of State may adopt rules to implement this subsection (b-5).

(c) Beginning with the 2012 registration year, county-owned vehicles operated by or for any county sheriff and designated deputy sheriffs that have been issued registration plates under subsection

(b) of this Section shall be exempt from any fee for the transfer of registration from one vehicle to another vehicle. Each county sheriff shall report to the Secretary of State any transfer of registration plates from one vehicle to another vehicle operated by or for any county sheriff and designated deputy sheriffs. The Secretary of State shall adopt rules to implement this subsection (c). (c-5) Beginning with the 2014 registration year, municipally owned, fire district owned, or Mutual Aid Box Alarm System (MABAS) owned vehicles operated by or for any fire department, fire protection district, or MABAS that have been issued registration plates under subsection

(b) of this Section shall be exempt from any fee for the transfer of registration from one vehicle to another vehicle. Each fire department, fire protection district, or MABAS shall report to the Secretary of State any transfer of registration plates from one vehicle to another vehicle operated by or for any fire department, fire protection district, or MABAS. The Secretary of State shall adopt rules to implement this subsection.

(d) Beginning with the 2013 registration year, municipally owned vehicles operated by or for any police department that have been issued registration plates under subsection

(b) of this Section shall be exempt from any fee for the transfer of registration from one vehicle to another vehicle. Each municipal police department shall report to the Secretary of State any transfer of registration plates from one vehicle to another vehicle operated by or for any municipal police department. The Secretary of State shall adopt rules to implement this subsection (d).

(e) Beginning with the 2016 registration year, any vehicle owned or operated by a county, township, or municipal corporation that has been issued registration plates under this Section is exempt from any fee for the transfer of registration from one vehicle to another vehicle. Each county, township, or municipal corporation shall report to the Secretary of State any transfer of registration plates from one vehicle to another vehicle operated by or for any county, township, or municipal corporation.

(f) Beginning with the 2020 registration year, any vehicle owned or operated by a public school district from grades K-12, a public community college, or a medical facility or hospital of a municipality, county, or township that has been issued registration plates under this Section is exempt from any fee for the transfer of registration from one vehicle to another vehicle. Each school district, public community college, or medical facility or hospital shall report to the Secretary any transfer of registration plates from one vehicle to another vehicle operated by the school district, public community college, or medical facility.

(g) Beginning with the 2025 registration year, vehicles owned or operated by or for a private or public university police department or a private or public college police department, except for motor driven cycles and all-terrain vehicles, may be registered under subsection

(b) of this Section. These registration plates shall contain the designation "university police" or "college police" and shall be numbered and distributed as prescribed by the Secretary of State.

625 ILCS 5/3-809 — Farm machinery, exempt vehicles and fertilizer spreaders; registration fee

Sec. 3-809. Farm machinery, exempt vehicles and fertilizer spreaders; registration fee.

(a) Vehicles of the second division having a corn sheller, a well driller, hay press, clover huller, feed mixer and unloader, or other farm machinery permanently mounted thereon and used solely for transporting the same shall be registered upon the filing of a proper application and the payment of a registration fee of \$13 per 2-year registration period. This registration fee of \$13 shall be paid in full and shall not be reduced even though such registration is made after the beginning of the registration period.

(b) Vehicles exempt from registration under the provisions of subsection A of Section 3-402 of this Code, as amended, may, at the option of the owner, be identified as exempt vehicles by displaying registration plates issued by the Secretary of State. The owner thereof may apply for such permanent, non-transferable registration plates upon the filing of a proper application and the payment of a registration fee of \$13. The application for and display of such registration plates for identification purposes by vehicles exempt from registration shall not be deemed as a waiver or rescission of its exempt status, nor make such vehicle subject to registration. Nothing in this Section prohibits the towing of another vehicle by the

exempt vehicle if the towed vehicle:

(i) does not exceed the registered weight of 8,000 pounds; (ii) is used exclusively for transportation to and from the work site; (iii) is not used for carrying counter weights or other material related to the operation of the exempt vehicle while under tow; and (iv) displays proper and current registration plates.

(c) Any single unit self-propelled agricultural fertilizer implement, designed for both on and off road use, equipped with flotation tires and otherwise specially adapted for the application of plant food materials or agricultural chemicals, desiring to be operated upon the highways laden with load shall be limited to a maximum gross weight of 36,000 pounds, restricted to a highway speed of not more than 30 miles per hour and a legal width of not more than 12 feet. Such vehicles shall be limited to the furthering of agricultural or horticultural pursuits and in furtherance of these pursuits, such vehicles may be operated upon the highway, within a 50-mile radius of their point of loading as indicated on the written or printed statement required by the Illinois Fertilizer Act of 1961, for the purpose of moving plant food materials or agricultural chemicals to the field, or from field to field, for the sole purpose of application. Whenever any vehicle is operated in violation of subsection

(c) of this Section, the owner or the driver of such vehicle shall be deemed guilty of a petty offense and either may be prosecuted for such violation.

625 ILCS 5/3-809.1 — Vehicles of second division used for transporting soil and conservation machinery and equipment-Registration fee

Sec. 3-809.1. Vehicles of second division used for transporting soil and conservation machinery and equipment-Registration fee. Not for hire vehicles of the second division used, only in the territory within a 75 mile radius of the owner's headquarters, solely for transporting the owner's machinery, equipment, plastic tubing, tile and steel reinforcement materials used exclusively for soil and water conservation work on farms, other work on farms and in drainage districts organized for agricultural purposes, shall be registered upon the filing of a proper application and the payment of a registration fee of \$488 per annum. The registration fee of \$488 shall be paid in full and shall not be reduced even though such registration is made during the second half of the registration year.

625 ILCS 5/3-810

Sec. 3-810. Dealers, manufacturers, engine and driveline component manufacturers, transporters, and reposseors; registration plates. Dealers, manufacturers, and transporters registered under this Code may obtain registration plates for use as provided in this Code at the following rates: Initial set of dealer's, manufacturer's, or transporter's "in-transit" plates: \$45 Duplicate Plates: \$13 Manufacturers of engine and driveline components registered under this Code may obtain registration plates at the following rates: Initial set of "test vehicle" plates: \$94 Duplicate plates: \$25 Reposseors and other persons qualified and registered under Section 3-601 of this Code may obtain registration plates at the rate of \$45 per set.

625 ILCS 5/3-810.1 — Tow truck; registration plates

Sec. 3-810.1. Tow truck; registration plates. Tow truck operators registered under this Code may obtain registration plates for use as provided in this Code at the rate per set provided in subsection

(a) of Section 3-815 of this Code for each vehicle so registered.

625 ILCS 5/3-811 — Drive-away and other permits - Fees

Sec. 3-811. Drive-away and other permits - Fees.

(a) Dealers may obtain drive-away permits for use as provided in this Code, for a fee of \$6 per permit for permits purchased on or before June 30, 2003 and \$10 for permits purchased on or after July 1, 2003. For drive-away permits purchased on or after July 1, 2003, \$4 of the fee collected for the purchase of each permit shall be deposited into the General Revenue Fund.

(b) Transporters may obtain one-trip permits for vehicles in transit for use as provided in this Code, for a fee of \$6 per permit for permits purchased on or before June 30, 2003 and \$10 for permits purchased on or after July 1, 2003. For one-trip permits purchased on or after July 1, 2003, \$4 of the fee collected from the purchase of each permit shall be deposited into the General Revenue Fund.

(c) Non-residents may likewise obtain a drive-away permit from the Secretary of State to export a motor vehicle purchased in Illinois, for a fee of \$6 per permit for permits purchased on or before June 30, 2003 and \$10 for permits purchased on or after July 1, 2003. For drive-away permits purchased on or after July 1, 2003, \$4 of the fee collected for the purchase of each permit shall be deposited into the General Revenue Fund.

(d) One-trip permits may be obtained for an occasional single trip by a vehicle as provided in this Code, upon payment of a fee of \$19.

(e) One month permits may likewise be obtained for the fees and taxes prescribed in this Code and as promulgated by the Secretary of State.

625 ILCS 5/3-812 — Vehicles with permanently mounted equipment - registration fees

Sec. 3-812. Vehicles with permanently mounted equipment - registration fees. Vehicles having permanently mounted equipment thereon used exclusively by the owner for the transporting of such permanently mounted equipment and tools and equipment to be used incidentally in the work to be performed with the permanently mounted equipment and provided such vehicle is not used for hire shall be registered upon the filing of a proper application and the payment of a registration fee based upon a rate of \$45 per year (or fraction of a year) for each 10,000 pounds (or portion thereof) of the gross weight of such motor vehicle and equipment, according to the following table of fees: SCHEDULE OF FEES REQUIRED BY LAW

Gross Weight in Lbs.	Including Vehicle and Total Equipment Annual Fees
10,000 lbs. and less	\$45
10,001 lbs. to 20,000 lbs.	90
20,001 lbs. to 30,000 lbs.	135
30,001 lbs. to 40,000 lbs.	180
40,001 lbs. to 50,000 lbs.	225
50,001 lbs. to 60,000 lbs.	270
60,001 lbs. to 70,000 lbs.	315
70,001 lbs. to 73,280 lbs.	340
73,281 lbs. to 80,000 lbs.	385

625 ILCS 5/3-813 — Vehicles of second division - Registration fee

Sec. 3-813. Vehicles of second division - Registration fee. Except as otherwise provided in this Code, all owners of vehicles of the second division which are designed, equipped or used for carrying freight, goods, wares, merchandise, or for use as living quarters; and all owners of vehicles of the first division which have been remodelled and are being used for such purposes; and all owners of motor vehicles operated as truck tractors to the weights of which are added to the gross weights of semitrailers with their maximum loads when drawn by such truck tractors; and all owners of vehicles of the second division which are used for carrying more than 10 persons, shall pay to the Secretary of State for each registration year, for the use of the public highways of this State, a registration fee of \$10 for each such vehicle, which shall be collected as part of the flat weight tax assessed under Section 3-815 of this Code. A self-propelled vehicle operated as a truck tractor and one semitrailer or a combination of a truck tractor and semitrailer drawing a trailer or a semitrailer converted to a trailer through use of an auxiliary axle or any combination of apportioned vehicles shall be considered as one vehicle in computing the flat weight taxes under Section 3-815.

625 ILCS 5/3-814 — Semitrailer registration fees

Sec. 3-814. Semitrailer registration fees. Effective with the 1984 registration year to the end of the 1998 registration year, an owner of a semitrailer shall pay to the Secretary of State, for the use of the public highways of this State, a flat weight tax of \$60, which includes the registration fee, for a 5 year semitrailer plate. Effective with the 1999 registration year an owner of a semitrailer shall pay to the Secretary of State, for the use of the public highways of this State, a one time flat tax of \$15, which includes the registration fee, for a permanent non-transferrable semitrailer plate. Effective with the 2001 registration year, an owner of a semitrailer shall pay to the Secretary of State, for the use of public highways of this State, a one-time flat tax of \$19, which includes the registration fee, for a permanent non-transferrable semitrailer plate.

625 ILCS 5/3-814.1 — Apportionable trailer and semitrailer fees

Sec. 3-814.1. Apportionable trailer and semitrailer fees. Beginning April 1, 1994 through March 31, 1998, an owner of an apportionable trailer or apportionable semitrailer registered under Section 3-402.1 shall pay an annual registration fee of \$12 to the Secretary of State. Beginning April 1, 1998 through March 31, 2000, an owner of an apportionable trailer or apportionable semitrailer registered under Section 3-402.1 shall pay a one time registration fee of \$15 to the Secretary of State for a permanent non-transferrable plate. Beginning April 1, 2000, an owner of an apportionable trailer or apportionable semitrailer registered under Section 3-402.1 shall pay a one-time registration fee of \$19 to the Secretary of State for a permanent non-transferrable plate.

625 ILCS 5/3-814.2 — Optional registration of converter devices

Sec. 3-814.2. Optional registration of converter devices.

(a) The Secretary of State may provide for optional registration of devices that convert a semitrailer to a trailer and are exempt from vehicle registration requirements. The rules adopted for purposes of this Section may provide for the registration of this category of vehicle or type vehicle. Upon request of an owner, the Secretary of State may issue registration for a vehicle that meets the requirements of rules adopted under this Section. A registration fee for this vehicle may be imposed by rule.

(b) A vehicle that is registered under this Section is subject to the same provisions, conditions, fees, and other requirements under this Code.

625 ILCS 5/3-814.3 — Registration of fleets of semitrailers or apportionable semitrailers

Sec. 3-814.3. Registration of fleets of semitrailers or apportionable semitrailers. The Secretary of State may provide for the registration of large fleets of semitrailers or apportionable semitrailers by accepting the appropriate fees and issuing the registration plate or digital registration plate prior to the plate being assigned to a specific vehicle. The registration indexes will be updated on a date predetermined by the Secretary of State. In determining this date, the Secretary of State shall take into consideration the number of vehicles in each fleet.

625 ILCS 5/3-814.4 — Registration of fleet vehicles

Sec. 3-814.4. Registration of fleet vehicles. The Secretary may issue fleet vehicle registration plates or digital registration plates to owners of vehicle fleets registered in accordance with Section 3-405.3 of this Code in bulk before plates are assigned to specific vehicles. A registration plate or digital registration plate may not be displayed on a vehicle, however, until the plate has been activated on the Secretary's registration file and the proper fee has been forwarded to the Secretary.

625 ILCS 5/3-815 — Flat weight tax; vehicles of the second division

Sec. 3-815. Flat weight tax; vehicles of the second division.

(a) Except as provided in Section 3-806.3 and 3-804.3, every owner of a vehicle of the second division registered under Section 3-813, and not registered under the mileage weight tax under Section 3-818, shall pay to the Secretary of State, for each registration year, for the use of the public highways, a flat weight tax at the rates set forth in the following table, the rates including the \$10 registration fee: SCHEDULE OF FLAT WEIGHT TAX REQUIRED BY LAW Gross Weight in Lbs. Total Fees Including Vehicle each Fiscal and Maximum Load Class year 8,000 lbs. and less B \$148 8,001 lbs. to 10,000 lbs. C 218 10,001 lbs. to 12,000 lbs. D 238 12,001 lbs. to 16,000 lbs. F 342 16,001 lbs. to 26,000 lbs. H 590 26,001 lbs. to 28,000 lbs. J 730 28,001 lbs. to 32,000 lbs. K 942 32,001 lbs. to 36,000 lbs. L 1,082 36,001 lbs. to 40,000 lbs. N 1,302 40,001 lbs. to 45,000 lbs. P 1,490 45,001 lbs. to 50,000 lbs. Q 1,638 50,001 lbs. to 54,999 lbs. R 1,798 55,000 lbs. to 59,500 lbs. S 1,930 59,501 lbs. to 64,000 lbs. T 2,070 64,001 lbs. to 73,280 lbs. V 2,394 73,281 lbs. to 77,000 lbs. X 2,722 77,001 lbs. to 80,000 lbs. Z 2,890 Beginning with the 2010 registration year a \$1 surcharge shall be collected for vehicles registered in the 8,000 lbs. and less flat weight plate category above to be deposited into the State Police Vehicle Fund. Beginning with the 2014 registration year, a \$2 surcharge shall be collected in addition to the above fees for vehicles registered in the 8,000 lb. and less flat weight plate category as described in this subsection

(a) to be deposited into the Park and Conservation Fund for the Department of Natural Resources to use for conservation efforts. The monies deposited into the Park and Conservation Fund under this Section shall not be subject to administrative charges or chargebacks unless otherwise authorized by this Act. Of the fees collected under this subsection, \$1 of the fees shall be deposited into the Secretary of State Special Services Fund and \$99 of the fees shall be deposited into the Road Fund. All of the proceeds of the additional fees imposed by Public Act 96-34 shall be deposited into the Capital Projects Fund. (a-1) A Special Hauling Vehicle is a vehicle or combination of vehicles of the second division registered under Section 3-813 transporting asphalt or concrete in the plastic state or a vehicle or combination of vehicles that are subject to the gross weight limitations in subsection

(a) of Section 15-111 for which the owner of the vehicle or combination of vehicles has elected to pay, in addition to the registration fee in subsection (a), \$125 to the Secretary of State for each registration year. The Secretary shall designate this class of vehicle as a Special Hauling Vehicle. (a-5) Beginning January 1, 2015, upon the request of the vehicle owner, a \$10 surcharge shall be collected in addition to the above fees for vehicles in the 12,000 lbs. and less flat weight plate categories as described in subsection

(a) to be deposited into the Secretary of State Special License Plate Fund. The \$10 surcharge is to identify vehicles in the 12,000 lbs. and less flat weight plate categories as a covered farm vehicle. The \$10 surcharge is an annual, flat fee that

shall be based on an applicant's new or existing registration year for each vehicle in the 12,000 lbs. and less flat weight plate categories. A designation as a covered farm vehicle under this subsection (a-5) shall not alter a vehicle's registration as a registration in the 12,000 lbs. or less flat weight category. The Secretary shall adopt any rules necessary to implement this subsection (a-5). (a-10) Beginning January 1, 2019, upon the request of the vehicle owner, the Secretary of State shall collect a \$10 surcharge in addition to the fees for second division vehicles in the 8,000 lbs. and less flat weight plate category described in subsection

(a) that are issued a registration plate under Article VI of this Chapter. The \$10 surcharge shall be deposited into the Secretary of State Special License Plate Fund. The \$10 surcharge is to identify a vehicle in the 8,000 lbs. and less flat weight plate category as a covered farm vehicle. The \$10 surcharge is an annual, flat fee that shall be based on an applicant's new or existing registration year for each vehicle in the 8,000 lbs. and less flat weight plate category. A designation as a covered farm vehicle under this subsection (a-10) shall not alter a vehicle's registration in the 8,000 lbs. or less flat weight category. The Secretary shall adopt any rules necessary to implement this subsection (a-10).

(b) Except as provided in Section 3-806.3, every camping trailer, motor home, mini motor home, travel trailer, truck camper or van camper used primarily for recreational purposes, and not used commercially, nor for hire, nor owned by a commercial business, may be registered for each registration year upon the filing of a proper application and the payment of a registration fee and highway use tax, according to the following table of fees: MOTOR HOME, MINI MOTOR HOME, TRUCK CAMPER OR VAN CAMPER Gross Weight in Lbs. Total Fees Including Vehicle and Each Maximum Load Calendar Year 8,000 lbs and less \$78 8,001 Lbs. to 10,000 Lbs 90 10,001 Lbs. and Over 102 CAMPING TRAILER OR TRAVEL TRAILER Gross Weight in Lbs. Total Fees Including Vehicle and Each Maximum Load Calendar Year 3,000 Lbs. and Less \$18 3,001 Lbs. to 8,000 Lbs. 30 8,001 Lbs. to 10,000 Lbs. 38 10,001 Lbs. and Over 50 Every house trailer must be registered under Section 3-819.

(c) Farm Truck. Any truck used exclusively for the owner's own agricultural, horticultural or livestock raising operations and not-for-hire only, or any truck used only in the transportation for-hire of seasonal, fresh, perishable fruit or vegetables from farm to the point of first processing, may be registered by the owner under this paragraph in lieu of registration under paragraph (a), upon filing of a proper application and the payment of the \$10 registration fee and the highway use tax herein specified as follows: SCHEDULE OF FEES AND TAXES Gross Weight in Lbs. Total Amount for Including Truck and each Maximum Load Class Fiscal Year 16,000 lbs. or less VF \$250 16,001 to 20,000 lbs. VG 326 20,001 to 24,000 lbs. VH 390 24,001 to 28,000 lbs. VJ 478 28,001 to 32,000 lbs. VK 606 32,001 to 36,000 lbs. VL 710 36,001 to 45,000 lbs. VP 910 45,001 to 54,999 lbs. VR 1,126 55,000 to 64,000 lbs. VT 1,302 64,001 to 73,280 lbs. VV 1,390 73,281 to 77,000 lbs. VX 1,450 77,001 to 80,000 lbs. VZ 1,590 Of the fees collected under this subsection, \$1 of the fees shall be deposited into the Secretary of State Special Services Fund and \$99 of the fees shall be deposited into the Road Fund. In the event the Secretary of State revokes a farm truck registration as authorized by law, the owner shall pay the flat weight tax due hereunder before operating such truck. Any combination of vehicles having 5 axles, with a distance of 42 feet or less between extreme axles, that are subject to the weight limitations in subsection

(a) of Section 15-111 for which the owner of the combination of vehicles has elected to pay, in addition to the registration fee in subsection (c), \$125 to the Secretary of State for each registration year shall be designated by the Secretary as a Special Hauling Vehicle.

(d) The number of axles necessary to carry the maximum load provided shall be determined from Chapter 15 of this Code.

(e) An owner may only apply for and receive 5 farm truck registrations, and only 2 of those 5 vehicles shall exceed 59,500 gross weight in pounds per vehicle.

(f) Every person convicted of violating this Section by failure to pay the appropriate flat weight tax to the Secretary of State as set forth in the above tables shall be punished as provided for in Section 3-401.

625 ILCS 5/3-815.1

Sec. 3-815.1. (Repealed).

625 ILCS 5/3-816 — Installment Payments

Sec. 3-816. Installment Payments.

(a) The flat weight tax required to be paid by Section 3-815 for any vehicles on a calendar year basis may be paid if the owner so elects, in equal semi-annual installments due on January 1 and July 1 of each licensing year. Effective with the

1984 registration year the owners of semitrailers registered under Section 3-814 shall have the option of paying the designated fees to the Secretary in the following manner: If registered in the first year the owner shall have the option of paying \$30 the first year and the remaining \$30 by the start of the second year; If registered in the second year the owner shall have the option of paying \$24 the first year and the remaining \$24 by the start of the third year; If registered in the third year the owner shall pay \$36 for each semitrailer; If registered in the fourth year the owner shall pay \$24 for each semitrailer; and If registered in the fifth year the owner shall pay \$12 for each semitrailer. Every such owner who elects to pay such tax in such installments shall file with the Secretary of State a surety bond or certificate of deposit, as hereinafter provided, in the amount of the sum of the second installment of taxes on his vehicle. Such bond shall be in the form approved by the Secretary of State and with a surety company approved by the Department of Insurance to transact business in this State, as surety, and shall be conditioned upon such owner's paying to the State of Illinois all monies becoming due by reason of his operation of the second division motor vehicle in this State, together with all penalties and interest thereon. The State Treasurer shall issue a certificate of deposit to any such owner who deposits with the State Treasurer securities of the Federal Government or the State of Illinois endorsed in blank by such owner, or a certificate of deposit issued by any bank or savings and loan association authorized to do business in Illinois, payable to the Secretary of State on or after July 1 of the year of registration. Such certificate of deposit and securities shall be approved by and deposited with the State Treasurer, and shall have a current market value in the total amount which would cover all monies becoming due and payable to the State of Illinois by reason of his operation of a second division motor vehicle in this State, together with all penalties and interest thereon. The liability of the surety hereunder shall be absolute and upon notice from the Secretary of State that the second installment has not been paid on July 1 of any licensing year the surety shall immediately pay the second installment to the Secretary of State. Upon notice by the Secretary of State that the second installment of such owner's taxes has not been paid on July 1 of any licensing year, the State Treasurer shall sell such securities and deliver the proceeds thereof to the Secretary of State to satisfy all monies becoming due by reason of such owner's operation of a second division motor vehicle in this State, together with all penalties and interest thereon. If the owner's liability for the second installment is evidenced by a certificate of deposit payable to the Secretary of State, the Secretary of State shall, upon failure of the owner to pay the second installment by July 1, endorse the certificate of deposit which is in the custody of the State Treasurer, and thereafter the State Treasurer shall present the certificate of deposit for payment to the proper bank or savings and loan association. Upon receipt of payment, the State Treasurer shall forward to the Secretary of State all monies due by reason of such owner's operation of a second division motor vehicle in this State, and return the excess, if any, to the owner on whose behalf the certificate of deposit was previously deposited. The State Treasurer shall return securities or proceeds in excess of that needed to satisfy the Secretary of State for all monies becoming due by reason of such owner's operation of a second division motor vehicle in this State, together with all penalties and interest thereon. Upon notice by the Secretary of State that the second installment has been paid, the State Treasurer shall return such certificate of deposit or securities deposited with him under this Section to the owner thereof.

(b) The flat weight tax required by Section 3-815 to be paid on a fiscal year basis may be paid, if the owner so elects, in equal semi-annual installments due on July 1st and January 1st of each registration year. From July 1, 1983 through November 30, 1983, the flat weight tax required by Section 3-814 for semitrailers previously registered on a fiscal year basis may be paid, if the owner so elects, by paying the Secretary of State \$33 at the time of registration and the remaining \$25 by January 1, 1985 for each 5 1/2 year semitrailer plate. Every such owner who elects to pay such tax in such installments shall file with the Secretary of State a surety bond or certificate of deposit, as hereinafter provided, in the amount of the sum of the second installment of taxes on his vehicle. Such bond shall be in the form approved by the Secretary of State and with a surety company approved by the Department of Insurance to transact business in this State, as surety, and shall be conditioned upon such owner's paying to the State of Illinois all monies becoming due by reason of his operation of the second division motor vehicle in this State, together with all penalties and interest thereon. The liability of the surety hereunder shall be absolute and upon notice from the Secretary of State that the second installment has not been paid on January 1st of any registration year the surety shall immediately pay the second installment to the Secretary of State. Upon notice by the Secretary of State that the second installment of such owner's taxes has not been paid on January 1st of any registration year, the State Treasurer shall sell such securities and deliver the proceeds thereof to the Secretary of State to satisfy all monies becoming due by reason of such owner's operation of a second division motor vehicle in this State, together with all penalties and interest thereon. If the owner's liability for the second installment is evidenced by a certificate of deposit payable to the Secretary of State, the Secretary of State shall, upon failure of the owner to pay the second installment by January 1st, endorse the certificate of deposit which is in the custody

of the State Treasurer, and thereafter the State Treasurer shall present the certificate of deposit for payment to the proper bank or savings and loan association. Upon receipt of payment, the State Treasurer shall forward to the Secretary of State all monies due by reason of such owner's operation of a second division motor vehicle in this State, and return the excess, if any, to the owner on whose behalf the certificate of deposit was previously deposited. The State Treasurer shall return securities or proceeds in excess of that needed to satisfy the Secretary of State for all monies becoming due by reason of such owner's operation of a second division motor vehicle in this State, together with all penalties and interest thereon. Upon notice by the Secretary of State that the second installment has been paid, the State Treasurer shall return such certificate of deposit or securities deposited with him under this Section to the owner thereof.

(c) The flat weight tax required under Section 3-815 for vehicles registered in accordance with Section 3-402.1 may be paid, if the owner elects, in equal semi-annual installments due on April 1 and October 1 of each licensing year.

(d) In the event any surety pays for any second installment under this Section, the surety shall have recourse only against the principal and owner of the vehicles involved and shall have no right or privilege to demand revocation or suspension of the registration plates or registration stickers of the vehicles involved. Such surety may, however, impress a lien as provided in Section 3-828.

625 ILCS 5/3-818 — Mileage weight tax option

Sec. 3-818. Mileage weight tax option.

(a) Any owner of a vehicle of the second division may elect to pay a mileage weight tax for such vehicle in lieu of the flat weight tax set out in Section 3-815. Such election shall be binding to the end of the registration year. Renewal of this election must be filed with the Secretary of State on or before July 1 of each registration period. In such event the owner shall, at the time of making such election, pay the \$10 registration fee and the minimum guaranteed mileage weight tax, as hereinafter provided, which payment shall permit the owner to operate that vehicle the maximum mileage in this State hereinafter set forth. Any vehicle being operated on mileage plates cannot be operated outside of this State. In addition thereto, the owner of that vehicle shall pay a mileage weight tax at the following rates for each mile traveled in this State in excess of the maximum mileage provided under the minimum guaranteed basis: BUS, TRUCK OR TRUCK TRACTOR

Maximum Mileage	Minimum Mileage	Weight Tax	Guaranteed	Permitted for Mileage	Gross Weight	Mileage Under in excess of Vehicle and Weight	Guaranteed	Guaranteed Load Class	Tax	Tax Mileage																																																																												
12,000 lbs. or less	MD	\$173	5,000	26 Mills	12,001 to 16,000 lbs.	MF	220	6,000	34 Mills	16,001 to 20,000 lbs.	MG	280	6,000	46 Mills	20,001 to 24,000 lbs.	MH	335	6,000	63 Mills	24,001 to 28,000 lbs.	MJ	415	7,000	63 Mills	28,001 to 32,000 lbs.	MK	485	7,000	83 Mills	32,001 to 36,000 lbs.	ML	585	7,000	99 Mills	36,001 to 40,000 lbs.	MN	715	7,000	128 Mills	40,001 to 45,000 lbs.	MP	795	7,000	139 Mills	45,001 to 54,999 lbs.	MR	953	7,000	156 Mills	55,000 to 59,500 lbs.	MS	1,020	7,000	178 Mills	59,501 to 64,000 lbs.	MT	1,085	7,000	195 Mills	64,001 to 73,280 lbs.	MV	1,273	7,000	225 Mills	73,281 to 77,000 lbs.	MX	1,428	7,000	258 Mills	77,001 to 80,000 lbs.	MZ	1,515	7,000	275 Mills	TRAILER	Maximum Mileage	Minimum Mileage	Weight Tax	Guaranteed	Permitted for Mileage	Gross Weight	Mileage Under in excess of Vehicle and Weight	Guaranteed	Guaranteed Load Class	Tax	Tax Mileage
14,000 lbs. or less	ME	\$175	5,000	31 Mills	14,001 to 20,000 lbs.	MF	235	6,000	36 Mills	20,001 to 36,000 lbs.	ML	640	7,000	103 Mills	36,001 to 40,000 lbs.	MM	850	7,000	150 Mills	Of the fees collected under this subsection, \$1 of the fees shall be deposited into the Secretary of State Special Services Fund and \$99 of the fees shall be deposited into the Road Fund.																																																																		

(a-1) A Special Hauling Vehicle is a vehicle or combination of vehicles of the second division registered under Section 3-813 transporting asphalt or concrete in the plastic state or a vehicle or combination of vehicles that are subject to the gross weight limitations in subsection

(a) of Section 15-111 for which the owner of the vehicle or combination of vehicles has elected to pay, in addition to the registration fee in subsection (a), \$125 to the Secretary of State for each registration year. The Secretary shall designate this class of vehicle as a Special Hauling Vehicle. In preparing rate schedules on registration applications, the Secretary of State shall add to the above rates, the \$10 registration fee. The Secretary may decline to accept any renewal filed after July 1st. The number of axles necessary to carry the maximum load provided shall be determined from Chapter 15 of this Code. Every owner of a second division motor vehicle for which he has elected to pay a mileage weight tax shall keep a daily record upon forms prescribed by the Secretary of State, showing the mileage covered by that vehicle in this State. Such record shall contain the license number of the vehicle and the miles traveled by the vehicle in this State for each day of the calendar month. Such owner shall also maintain records of fuel consumed by each such motor vehicle and fuel purchases therefor. On or before the 10th day of July the owner shall certify to the Secretary of State upon forms prescribed therefor, summaries of his daily records which shall show the miles traveled by the vehicle in this State during the preceding 12 months and such other information as the Secretary of State may require. The daily record and fuel

records shall be filed, preserved and available for audit for a period of 3 years. Any owner filing a return hereunder shall certify that such return is a true, correct and complete return. Any person who willfully makes a false return hereunder is guilty of perjury and shall be punished in the same manner and to the same extent as is provided therefor. At the time of filing his return, each owner shall pay to the Secretary of State the proper amount of tax at the rate herein imposed. Every owner of a vehicle of the second division who elects to pay on a mileage weight tax basis and who operates the vehicle within this State, shall file with the Secretary of State a bond in the amount of \$500. The bond shall be in a form approved by the Secretary of State and with a surety company approved by the Illinois Department of Insurance to transact business in this State as surety, and shall be conditioned upon such applicant's paying to the State of Illinois all money becoming due by reason of the operation of the second division vehicle in this State, together with all penalties and interest thereon. Upon notice from the Secretary that the registrant has failed to pay the excess mileage fees, the surety shall immediately pay the fees together with any penalties and interest thereon in an amount not to exceed the limits of the bond.

(b) Beginning January 1, 2016, upon the request of the vehicle owner, a \$10 surcharge shall be collected in addition to the above fees for vehicles in the 12,000 lbs. and less mileage weight plate category as described in subsection

(a) to be deposited into the Secretary of State Special License Plate Fund. The \$10 surcharge is to identify vehicles in the 12,000 lbs. and less mileage weight plate category as a covered farm vehicle. The \$10 surcharge is an annual flat fee that shall be based on an applicant's new or existing registration year for each vehicle in the 12,000 lbs. and less mileage weight plate category. A designation as a covered farm vehicle under this subsection

(b) shall not alter a vehicle's registration as a registration in the 12,000 lbs. or less mileage weight category. The Secretary shall adopt any rules necessary to implement this subsection (b).

625 ILCS 5/3-819 — Trailer; tax

Sec. 3-819. Trailer; tax.

(a) Farm Trailer. Any farm trailer drawn by a motor vehicle of the second division registered under paragraph

(a) or

(c) of Section 3-815 and used exclusively by the owner for his own agricultural, horticultural or livestock raising operations and not used for hire, or any farm trailer utilized only in the transportation for-hire of seasonal, fresh, perishable fruit or vegetables from farm to the point of first processing, and any trailer used with a farm tractor that is not an implement of husbandry may be registered under this paragraph in lieu of registration under paragraph

(b) of this Section upon the filing of a proper application and the payment of the \$10 registration fee and the highway use tax herein for use of the public highways of this State, at the following rates which include the \$10 registration fee:
SCHEDULE OF FEES AND TAXES Gross Weight in Lbs. Class Total Amount Including Vehicle each and Maximum Load
Fiscal Year 10,000 lbs. or less VDD \$160 10,001 to 14,000 lbs. VDE 206 14,001 to 20,000 lbs. VDG 266 20,001 to 28,000 lbs. VDJ 478 28,001 to 36,000 lbs. VDL 750 An owner may only apply for and receive 2 farm trailer registrations.

(b) All other owners of trailers, other than apportionable trailers registered under Section 3-402.1 of this Code, used with a motor vehicle on the public highways, shall pay to the Secretary of State for each registration year a flat weight tax, for the use of the public highways of this State, at the following rates (which includes the registration fee of \$10 required by Section 3-813): SCHEDULE OF TRAILER FLAT WEIGHT TAX REQUIRED BY LAW Gross Weight in Lbs. Total Fees Including Vehicle and each Maximum Load Class Fiscal Year 2,000 lbs. and less UT \$36 3,000 lbs. and less TA \$36 5,000 lbs. and more than 3,000 TB 154 8,000 lbs. and more than 5,000 TC 158 10,000 lbs. and more than 8,000 TD 206 14,000 lbs. and more than 10,000 TE 270 20,000 lbs. and more than 14,000 TG 358 32,000 lbs. and more than 20,000 TK 822 36,000 lbs. and more than 32,000 TL 1,182 40,000 lbs. and more than 36,000 TN 1,602 Of the fees collected under this subsection, other than the fee collected for a Class UT or TA trailer, \$1 of the fees shall be deposited into the Secretary of State Special Services Fund and \$99 of the fees shall be deposited into the Road Fund.

(c) The number of axles necessary to carry the maximum load provided shall be determined from Chapter 15 of this Code.

625 ILCS 5/3-820 — Duplicate Number Plates

Sec. 3-820. Duplicate Number Plates.

(a) Upon filing in the Office of the Secretary of State an affidavit to the effect that an original number plate for a vehicle is lost or destroyed, a duplicate number plate shall be furnished upon payment of a fee of \$6 for each duplicate plate and a fee of \$9 for a pair of duplicate plates. Upon filing in the Office of the Secretary of State an affidavit to the effect that an original registration sticker or digital registration sticker for a vehicle is lost or destroyed, a new registration sticker or digital registration sticker shall be furnished upon payment of a fee of \$20 for registration stickers or digital registration stickers. The Secretary of State may, in his discretion, assign a new number plate or plates in lieu of a duplicate of the plate or plates so lost, stolen or destroyed, but such assignment of a new plate or plates shall not affect the right of the owner to secure a reassignment of his original registration number in the manner provided in this Act. The fee for one new number plate shall be \$6, and for a pair of new number plates, \$9. For the administration of this Section, the Secretary shall consider the loss of a registration plate or digital registration plate or plates with properly affixed registration stickers or digital registration stickers as requiring the payment of:

(i) \$26 for each duplicate issued; or (ii) \$29 for a pair of duplicate plates issued.

(b) Upon filing in the Office of the Secretary of State a police report and an affidavit to the effect that an original number plate for a vehicle is stolen, a new plate shall be issued with no fee. Upon filing in the Office of the Secretary of State a police report and an affidavit to the effect that an original registration sticker or a digital registration sticker for a vehicle is stolen, a new registration sticker or digital registration sticker shall be issued with no fee. The Secretary of State shall assign a new number plate or plates in lieu of a duplicate of the plate or plates that were stolen. The replacement fees set forth under subsection

(a) shall not apply to plates or registration stickers that were stolen and indicated in a police report.

625 ILCS 5/3-821 — Miscellaneous registration and title fees

Sec. 3-821. Miscellaneous registration and title fees.

(a) Except as provided under subsection (h), the fee to be paid to the Secretary of State for the following certificates, registrations or evidences of proper registration, or for corrected or duplicate documents shall be in accordance with the following schedule: Certificate of Title, except for an all-terrain vehicle, off-highway motorcycle, or motor home, mini motor home or van camper \$165 Certificate of Title for a motor home, mini motor home, or van camper \$250 Certificate of Title for an all-terrain vehicle or off-highway motorcycle \$30 Certificate of Title for an all-terrain vehicle or off-highway motorcycle used for production agriculture, or accepted by a dealer in trade \$13 Certificate of Title for a low-speed vehicle \$30 Transfer of Registration or any evidence of proper registration \$25 Duplicate Registration Card for plates or other evidence of proper registration \$3 Duplicate Registration Sticker or Stickers, each \$20 Duplicate Certificate of Title \$50 Corrected Registration Card or Card for other evidence of proper registration \$3 Corrected Certificate of Title \$50 Salvage Certificate \$20 Fleet Reciprocity Permit \$15 Prorate Decal \$1 Prorate Backing Plate \$3 Special Corrected Certificate of Title \$15 Expedited Title Service (to be charged in addition to other applicable fees) \$30 Dealer Lien Release Certificate of Title \$20 A special corrected certificate of title shall be issued

(i) to remove a co-owner's name due to the death of the co-owner, to transfer title to a spouse if the decedent-spouse was the sole owner on the title, or due to a divorce; (ii) to change a co-owner's name due to a marriage; or (iii) due to a name change under Article XXI of the Code of Civil Procedure. There shall be no fee paid for a Junking Certificate. There shall be no fee paid for a certificate of title issued to a county when the vehicle is forfeited to the county under Article 36 of the Criminal Code of 2012. For purposes of this Section, the fee for a corrected title application that also results in the issuance of a duplicate title shall be the same as the fee for a duplicate title. (a-5) The Secretary of State may revoke a certificate of title and registration card and issue a corrected certificate of title and registration card, at no fee to the vehicle owner or lienholder, if there is proof that the vehicle identification number is erroneously shown on the original certificate of title. (a-10) The Secretary of State may issue, in connection with the sale of a motor vehicle, a corrected title to a motor vehicle dealer upon application and submittal of a lien release letter from the lienholder listed in the files of the Secretary. In the case of a title issued by another state, the dealer must submit proof from the state that issued the last title. The corrected title, which shall be known as a dealer lien release certificate of title, shall be issued in the name of the vehicle owner without the named lienholder. If the motor vehicle is currently titled in a state other than Illinois, the applicant must submit either

(i) a letter from the current lienholder releasing the lien and stating that the lienholder has possession of the title; or (ii) a letter from the current lienholder releasing the lien and a copy of the records of the department of motor vehicles for the state in which the vehicle is titled, showing that the vehicle is titled in the name of the applicant and that no liens are

recorded other than the lien for which a release has been submitted. The fee for the dealer lien release certificate of title is \$20.

(b) The Secretary may prescribe the maximum service charge to be imposed upon an applicant for renewal of a registration by any person authorized by law to receive and remit or transmit to the Secretary such renewal application and fees therewith.

(c) If payment is delivered to the Office of the Secretary of State as payment of any fee or tax under this Code, and such payment is not honored for any reason, the registrant or other person tendering the payment remains liable for the payment of such fee or tax. The Secretary of State may assess a service charge of \$25 in addition to the fee or tax due and owing for all dishonored payments. If the total amount then due and owing exceeds the sum of \$100 and has not been paid in full within 60 days from the date the dishonored payment was first delivered to the Secretary of State, the Secretary of State shall assess a penalty of 25% of such amount remaining unpaid. All amounts payable under this Section shall be computed to the nearest dollar. Out of each fee collected for dishonored payments, \$5 shall be deposited in the Secretary of State Special Services Fund.

(d) The minimum fee and tax to be paid by any applicant for apportionment of a fleet of vehicles under this Code shall be \$15 if the application was filed on or before the date specified by the Secretary together with fees and taxes due. If an application and the fees or taxes due are filed after the date specified by the Secretary, the Secretary may prescribe the payment of interest at the rate of 1/2 of 1% per month or fraction thereof after such due date and a minimum of \$8.

(e) Trucks, truck tractors, truck tractors with loads, and motor buses, any one of which having a combined total weight in excess of 12,000 lbs. shall file an application for a Fleet Reciprocity Permit issued by the Secretary of State. This permit shall be in the possession of any driver operating a vehicle on Illinois highways. Any foreign licensed vehicle of the second division operating at any time in Illinois without a Fleet Reciprocity Permit or other proper Illinois registration, shall subject the operator to the penalties provided in Section 3-834 of this Code. For the purposes of this Code, "Fleet Reciprocity Permit" means any second division motor vehicle with a foreign license and used only in interstate transportation of goods. The fee for such permit shall be \$15 per fleet which shall include all vehicles of the fleet being registered.

(f) For purposes of this Section, "all-terrain vehicle or off-highway motorcycle used for production agriculture" means any all-terrain vehicle or off-highway motorcycle used in the raising of or the propagation of livestock, crops for sale for human consumption, crops for livestock consumption, and production seed stock grown for the propagation of feed grains and the husbandry of animals or for the purpose of providing a food product, including the husbandry of blood stock as a main source of providing a food product. "All-terrain vehicle or off-highway motorcycle used in production agriculture" also means any all-terrain vehicle or off-highway motorcycle used in animal husbandry, floriculture, aquaculture, horticulture, and viticulture.

(g) All of the proceeds of the additional fees imposed by Public Act 96-34 shall be deposited into the Capital Projects Fund.

(h) The fee for a duplicate registration sticker or stickers shall be the amount required under subsection

(a) or the vehicle's annual registration fee amount, whichever is less.

(i) All of the proceeds of

(1) the additional fees imposed by Public Act 101-32, and

(2) the \$5 additional fee imposed by this amendatory Act of the 102nd General Assembly for a certificate of title for a motor vehicle other than an all-terrain vehicle, off-highway motorcycle, or motor home, mini motor home, or van camper shall be deposited into the Road Fund.

(j) Beginning July 1, 2023, the \$10 additional fee imposed by this amendatory Act of the 103rd General Assembly for a Certificate of Title shall be deposited into the Secretary of State Special Services Fund.

625 ILCS 5/3-821.1 — Fees for record searches

Sec. 3-821.1. Fees for record searches. The fee to be paid to the Secretary of State by any towing service requesting a record search shall be in the amount the Secretary of State prescribes by rule.

625 ILCS 5/3-821.2 — Delinquent registration renewal fee

Sec. 3-821.2. Delinquent registration renewal fee.

(a) For registration renewal periods beginning on or after January 1, 2005, the Secretary of State may impose a delinquent registration renewal fee of \$20 for the registration renewal of all passenger vehicles of the first division and motor vehicles of the second division weighing not more than 8,000 pounds if the application for registration renewal is received by the Secretary more than one month after the expiration of the most recent period during which the vehicle was registered. If a delinquent registration renewal fee is imposed, the Secretary shall not renew the registration of such a vehicle until the delinquent registration renewal fee has been paid, in addition to any other registration fees owed for the vehicle. Active duty military personnel stationed outside of Illinois shall not be required to pay the delinquent registration renewal fee. If a delinquent registration renewal fee is imposed, the Secretary shall adopt rules for the implementation of this Section. All fees collected under this Section shall be deposited into the General Revenue Fund.

(b) Notwithstanding the provisions of subsection (a), the Secretary of State shall not impose a delinquent registration renewal fee for the registration renewal of passenger vehicles of the first division and motor vehicles of the second division weighing not more than 8,000 pounds if a vehicle's registration expires during a period of time in which the Secretary is not sending registration renewal notices to owners of all of those vehicles with registration expiring at the same time as the applicable vehicle. It shall be an affirmative defense to a citation for an expired registration issued by any local, county, municipal, or State law enforcement agency within one month after the expiration of vehicle registration, that the expiration occurred during a period of time in which the Secretary was not sending registration renewal notices to owners of all passenger vehicles of the first division and motor vehicles of the second division weighing not more than 8,000 pounds with registration expiring at the same time as the applicable vehicle. A computer print-out of a page from the Secretary of State's official website setting forth the calendar months in which registration renewal notices were not sent to all owners of passenger vehicles of the first division and motor vehicles of the second division weighing not more than 8,000 pounds shall be admissible as evidence to establish the affirmative defense. The computer print-out shall be prima facie evidence of the correctness of the information contained in it. The changes made by this amendatory Act of the 99th General Assembly apply only to vehicle registrations that expire on or after the effective date of this amendatory Act of the 99th General Assembly. The provisions of this subsection (b), other than this sentence, are inoperative on and after June 30, 2017.

625 ILCS 5/3-822

Sec. 3-822. (Repealed).

625 ILCS 5/3-824 — When fees returnable

Sec. 3-824. When fees returnable.

(a) Whenever any application to the Secretary of State is accompanied by any fee as required by law and such application is refused or rejected, said fee shall be returned to said applicant.

(b) Whenever the Secretary of State collects any fee not required to be paid under the provisions of this Act, the same shall be refunded to the person paying the same upon application therefor made within 6 months after the date of such payment, except as follows:

(1) whenever a refund is determined to be due and owing as a result of an audit, by this State or any other state or province, in accordance with Section 2-124 of this Code, of a prorated or apportioned license fee payment pursuant to any reciprocal compact or agreement between this State and any other state or province, and the Secretary for any reason fails to promptly make such refund, the licensee shall have one year from the date of the notification of the audit result to file, with the Secretary, an application for refund found to be due and owing as a result of such audit; and

(2) whenever a person eligible for a reduced registration fee pursuant to Section 3-806.3 of this Code has paid in excess of the reduced registration fee owed, the refund applicant shall have 2 years from the date of overpayment to apply with the Secretary for a refund of that part of payment made in excess of the established reduced registration fee.

(c) Whenever a person dies after making application for registration, application for a refund of the registration fees and taxes may be made if the vehicle is then sold or disposed of so that the registration plates or digital registration plates, registration sticker or digital registration sticker and card are never used. The Secretary of State shall refund the registration fees and taxes upon receipt within 6 months after the application for registration of an application for refund accompanied with the unused registration plates or digital registration plates or registration sticker or digital registration sticker and card and proof of both the death of the applicant and the sale or disposition of the vehicle.

(d) Any application for refund received after the times specified in this Section shall be denied and the applicant in order to receive a refund must apply to the Court of Claims. (d-5) Refunds may be granted for any title-related transaction if a title application has not been processed by the Secretary of State. If any application for a certificate of title under Section 3-104 or salvage title under Section 3-118 is verified by the National Motor Vehicle Title Information System (NMVTIS), and receives a warning or error from the NMVTIS reporting that the vehicle requires either a salvage certificate or a junk certificate in lieu of the original applied certificate of title or salvage title, then the applicant shall have 6 months to apply for a refund of cost, or the difference of the certificate of title or salvage certificate.

(e) The Secretary of State is authorized to maintain a two signature revolving checking account with a suitable commercial bank for the purpose of depositing and withdrawal-for-return those monies received and determined upon receipt to be in excess of the amount or amounts required by law.

(f) Refunds on audits performed by Illinois or another member of the International Registration Plan shall be made in accordance with the procedures as set forth in the agreement.

625 ILCS 5/3-824.5 — Applicability of fee and tax increases

Sec. 3-824.5. Applicability of fee and tax increases. The fee and tax increases in this Code made by this amendatory Act of the 91st General Assembly that apply to registrations apply to registration year 2001 and thereafter. The registration fees and taxes in existence on the day prior to the effective date of this amendatory Act of the 91st General Assembly apply throughout registration year 2000. All other fee and tax increases in this Code made by this amendatory Act of the 91st General Assembly shall apply beginning January 1, 2000 and thereafter.

625 ILCS 5/3-825 — Certificate of Safety

Sec. 3-825. Certificate of Safety. Every application for registration of a motor vehicle which is subject to vehicle inspection may be accompanied by proof that a valid and unrevoked Certificate of Safety has been issued for each such vehicle. The Secretary of State may at his discretion decline to register any such vehicle unless the application is accompanied with such proof.

625 ILCS 5/3-827

Sec. 3-827. (Repealed).

625 ILCS 5/3-828 — Lien for violations

Sec. 3-828. Lien for violations. Any vehicle used in violation of the provision of this Act shall be subject to a lien for the full amount of all unpaid registration fees, flat weight taxes, and penalties. Such lien shall not release the offender from the full payment of all such fees, taxes, penalties and damages. The lien shall attach at the time of operation of any such vehicle within this State and shall remain effective until all unpaid registration fees, flat weight taxes, penalties and audit fees are paid, or until the vehicle is sold for the payment thereof. Such liens shall be superior to any other lien except that:

(a) no lien for any amounts due or assessed pursuant to this Section shall be enforceable against any vehicle which prior to such assessment had been transferred in good faith to a bona fide transferee for value;

(b) the lien of any amounts due or assessed shall be subject to a prior lien of any indebtedness existing against such vehicle which is noted on the certificate of title of such vehicle issued under this Act, or as to a vehicle from another jurisdiction, if written notice thereof is filed with the Secretary of State before such lien becomes operative and if

(1) Such prior indebtedness was incurred in good faith to secure all or a portion of the purchase price of such vehicle, and

(2) Such prior indebtedness is secured by a chattel mortgage or conditional sales agreement duly filed or perfected in this State pursuant to law and such chattel mortgage or conditional sales was not given directly or indirectly, to any officer, director or shareholder of a corporation, or to a partner of a partnership, or to a trustee or beneficiary of a trust, owning or having the lawful use or control of such vehicle, whether as a purchase money mortgage or otherwise. The lien imposed under this Section shall be enforceable as to any equity after the encumbrance of any such chattel mortgage or conditional sales contract, and in the event any such vehicle subject to a lien hereunder is repossessed by a chattel mortgagee or a conditional vendor, such vehicle shall not be sold at any public or private sale unless at least 5 days written notice by registered mail is served upon the Secretary of State. The Secretary of State, upon perfecting a prior lien hereunder for any flat weight taxes required to be paid under Section 3-815 may in his discretion waive the requirement for the surety bond specified in Section 3-816, providing that the said prior lien is so noted on the certificate of title for such vehicle or vehicles. Any surety making payment of a second installment of taxes under Section 3-816 of this Act,

may impress a lien similar to that of the Secretary of State, and such lien may be noted on title records and documents. The surety shall, however, pay any statutory fees therefor.

625 ILCS 5/3-829 — Foreclosure of Lien - Service of Processes - Notices

Sec. 3-829. Foreclosure of Lien - Service of Processes - Notices. In any action to foreclose the lien imposed by Section 3-828 service of process on all known owners and parties in interest shall be made in the manner now prescribed by law, and, as to all unknown owners and parties in interest, notice of the pendency of such action shall be given by publication in some newspaper of general circulation published in the county where the suit is pending, or if there is no such newspaper, then in a newspaper of general circulation published in an adjoining county in this State and having a general circulation in the county in which such suit is pending. Such notice shall contain the title of the court; the title of the case, showing the names of all known owners and parties in interest; a statement that publication is being made as to unknown owners and parties in interest; and the date on or after which default may be entered against the defendants.

625 ILCS 5/3-830 — Notice of pendency of action - Time and number of publications - Default

Sec. 3-830. Notice of pendency of action - Time and number of publications - Default. The notice required by Section 3-829 may be given at any time after commencement of the suit, and shall be published at least once each week for 3 successive weeks. No default or other proceeding shall be taken against any defendant as to whom publication was made and who does not appear, unless the first publication is at least 30 days prior to the time when the default or other proceeding is sought to be taken.

625 ILCS 5/3-831 — Secretary to institute suits

Sec. 3-831. Secretary to institute suits. The Secretary of State may institute, in the name of the People of the State of Illinois, a suit or suits in the circuit court to enforce the collection of any fees, taxes, interest, penalties or damages provided for in this Act, or to enjoin violations of this Act.

625 ILCS 5/3-832 — Service of Process

Sec. 3-832. Service of Process. The operation, with the consent of the owner, upon the highways of the State of any motor vehicle of the second division shall be deemed an appointment by the owner of the driver of the vehicle as the owner's agent upon whom may be served process in any civil or criminal proceeding against such owner based upon failure to register, improper registration or failure to pay the proper fees or taxes with respect to any motor vehicles of the second division of such owner.

625 ILCS 5/3-833 — Unlawful acts

Sec. 3-833. Unlawful acts. It shall be unlawful for any person to own or operate a vehicle on the public highways of this State without complying with this Act.

625 ILCS 5/3-834 — Violations of this Chapter 3

Sec. 3-834. Violations of this Chapter 3.

(a) It is unlawful for any person to violate any of the provisions of this Chapter 3, except as provided in paragraph

(b) of this Section, unless such violation is by this Code or other law of this State declared to be a felony.

(b) Every person convicted of a misdemeanor for a violation of any of the provisions of this Chapter 3 for which another penalty is not provided shall for a first and second conviction be guilty of a petty offense; upon a third or subsequent conviction within one year after the first conviction such person shall be guilty of a Class C misdemeanor. Compliance with the registration provisions of this Code after apprehension or arrest shall not excuse imposition of the penalties herein provided nor be cause for dismissal of the arrest or of the summons nor be a basis for setting aside a conviction therefor.

625 ILCS 5/3-900

Sec. 3-900. (Repealed).

625 ILCS 5/3-901 — Purpose of Article

Sec. 3-901. Purpose of Article. Many persons throughout the State hold themselves out to the public as being engaged in, and have engaged in, accepting money from members of the public for remittance to the State of Illinois, and its licensing

and taxing agencies in payment of registration plates, vehicle certificates of title, taxes, or registration fees. Some of these persons have failed to make such remittance with the consequent loss to the remitters. It is the public policy of this State that its people be protected against such hazards.

625 ILCS 5/3-902 — Application of Article

Sec. 3-902. Application of Article. This Article shall not apply to any person who, in connection with the issuance of a license to him to conduct a business in this State other than a remitter's license, shall have filed, pursuant to a statutory requirement, a surety bond covering the proper discharge of any liability incurred by him in connection with the acceptance for remittance of money for the purposes designated in the Article pursuant to which he or she is licensed.

625 ILCS 5/3-903 — License

Sec. 3-903. License. It shall be unlawful for any person to act as a "remittance agent" in the State of Illinois without first having obtained or renewed a license and posted a bond, as hereafter provided.

625 ILCS 5/3-904 — Application; contents; affidavits; prelicense education certification

Sec. 3-904. Application; contents; affidavits; prelicense education certification.

(a) Any person who desires to act as a "remittance agent" shall first file with the Secretary of State a written application for a license. The application shall be under oath and shall contain the following: 1. The name and address of the applicant. 2. The address of each location at which the applicant intends to act as a remittance agent. 3. The applicant's business, occupation or profession. 4. A statement disclosing whether he has been involved in any civil or criminal litigation and if so, the material facts pertaining thereto. 5. A statement that the applicant has not committed in the past 3 years any violation as determined in any civil, criminal, or administrative proceedings under the Retailers' Occupation Tax Act or under Article I or VII of Chapter 3 of this Code. 6. Any other information concerning the business of the applicant that the Secretary of State may prescribe.

(b) The application under subsection

(a) shall be accompanied by the affidavits of two persons residing in the city or town of such applicant's residence. Such affiants shall state that they have known the applicant for a period of at least two years; that the applicant is of good moral character and that his reputation for honesty and business integrity in the community in which he resides is good. If the applicant is not an individual, the requirements of this paragraph shall apply to each of its officers or members.

(c) The application under subsection

(a) shall be accompanied by a copy of the certification from the prelicensing education program required by Section 3-904.5.

625 ILCS 5/3-904.2 — Remittance agent background check

Sec. 3-904.2. Remittance agent background check. Each applicant for a remittance license shall have his or her fingerprints submitted to the Department of State Police in an electronic format that complies with the form and manner for requesting and furnishing criminal history record information as prescribed by the Department of State Police. These fingerprints shall be checked against the Department of State Police and Federal Bureau of Investigation criminal history record databases now and hereafter filed, including, but not limited to, civil, criminal, and latent fingerprint databases. The Department of State Police shall charge applicants a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The Department of State Police shall furnish, pursuant to positive identification, records of Illinois convictions to the Secretary of State.

625 ILCS 5/3-904.5 — Remittance agent prelicensing education program courses

Sec. 3-904.5. Remittance agent prelicensing education program courses.

(a) An applicant for a license as a remittance agent shall complete a minimum of 8 hours of prelicensing education program courses under this Section prior to submitting an application to the Secretary of State.

(b) To meet the requirements of this Section, at least one person who is associated with the remittance agent as an owner, principal, corporate officer, director, or member or partner of a limited liability company or limited liability partnership shall complete the education program courses.

(c) The prelicensing education program courses shall be provided by public or private entities with an expertise in the area as approved by the Secretary of State. The Secretary of State must approve course curricula and instruction, in consultation with the Department of Transportation and any private entity with expertise in the area in the Secretary's discretion.

(d) Each person who successfully completes an approved prelicensing education program under this Section shall be issued a certificate by the education program provider. The current certificate of completion, or a copy of the current certificate, shall be posted conspicuously in the principal office of the licensee.

(e) The provisions of this Section apply to all remittance agents including, but not limited to, persons, corporations, and partnerships, except for the following:

- (1) motor vehicle rental companies having a national franchise;
- (2) national motor vehicle auction companies;
- (3) wholesale dealer-only auction companies;
- (4) used vehicle dealerships owned by a franchise motor vehicle dealer; and
- (5) banks, credit unions, and savings and loan associations.

625 ILCS 5/3-905 — Bond; fee; duration of license

Sec. 3-905. Bond; fee; duration of license. Such applicant shall, with his application, deposit with the Secretary of State a bond as hereinafter provided, for each location at which the applicant intends to act as a remittance agent. The application shall be accompanied by the payment of a license fee in the sum of \$50.00 (or \$25.00 if such application is filed after July 1) for each location at which he proposes to act as a remittance agent. If the applicant shall have complied with all of the requirements of this Section and the Secretary of State shall find after investigation that the applicant is financially sound and of good business integrity, he shall issue the required license. Such license shall terminate on December 31 of the year for which it is issued, but upon application prior to November 15 of any year for which a license is in effect may be renewed for the next succeeding calendar year. Such application shall be accompanied by the payment of an annual license fee of \$50.00 for each location at which the applicant proposes to act as a remittance agent and the posting of the bond herein provided, for each such location. The bond required by this Section shall be for the term of the license, or renewal thereof, for which application is made, and shall run to the People of the State of Illinois, with surety by a bonding or insurance company authorized to do business in this State, to be approved by the Secretary of State. It shall be conditioned upon the proper transmittal of all remittances by the applicant as a remittance agent and the performance of all undertakings in connection therewith. It shall be in the minimum sum of \$20,000, or in an amount equal to the aggregate sum of money transmitted to the State by the applicant during the highest 15 day period in the fiscal year immediately preceding the one for which application is made (rounded to the nearest \$1,000), whichever is the greater. However, for the purpose of determining the bond requirements hereunder, remittances made by applicants in the form of money orders, checks, or electronic payments which are made payable directly to the Secretary of State or the Illinois Department of Revenue by the remitter, shall not be considered in the aggregate. The bond requirement of this Section shall not apply to banks, savings and loan associations, and credit unions chartered by the State of Illinois or the United States; provided that the banks, savings and loan associations, and credit unions provide to the Secretary of State an affidavit stating that the bank, savings and loan association, or credit union is sufficiently bonded to meet the requirements as required above. Such affidavit shall be signed by an officer of the bank, savings and loan association, or credit union and shall be notarized.

625 ILCS 5/3-906 — Denial

Sec. 3-906. Denial. The Secretary of State shall deny any application under this Article upon any of the following grounds:

- (1) That the application contains any false or fraudulent statement; or
- (2) That the applicant has failed to furnish the information required by the Secretary or to file a bond as required; or
- (3) That the required fee has not been paid; or
- (4) That the applicant has failed to remit fees to the Secretary of State or the Department of Revenue; or
- (5) That the applicant has engaged in fraudulent practices; or
- (6) That the applicant or a member of his immediate family is an employee of the Secretary of State; or

(7) That the Secretary of State is authorized under any other provision of law. If the Secretary of State denies the application for a license, or renewal thereof, he shall so order in writing and notify the applicant thereof by certified mail. Upon the denial of an application for a license, or renewal thereof, he shall return the license fee. An applicant may contest the denial of an application for a license or renewal thereof by requesting an administrative hearing pursuant to Section 2-118 of this Code.

625 ILCS 5/3-907 — Suspension or revocation

Sec. 3-907. Suspension or revocation. Such license may be suspended or revoked by the Secretary of State for the violation of any provision of this Act or any rule or regulation of the Secretary of State and for any reason which, had it existed or been known to the Secretary of State at the time of the filing of the application for such license, would have been good cause for the denial of such application. The Secretary of State shall order such license suspended or revoked in writing and shall notify the licensee of the order by certified mail. A licensee may, upon receipt of an order of suspension or revocation seek a hearing to review such order pursuant to Section 2-118 of this Code.

625 ILCS 5/3-908 — Location

Sec. 3-908. Location. A licensee may not do business at a location not set forth in his license, but the Secretary of State may issue an amended license covering an additional location or locations, upon application therefor, the payment of an additional license fee and the posting of the required bond for each such location.

625 ILCS 5/3-909 — Money accepted for remittance - Obligations of licensee

Sec. 3-909. Money accepted for remittance - Obligations of licensee. Each licensee shall forward to the remittee all money accepted for remittance not later than the fifth calendar day after the date upon which such money was received by the licensee, and shall promptly fulfill any other obligation it has undertaken in connection therewith.

625 ILCS 5/3-910 — Records of transactions

Sec. 3-910. Records of transactions. Each licensee shall maintain for a period of three years the following records with reference to each transaction involving a remittance: 1. The address of the location at which the transaction occurred. 2. The name and address of the remitter. 3. The name and address of the remittee. 4. The purpose of the remittance. 5. The amount of money received for remittance. 6. The date of receipt of the money for remittance by the licensee. 7. The date such money was forwarded to the remittee. 8. If applicable, the date the license plate, vehicle tax sticker, license or other instrument issued by the remittee, was delivered to the remitter by the licensee.

625 ILCS 5/3-911 — Examination of business

Sec. 3-911. Examination of business. The Secretary of State or any of his representatives designated by him may examine the business of any person who acts, or may be acting, as a remittance agent, to determine whether such person is complying with the provisions of this Act and with such rules and regulations as may be promulgated by the Secretary of State pursuant to its provisions. For that purpose, the Secretary of State or his representatives shall have free access to the offices, places of business, and records of any such person.

625 ILCS 5/3-912 — Rules and regulations

Sec. 3-912. Rules and regulations. The Secretary of State may make such rules, regulations, direction, orders, decisions and findings as may be necessary for the enforcement of this Act and the purposes sought to be attained herein.

625 ILCS 5/3-913 — Hearings

Sec. 3-913. Hearings. Hearings under this Article shall be governed by Section 2-118 of this Act and the Administrative Review Law as amended, shall apply to and govern all proceedings for judicial review of any final order issued by the Secretary of State.

625 ILCS 5/3-914 — Violations - Injunction

Sec. 3-914. Violations - Injunction. The violation of any provision of this Act by any remittance agent may be restrained by the issuance of an injunction by the circuit court, against him and any other person who shall aid or abet him in such violation, upon filing of a complaint by any person adversely affected thereby, the State's Attorney of such county, or by the Attorney General of the State of Illinois.

625 ILCS 5/3-915

Sec. 3-915. Any person who violates, or who aids or abets another in the violation, of any provision of this Act or any rule or regulation promulgated thereunder, or does any act prohibited by this Act, or who fails, neglects, or refuses to perform any duty required by any provision of this Act or rule or regulation of the Secretary of State, within the time prescribed by the Secretary of State, or who fails, neglects, or refuses to obey any lawful order given or made by the Secretary of State, shall be guilty of a Class B misdemeanor, and each such act, failure, neglect, or refusal shall constitute a separate and distinct offense.

625 ILCS 5/3-916 — Issuance of license - Effect

Sec. 3-916. Issuance of license - Effect. The issuance of a license pursuant to the provisions of this Act shall not be construed to grant to any remittance agent the authority to act as agent for the State of Illinois or any of its instrumentalities or political subdivisions, or for any of their officials or for any other person.

625 ILCS 5/3-917 — Recovery of damages

Sec. 3-917. Recovery of damages. Any person who shall have been damaged by reason of the failure of any "remittance agent" to fulfill the conditions of any bond filed pursuant to the provisions of this Act may maintain a suit thereon to recover his damages and his reasonable attorney's fees, against such "remittance agent" or his surety, or both: provided, however, the aggregate liability of the surety to all such persons shall, in no event, exceed the sum of such bond.

625 ILCS 5/3-918

Sec. 3-918. (Repealed).

625 ILCS 5/3-1001

Sec. 3-1001. A tax is hereby imposed on the privilege of using, in this State, any motor vehicle as defined in Section 1-146 of this Code acquired by gift, transfer, or purchase, and having a year model designation preceding the year of application for title by 5 or fewer years prior to October 1, 1985 and 10 or fewer years on and after October 1, 1985 and prior to January 1, 1988. On and after January 1, 1988, the tax shall apply to all motor vehicles without regard to model year. Except that the tax shall not apply:

(i) if the use of the motor vehicle is otherwise taxed under the Use Tax Act; (ii) if the motor vehicle is bought and used by a governmental agency or a society, association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes; (iii) if the use of the motor vehicle is not subject to the Use Tax Act by reason of subsection (a), (b), (c), (d),

(e) or

(f) of Section 3-55 of that Act dealing with the prevention of actual or likely multistate taxation; (iv) to implements of husbandry;

(v) when a junking certificate is issued pursuant to Section 3-117(a) of this Code; (vi) when a vehicle is subject to the replacement vehicle tax imposed by Section 3-2001 of this Act; (vii) when the transfer is a gift to a beneficiary in the administration of an estate and the beneficiary is a surviving spouse; (viii) if the motor vehicle is purchased for the purpose of resale by a retailer registered under Section 2a of the Retailers' Occupation Tax Act. Prior to January 1, 1988, the rate of tax shall be 5% of the selling price for each purchase of a motor vehicle covered by Section 3-1001 of this Code. Except as hereinafter provided, beginning January 1, 1988 and until January 1, 2022, the rate of tax shall be as follows for transactions in which the selling price of the motor vehicle is less than \$15,000: Number of Years Transpired After Applicable Tax Model Year of Motor Vehicle 1 or less \$390 2 290 3 215 4 165 5 115 6 90 7 80 8 65 9 50 10 40 over 10 25 Except as hereinafter provided, beginning January 1, 1988 and until January 1, 2022, the rate of tax shall be as follows for transactions in which the selling price of the motor vehicle is \$15,000 or more: Selling Price Applicable Tax \$15,000 - \$19,999 \$ 750 \$20,000 - \$24,999 \$1,000 \$25,000 - \$29,999 \$1,250 \$30,000 and over \$1,500 Except as hereinafter provided, beginning on January 1, 2022, the rate of tax shall be as follows for transactions in which the selling price of the motor vehicle is less than \$15,000:

(1) if one year or less has transpired after the model year of the vehicle, then the applicable tax is \$465;

(2) if 2 years have transpired after the model year of the motor vehicle, then the applicable tax is \$365;

(3) if 3 years have transpired after the model year of the motor vehicle, then the applicable tax is \$290;

(4) if 4 years have transpired after the model year of the motor vehicle, then the applicable tax is \$240;

(5) if 5 years have transpired after the model year of the motor vehicle, then the applicable tax is \$190;

(6) if 6 years have transpired after the model year of the motor vehicle, then the applicable tax is \$165;

(7) if 7 years have transpired after the model year of the motor vehicle, then the applicable tax is \$155;

(8) if 8 years have transpired after the model year of the motor vehicle, then the applicable tax is \$140;

(9) if 9 years have transpired after the model year of the motor vehicle, then the applicable tax is \$125;

(10) if 10 years have transpired after the model year of the motor vehicle, then the applicable tax is \$115; and

(11) if more than 10 years have transpired after the model year of the motor vehicle, then the applicable tax is \$100.

Except as hereinafter provided, beginning on January 1, 2022, the rate of tax shall be as follows for transactions in which the selling price of the motor vehicle is \$15,000 or more:

(1) if the selling price is \$15,000 or more, but less than \$20,000, then the applicable tax shall be \$850;

(2) if the selling price is \$20,000 or more, but less than \$25,000, then the applicable tax shall be \$1,100;

(3) if the selling price is \$25,000 or more, but less than \$30,000, then the applicable tax shall be \$1,350;

(4) if the selling price is \$30,000 or more, but less than \$50,000, then the applicable tax shall be \$1,600;

(5) if the selling price is \$50,000 or more, but less than \$100,000, then the applicable tax shall be \$2,600;

(6) if the selling price is \$100,000 or more, but less than \$1,000,000, then the applicable tax shall be \$5,100; and

(7) if the selling price is \$1,000,000 or more, then the applicable tax shall be \$10,100. For the following transactions, the tax rate shall be \$15 for each motor vehicle acquired in such transaction:

(i) when the transferee or purchaser is the spouse, mother, father, brother, sister or child of the transferor; (ii) when the transfer is a gift to a beneficiary in the administration of an estate, including, but not limited to, the administration of an inter vivos trust that became irrevocable upon the death of a grantor, and the beneficiary is not a surviving spouse; (iii) when a motor vehicle which has once been subjected to the Illinois retailers' occupation tax or use tax is transferred in connection with the organization, reorganization, dissolution or partial liquidation of an incorporated or unincorporated business wherein the beneficial ownership is not changed. A claim that the transaction is taxable under subparagraph (i) shall be supported by such proof of family relationship as provided by rules of the Department. For a transaction in which a motorcycle, motor driven cycle or moped is acquired the tax rate shall be \$25. On and after October 1, 1985 and until January 1, 2022, 1/12 of \$5,000,000 of the moneys received by the Department of Revenue pursuant to this Section shall be paid each month into the Build Illinois Fund; on and after January 1, 2022, 1/12 of \$40,000,000 of the moneys received by the Department of Revenue pursuant to this Section shall be paid each month into the Build Illinois Fund; and the remainder shall be paid into the General Revenue Fund. The tax imposed by this Section shall be abated and no longer imposed when the amount deposited to secure the bonds issued pursuant to the Build Illinois Bond Act is sufficient to provide for the payment of the principal of, and interest and premium, if any, on the bonds, as certified to the State Comptroller and the Director of Revenue by the Director of the Governor's Office of Management and Budget.

625 ILCS 5/3-1002

Sec. 3-1002. The purchaser shall file a return signed by the purchaser with the Department of Revenue on a form prescribed by the Department. Such return shall contain substantially the following and such other information as the Department may reasonably require: VERIFICATION I declare that I have examined this return and to the best of my knowledge it is true, correct and complete. I understand that the penalty for willfully filing a false return shall be a fine not to exceed \$1,000 or imprisonment in a penal institution other than the penitentiary not to exceed one year, or both fine and imprisonment. Date Signature of purchaser Such return and payment from the purchaser shall be submitted to the Department after the sale and shall be a condition to securing in order to secure the title to the motor vehicle from the Secretary of State. When a purchaser pays the tax imposed by Section 3-1001 of this Code, the Department (upon request therefor from such purchaser) shall issue an appropriate receipt to such purchaser showing that he has paid such tax to the Department. Such receipt shall be sufficient to relieve the purchaser from further liability for the tax to which such receipt may refer.

625 ILCS 5/3-1002.1

Sec. 3-1002.1. Any person required to file a return under this Article who willfully files a false or incomplete return is guilty of a Class A misdemeanor.

625 ILCS 5/3-1002.2

Sec. 3-1002.2. For the purpose of assisting in determining the validity of the "selling price" reported on returns filed with the Department, the Department may furnish the following information to persons with whom the Department has contracted for service related to making such determination: the selling price stated on the return; vehicle identification number; year, make and model name or number of the vehicle; county code; purchase date; and mileage.

625 ILCS 5/3-1003

Sec. 3-1003. The Department shall have full power to administer and enforce this Article; to collect all taxes, penalties and interest due hereunder; to dispose of taxes, penalties and interest so collected in the manner hereinafter provided, and to determine all rights to credit memoranda or refunds arising on account of the erroneous payment of tax penalty or interest hereunder. In the administration of, and compliance with, this Article, the Department and persons who are subject to this Article shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties and definitions of terms, and employ the same modes of procedure, as are prescribed in the Use Tax Act, as now or hereafter amended, which are not inconsistent with this Article, as fully as if provisions contained in those Sections of the Use Tax Act were set forth in this Article. In addition to any other penalties imposed under law, any person convicted of violating the provisions of this Article, shall be assessed a fine of \$1,000.

625 ILCS 5/3-1004

Sec. 3-1004. The State Department of Revenue shall, upon collecting any taxes as provided in this Article, pay such taxes over to the General Revenue Fund.

625 ILCS 5/3-1005

Sec. 3-1005. The Department shall have the authority to adopt such rules and regulations as are reasonable and necessary to implement the provisions of this Article.

625 ILCS 5/3-1006 — For the purposes of this Article, "Department" is the Department of Revenue of the State of Illinois

Sec. 3-1006. For the purposes of this Article, "Department" is the Department of Revenue of the State of Illinois.

625 ILCS 5/3-2001

Sec. 3-2001. Until July 1, 2003, a tax of \$200 is hereby imposed on the purchase of any passenger car as defined in Section 1-157 of this Code, purchased in Illinois by or on behalf of an insurance company to replace a passenger car of an insured person in settlement of a total loss claim. The tax imposed by this Section shall apply only to that portion of the purchase price of the replacement vehicle paid by the insurance company in settlement of the total loss claim, but not including any portion of such insurance payment which exceeds the market value of the total loss vehicle.

625 ILCS 5/3-2002

Sec. 3-2002. The purchaser insurance company or broker for an insurance company shall file a return with the Department of Revenue on a form prescribed by the Department. Such return shall contain such information as the Department may reasonably require. Such return and payment from the purchaser shall be submitted to the Department after the sale in order to secure the title to the motor vehicle. When a purchaser pays the tax imposed by Section 3-2001 of this Code, the Department (upon request therefor from such purchaser) shall issue an appropriate receipt to such purchaser showing that he has paid such tax to the Department. Such receipt shall be sufficient to relieve the purchaser from further liability for the tax to which such receipt may refer.

625 ILCS 5/3-2003

Sec. 3-2003. The Department shall have full power to administer and enforce this Article; to collect all taxes, penalties and interest due hereunder; to dispose of taxes, penalties and interest so collected in the manner hereinafter provided, and to determine all rights to credit memoranda or refunds arising on account of the erroneous payment of tax penalty or interest hereunder. In the administration of, and compliance with, this Article, the Department and persons who are

subject to this Article shall have the same rights, remedies, privileges, immunities, powers and duties, and be subject to the same conditions, restrictions, limitations, penalties and definitions of terms, and employ the same modes of procedure, as are prescribed in the Use Tax Act, as now or hereafter amended, which are not inconsistent with this Article, as fully as if provisions contained in those Sections of the Use Tax Act were set forth in this Article.

625 ILCS 5/3-2004

Sec. 3-2004. The State Department of Revenue shall, upon collecting any taxes as provided in this Article, pay such taxes over to the General Revenue Fund.

625 ILCS 5/3-2005

Sec. 3-2005. The Department shall have the authority to adopt such rules and regulations as are reasonable and necessary to implement the provisions of this Article.

625 ILCS 5/3-2006 — For the purposes of this Article, "Department" is the Department of Revenue of the State of Illinois

Sec. 3-2006. For the purposes of this Article, "Department" is the Department of Revenue of the State of Illinois.

625 ILCS 5/4-100

Sec. 4-100. (Repealed).

625 ILCS 5/4-101 — Applicability of this Chapter

Sec. 4-101. Applicability of this Chapter. The provisions of this Chapter apply to all vehicles.

625 ILCS 5/4-102 — Offenses relating to motor vehicles and other vehicles - Misdemeanors

Sec. 4-102. Offenses relating to motor vehicles and other vehicles - Misdemeanors.

(a) It is a violation of this Chapter for:

- (1) A person, without authority to do so, to damage a vehicle or to damage or remove any part of a vehicle;
- (2) A person, without authority to do so, to tamper with a vehicle or go in it, on it, or work or attempt to work any of its parts, or set or attempt to set it in motion;
- (3) A person to fail to report a vehicle as unclaimed in accordance with the provisions of Section 4-107.

(b) Sentence. A person convicted of a violation of this Section shall be guilty of a Class A misdemeanor. A person convicted of a violation of this Section a second or subsequent time, shall be guilty of a Class 4 felony.

625 ILCS 5/4-103 — Offenses relating to motor vehicles and other vehicles - Felonies

Sec. 4-103. Offenses relating to motor vehicles and other vehicles - Felonies.

(a) Except as provided in subsection (a-1), it is a violation of this Chapter for:

- (1) A person not entitled to the possession of a vehicle or essential part of a vehicle to receive, possess, conceal, sell, dispose, or transfer it, knowing it to have been stolen or converted. Knowledge that a vehicle or essential part is stolen or converted may be inferred: (A) from the surrounding facts and circumstances, which would lead a reasonable person to believe that the vehicle or essential part is stolen or converted; or (B) if the person exercises exclusive unexplained possession over the stolen or converted vehicle or essential part, regardless of whether the date on which the vehicle or essential part was stolen is recent or remote;
- (2) A person to knowingly remove, alter, deface, destroy, falsify, or forge a manufacturer's identification number of a vehicle or an engine number of a motor vehicle or any essential part thereof having an identification number;
- (3) A person to knowingly conceal or misrepresent the identity of a vehicle or any essential part thereof;
- (4) A person to buy, receive, possess, sell or dispose of a vehicle, or any essential part thereof, with knowledge that the identification number of the vehicle or any essential part thereof having an identification number has been removed or falsified;
- (5) A person to knowingly possess, buy, sell, exchange, give away, or offer to buy, sell, exchange or give away, any manufacturer's identification number plate, mylar sticker, federal certificate label, State police reassignment plate, Secretary of State assigned plate, rosette rivet, or facsimile of such which has not yet been attached to or has been

removed from the original or assigned vehicle. It is an affirmative defense to subsection

(a) of this Section that the person possessing, buying, selling or exchanging a plate mylar sticker or label described in this paragraph is a police officer doing so as part of his official duties, or is a manufacturer's authorized representative who is replacing any manufacturer's identification number plate, mylar sticker or Federal certificate label originally placed on the vehicle by the manufacturer of the vehicle or any essential part thereof;

(6) A person to knowingly make a false report of the theft or conversion of a vehicle to any police officer of this State or any employee of a law enforcement agency of this State designated by the law enforcement agency to take, receive, process, or record reports of vehicle theft or conversion. (a-1) A person engaged in the repair or servicing of vehicles does not violate this Chapter by knowingly possessing a manufacturer's identification number plate for the purpose of reaffixing it on the same damaged vehicle from which it was originally taken, if the person reaffixes or intends to reaffix the original manufacturer's identification number plate in place of the identification number plate affixed on a new dashboard that has been or will be installed in the vehicle. The person must notify the Secretary of State each time the original manufacturer's identification number plate is reaffixed on a vehicle. The person must keep a record indicating that the identification number plate affixed on the new dashboard has been removed and has been replaced by the manufacturer's identification number plate originally affixed on the vehicle. The person also must keep a record regarding the status and location of the identification number plate removed from the replacement dashboard. The Secretary shall adopt rules for implementing this subsection (a-1). (a-2) The owner of a vehicle repaired under subsection (a-1) must, within 90 days of the date of the repairs, contact an officer of the Illinois State Police Vehicle Inspection Bureau and arrange for an inspection of the vehicle, by the officer or the officer's designee, at a mutually agreed upon date and location.

(b) Sentence. A person convicted of a violation of this Section shall be guilty of a Class 2 felony.

(c) The offenses set forth in subsection

(a) of this Section shall not include the offense set forth in Section 4-103.2 of this Code.

625 ILCS 5/4-103.1 — Vehicle theft conspiracy

Sec. 4-103.1. Vehicle theft conspiracy.

(a) Elements of the offense. A person commits vehicle theft conspiracy when, with intent that a violation of Section 4-103 of this Code be committed, he agrees with another to the commission of such an offense. No person may be convicted of vehicle theft conspiracy unless an overt act in furtherance of such an agreement is alleged and proved to have been committed by him or by a co-conspirator, and the accused is part of a common plan or scheme to engage in the unlawful activity.

(b) Co-conspirators. It shall not be a defense to vehicle theft conspiracy that the person or persons with whom the accused is alleged to have conspired:

- (1) has not been prosecuted or convicted;
- (2) has been convicted of a different offense;
- (3) is not amenable to justice;
- (4) has been acquitted; or
- (5) lacked the capacity to commit an offense.

(c) Sentence. Vehicle theft conspiracy to violate Section 4-103 of this Code is a Class 2 felony. Vehicle theft conspiracy to violate Section 4-103.2 of this Code is a Class 1 felony.

625 ILCS 5/4-103.2 — Aggravated offenses relating to motor vehicles and other vehicles-Felonies

Sec. 4-103.2. Aggravated offenses relating to motor vehicles and other vehicles-Felonies.

(a) Except as provided in subsection (a-1), it is a violation of this Chapter for:

- (1) a person not entitled to the possession of 3 or more vehicles, 3 or more essential parts of different vehicles, or a combination thereof, to receive, possess, conceal, sell, dispose of or transfer, those vehicles or parts of vehicles at the same time or within a one year period knowing that these vehicles or parts of vehicles are stolen or converted;
- (2) a person to buy, receive, possess, sell or dispose of 3 or more vehicles, 3 or more essential parts of different vehicles, or a combination thereof, at the same time or within a one year period, knowing that the identification numbers of the

vehicles or the essential parts with an identification number have been removed or falsified;

(3) a person not entitled to the possession of a vehicle having a value of \$25,000 or greater to receive, possess, conceal, sell, dispose or transfer the vehicle, knowing that the vehicle has been stolen or converted;

(4) a person to knowingly possess, buy, sell, exchange or give away, at the same time or within a one year period, 3 or more manufacturer's identification number plates, mylar stickers, federal certificate labels, State Police reassignment plates, Secretary of State assigned plates or a facsimile of those items, or a combination thereof, which have not yet been attached to or have been removed from an original or assigned vehicle or essential part of a vehicle. It is an affirmative defense that the person possessing, buying, selling or exchanging a plate, mylar sticker or label is a police officer doing so as part of his official duties, or is a manufacturer's authorized representative who is replacing any manufacturer's identification number plate, mylar sticker or federal certificate label originally placed on a vehicle by the manufacturer of a vehicle or any essential part of a vehicle;

(5) a person not entitled to the possession of any second division vehicle, semitrailer, farm tractor, tow truck, rescue squad vehicle, medical transport vehicle, fire engine, special mobile equipment, dump truck, truck mounted transit mixer, crane or the engine, transmission, cab, cab clip or vehicle cowl of any of the above vehicles, to receive, possess, conceal, sell, dispose of or transfer the vehicle or vehicle part described in this paragraph knowing it is stolen or converted;

(6) a person not entitled to the possession of a vehicle which is owned or operated by a law enforcement agency to receive, possess, conceal, sell, or dispose of or transfer such vehicle knowing it is the property of a law enforcement agency and knowing it to be stolen or converted;

(7) a person: (A) who is the driver or operator of a vehicle and is not entitled to the possession of that vehicle and who knows the vehicle is stolen or converted, or (B) who is the driver or operator of a vehicle being used to transport or haul a vehicle or essential part of a vehicle and is not entitled to the possession of that vehicle or essential part being transported or hauled and who knows the transported or hauled vehicle or essential part is stolen or converted, who has been given a signal by a peace officer directing him to bring the vehicle to a stop, to willfully fail or refuse to obey such direction, increase his speed, extinguish his lights or otherwise flee or attempt to elude the officer. The signal given by the peace officer may be by hand, voice, siren, or red or blue light. The officer giving the signal, if driving a vehicle, shall display the vehicle's illuminated, oscillating, rotating or flashing red or blue lights, which when used in conjunction with an audible horn or siren would indicate that the vehicle is an official police vehicle. Such requirement shall not preclude the use of amber or white oscillating, rotating or flashing lights in conjunction with red or blue oscillating, rotating or flashing lights as required in Section 12-215 of this Code; or

(8) a person, at the same time or within a one year period, to make a false report of the theft or conversion of 3 or more vehicles to any police officer or police officers of this State. (a-1) A person engaged in the repair or servicing of vehicles does not violate this Chapter by knowingly possessing a manufacturer's identification number plate for the purpose of reaffixing it on the same damaged vehicle from which it was originally taken, if the person reaffixes or intends to reaffix the original manufacturer's identification number plate in place of the identification number plate affixed on a new dashboard that has been or will be installed in the vehicle. The person must notify the Secretary of State each time the original manufacturer's identification number plate is reaffixed on a vehicle. The person must keep a record indicating that the identification number plate affixed on the new dashboard has been removed and has been replaced by the manufacturer's identification number plate originally affixed on the vehicle. The person also must keep a record regarding the status and location of the identification number plate removed from the replacement dashboard. The Secretary shall adopt rules for implementing this subsection (a-1). (a-2) The owner of a vehicle repaired under subsection (a-1) must, within 90 days of the date of the repairs, contact an officer of the Illinois State Police Vehicle Inspection Bureau and arrange for an inspection of the vehicle, by the officer or the officer's designee, at a mutually agreed upon date and location.

(b) The inference contained in paragraph

(1) of subsection

(a) of Section 4-103 of this Code shall apply to subsection

(a) of this Section.

(c) A person convicted of violating this Section shall be guilty of a Class 1 felony.

(d) The offenses set forth in subsection

(a) of this Section shall not include the offenses set forth in Section 4-103 of this Code.

625 ILCS 5/4-103.3 — Organizer of an aggravated vehicle theft conspiracy

Sec. 4-103.3. Organizer of an aggravated vehicle theft conspiracy.

(a) A person commits the offense of organizer of a vehicle theft conspiracy if:

- (1) the person intentionally violates Section 4-103.2 of this Code with the agreement of 3 or more persons; and
- (2) the person is known by other co-conspirators as the organizer, supervisor, financier or otherwise leader of the conspiracy.

(b) No person may be convicted of organizer of a vehicle theft conspiracy unless an overt act in furtherance of the agreement is alleged and proved to have been committed by him or by a co-conspirator, and the accused is part of a common plan or scheme to engage in the unlawful activity.

(c) It shall not be a defense to organizer of a vehicle theft conspiracy that the person or persons with whom the accused is alleged to have conspired:

- (1) has not been prosecuted or convicted;
- (2) has been convicted of a different offense;
- (3) is not amenable to justice;
- (4) has been acquitted; or
- (5) lacked the capacity to commit an offense.

(d) Notwithstanding Section 8-5 of the Criminal Code of 2012, a person may be convicted and sentenced for both the offense of organizer of a vehicle theft conspiracy and any other offense in this Chapter which is the object of the conspiracy.

(e) Organizer of a vehicle theft conspiracy is a Class X felony.

625 ILCS 5/4-104 — Offenses relating to possession of titles and registration

Sec. 4-104. Offenses relating to possession of titles and registration.

(a) It is a violation of this Chapter for: 1. A person to possess without authority any manufacturer's statement of origin, certificate of title, salvage certificate, junking certificate, display certificate of title, registration card, license plate or digital license plate, registration sticker or digital registration sticker, or temporary registration permit, whether blank or otherwise; 2. A person to possess any manufacturer's certificate of origin, salvage certificate, junking certificate, certificate of title, or display certificate without complete assignment; 3. A person to possess any manufacturer's statement of origin, salvage certificate, junking certificate, display certificate or certificate of title, temporary registration permit, registration card, license plate or digital license plate, or registration sticker or digital registration sticker knowing it to have been stolen, converted, altered, forged, or counterfeited; 4. A person to display or affix to a vehicle any certificate of title, manufacturer's statement of origin, salvage certificate, junking certificate, display certificate, temporary registration permit, registration card, license plate or digital license plate, or registration sticker or digital registration sticker not authorized by law for use on such vehicle; 5. A person to permit another, not entitled thereto, to use or have possession of any manufacturer's statement of origin, salvage certificate, junking certificate, display certificate or certificate of title, registration card, license plate or digital license plate, temporary registration permit, or registration sticker or digital registration sticker; 6. A person to fail to mail or deliver to the proper person, within a reasonable period of time after receipt from the Secretary of State, any certificate of title, salvage certificate, junking certificate, display certificate, registration card, temporary registration permit, license plate or digital license plate, or registration sticker or digital registration sticker. If a person mails or delivers reasonable notice to the proper person after receipt from the Secretary of State, a presumption of delivery within a reasonable period of time shall exist; provided, however, the delivery is made, either by mail or otherwise, within 20 days from the date of receipt from the Secretary of State.

(b) Sentence: 1. A person convicted of a violation of subsection 1 or 2 of paragraph

(a) of this Section is guilty of a Class 4 felony. 2. A person convicted of a violation of subsection 3 of paragraph

(a) of this Section is guilty of a Class 2 felony. 3. A person convicted of a violation of either subsection 4 or 5 of paragraph

(a) of this Section is guilty of a Class A misdemeanor and upon a second or subsequent conviction of such a violation is guilty of a Class 4 felony. 4. A person convicted of a violation of subsection 6 of paragraph

(a) of this Section is guilty of a petty offense.

625 ILCS 5/4-105 — Offenses relating to disposition of titles and registration

Sec. 4-105. Offenses relating to disposition of titles and registration.

(a) It is a violation of this Chapter for: 1. a person to alter, forge, or counterfeit any manufacturer's statement of origin, certificate of title, salvage certificate, junking certificate, display certificate, registration sticker or digital registration sticker, registration card, or temporary registration permit; 2. a person to alter, forge, or counterfeit an assignment of any manufacturer's statement of origin, certificate of title, salvage certificate or junking certificate; 3. a person to alter, forge, or counterfeit a release of a security interest on any manufacturer's statement of origin, certificate of title, salvage certificate or junking certificate; 4. a person to alter, forge, or counterfeit an application for any certificate of title, salvage certificate, junking certificate, display certificate, registration sticker or digital registration sticker, registration card, temporary registration permit or license plate; 5. a person to use a false or fictitious name or address or altered, forged, counterfeited or stolen manufacturer's identification number, or make a material false statement, or fail to disclose a security interest, or conceal any other material fact on any application for any manufacturer's statement of origin, certificate of title, junking certificate, salvage certificate, registration card, license plate or digital license plate, temporary registration permit, or registration sticker or digital registration sticker, or commit a fraud in connection with any application under this Act; 6. an unauthorized person to have in his possession a blank Illinois certificate of title paper; 7. a person to surrender or cause to be surrendered any certificate of title, salvage or junking certificate in exchange for a certificate of title or other title document from any other state or foreign jurisdiction for the purpose of changing or deleting an "S.V." or "REBUILT" notation, odometer reading, or any other information contained on such Illinois certificate.

(b) Sentence. A person convicted of a violation of this Section shall be guilty of a Class 2 felony.

625 ILCS 5/4-105.1 — Offenses relating to deletion or falsification of information on title document

Sec. 4-105.1. Offenses relating to deletion or falsification of information on title document.

(a) It is a violation of this Code for a person to knowingly, with the intent to defraud, surrender or cause to be surrendered any manufacturer's statement of origin, certificate of title, salvage certificate, junking certificate, or other title document, in exchange for a certificate of title or other title document of this State or of any other State or foreign jurisdiction which results in or attempts to result in: 1. The deletion of the words "S.V.", "REBUILT" or similar notation. 2. The falsification of an odometer reading; or 3. The alteration or deletion of any other information required to be contained on such certificate of title or any other title document of any State or foreign jurisdiction.

(b) Presumptions. A title surrendered to another jurisdiction that is subsequently submitted to any person, corporation, or other legal entity, residing or doing business within Illinois, the following presumption shall apply; if the title document fails to contain all of the previous information required by Illinois law, it shall be presumed to have been done so knowingly. It shall be a rebuttable presumption that any title document surrendered or submitted with a false odometer reading shall be presumed to have been done so knowingly.

(c) Sentence. A person convicted of a violation of this Section shall be guilty of a Class A misdemeanor. A person convicted of violating this Section a second or subsequent time shall be guilty of a Class 3 felony.

625 ILCS 5/4-105.5 — Attempt

Sec. 4-105.5. Attempt. As defined in Section 8-4 of the Criminal Code of 2012.

625 ILCS 5/4-106 — Principals

Sec. 4-106. Principals. It shall be a violation of the provisions of this Chapter for a person, whether present or absent, to aid, abet, induce, procure or cause the commission of an act which, if done directly by him, would constitute a violation of the provisions of this Chapter.

625 ILCS 5/4-107 — Stolen, converted, recovered and unclaimed vehicles

Sec. 4-107. Stolen, converted, recovered and unclaimed vehicles.

(a) Every Sheriff, Superintendent of police, Chief of police or other police officer in command of any Police department in any City, Village or Town of the State, shall, by the fastest means of communications available to his law enforcement agency, immediately report to the Illinois State Police, in Springfield, Illinois, the theft or recovery of any stolen or converted vehicle within his district or jurisdiction. The report shall give the date of theft, description of the vehicle

including color, year of manufacture, manufacturer's trade name, manufacturer's series name, body style, vehicle identification number and license registration number, including the state in which the license was issued and the year of issuance, together with the name, residence address, business address, and telephone number of the owner. The report shall be routed by the originating law enforcement agency through the Illinois State Police District in which such agency is located.

(b) A registered owner or a lienholder may report the theft by conversion of a vehicle, to the Illinois State Police, or any other police department or Sheriff's office. Such report will be accepted as a report of theft and processed only if a formal complaint is on file and a warrant issued.

(c) An operator of a place of business for garaging, repairing, parking or storing vehicles for the public, in which a vehicle remains unclaimed, after being left for the purpose of garaging, repairing, parking or storage, for a period of 15 days, shall, within 5 days after the expiration of that period, report the vehicle as unclaimed to the municipal police when the vehicle is within the corporate limits of any City, Village or incorporated Town, or the County Sheriff, or State Police when the vehicle is outside the corporate limits of a City, Village or incorporated Town. This Section does not apply to any vehicle:

(1) removed to a place of storage by a law enforcement agency having jurisdiction, in accordance with Sections 4-201 and 4-203 of this Act; or

(2) left under a garaging, repairing, parking, or storage order signed by the owner, lessor, or other legally entitled person. Failure to comply with this Section will result in the forfeiture of storage fees for that vehicle involved.

(d) The Illinois State Police shall keep a complete record of all reports filed under this Section of the Act. Upon receipt of such report, a careful search shall be made of the records of the office of the Illinois State Police, and where it is found that a vehicle reported recovered was stolen in a County, City, Village or Town other than the County, City, Village or Town in which it is recovered, the Illinois State Police shall immediately notify the Sheriff, Superintendent of police, Chief of police, or other police officer in command of the Sheriff's office or Police department of the County, City, Village or Town in which the vehicle was originally reported stolen, giving complete data as to the time and place of recovery.

(e) Notification of the theft or conversion of a vehicle will be furnished to the Secretary of State by the Illinois State Police. The Secretary of State shall place the proper information in the license registration and title registration files to indicate the theft or conversion of a motor vehicle or other vehicle. Notification of the recovery of a vehicle previously reported as a theft or a conversion will be furnished to the Secretary of State by the Illinois State Police. The Secretary of State shall remove the proper information from the license registration and title registration files that has previously indicated the theft or conversion of a vehicle. The Secretary of State shall suspend the registration of a vehicle upon receipt of a report from the Illinois State Police that such vehicle was stolen or converted.

(f) When the Secretary of State receives an application for a certificate of title or an application for registration of a vehicle and it is determined from the records of the office of the Secretary of State that such vehicle has been reported stolen or converted, the Secretary of State shall immediately notify the Illinois State Police or the Secretary of State Department of Police and shall give the Illinois State Police or the Secretary of State Department of Police the name and address of the person or firm titling or registering the vehicle, together with all other information contained in the application submitted by such person or firm. If the Secretary of State Department of Police receives notification under this subsection (f), it shall conduct an investigation concerning the identity of the registered owner of the stolen or converted vehicle.

(g) During the usual course of business the manufacturer of any vehicle shall place an original manufacturer's vehicle identification number on all such vehicles manufactured and on any part of such vehicles requiring an identification number.

(h) Except provided in subsection (h-1), if a manufacturer's vehicle identification number is missing or has been removed, changed or mutilated on any vehicle, or any part of such vehicle requiring an identification number, the Illinois State Police or the Secretary of State Department of Police shall restore, restamp or reaffix the vehicle identification number plate, or affix a new plate bearing the original manufacturer's vehicle identification number on each such vehicle and on all necessary parts of the vehicles. A vehicle identification number so affixed, restored, restamped, reaffixed or replaced is not falsified, altered or forged within the meaning of this Act. (h-1) A person engaged in the repair or servicing of vehicles may reaffix a manufacturer's identification number plate on the same damaged vehicle from which it was originally removed, if the person reaffixes the original manufacturer's identification number plate in place of the identification number plate affixed on a new dashboard that has been installed in the vehicle. The person must notify the Secretary of

State each time the original manufacturer's identification number plate is reaffixed on a vehicle. The person must keep a record indicating that the identification number plate affixed on the new dashboard has been removed and has been replaced by the manufacturer's identification number plate originally affixed on the vehicle. The person also must keep a record regarding the status and location of the identification number plate removed from the replacement dashboard. The Secretary shall adopt rules for implementing this subsection (h-1). (h-2) The owner of a vehicle repaired under subsection (h-1) must, within 90 days of the date of the repairs, contact an officer of the Illinois State Police Vehicle Inspection Bureau and arrange for an inspection of the vehicle, by the officer or the officer's designee, at a mutually agreed upon date and location.

(i) If a vehicle or part of any vehicle is found to have the manufacturer's identification number removed, altered, defaced or destroyed, the vehicle or part shall be seized by any law enforcement agency having jurisdiction and held for the purpose of identification. In the event that the manufacturer's identification number of a vehicle or part cannot be identified, the vehicle or part shall be considered contraband, and no right of property shall exist in any person owning, leasing or possessing such property, unless the person owning, leasing or possessing the vehicle or part acquired such without knowledge that the manufacturer's vehicle identification number has been removed, altered, defaced, falsified or destroyed. Either the seizing law enforcement agency or the State's Attorney of the county where the seizure occurred may make an application for an order of forfeiture to the circuit court in the county of seizure. The application for forfeiture shall be independent from any prosecution arising out of the seizure and is not subject to any final determination of such prosecution. The circuit court shall issue an order forfeiting the property to the seizing law enforcement agency if the court finds that the property did not at the time of seizure possess a valid manufacturer's identification number and that the original manufacturer's identification number cannot be ascertained. The seizing law enforcement agency may:

(1) retain the forfeited property for official use; or

(2) sell the forfeited property and distribute the proceeds in accordance with Section 4-211 of this Code, or dispose of the forfeited property in such manner as the law enforcement agency deems appropriate. (i-1) If a motorcycle is seized under subsection (i), the motorcycle must be returned within 45 days of the date of seizure to the person from whom it was seized, unless

(i) criminal charges are pending against that person or (ii) an application for an order of forfeiture has been submitted to the circuit in the county of seizure or (iii) the circuit court in the county of seizure has received from the seizing law enforcement agency and has granted a petition to extend, for a single 30 day period, the 45 days allowed for return of the motorcycle. Except as provided in subsection (i-2), a motorcycle returned to the person from whom it was seized must be returned in essentially the same condition it was in at the time of seizure. (i-2) If any part or parts of a motorcycle seized under subsection

(i) are found to be stolen and are removed, the seizing law enforcement agency is not required to replace the part or parts before returning the motorcycle to the person from whom it was seized.

(j) The Illinois State Police or the Secretary of State Department of Police shall notify the Secretary of State each time a manufacturer's vehicle identification number is affixed, reaffixed, restored or restamped on any vehicle. The Secretary of State shall make the necessary changes or corrections in his records, after the proper applications and fees have been submitted, if applicable.

(k) Any vessel, vehicle or aircraft used with knowledge and consent of the owner in the commission of, or in the attempt to commit as defined in Section 8-4 of the Criminal Code of 2012, an offense prohibited by Section 4-103 of this Chapter, including transporting of a stolen vehicle or stolen vehicle parts, shall be seized by any law enforcement agency. The seizing law enforcement agency may:

(1) return the vehicle to its owner if such vehicle is stolen; or

(2) confiscate the vehicle and retain it for any purpose which the law enforcement agency deems appropriate; or

(3) sell the vehicle at a public sale or dispose of the vehicle in such other manner as the law enforcement agency deems appropriate. If the vehicle is sold at public sale, the proceeds of the sale shall be paid to the law enforcement agency. The law enforcement agency shall not retain, sell or dispose of a vehicle under paragraphs

(2) or

(3) of this subsection

(k) except upon an order of forfeiture issued by the circuit court. The circuit court may issue such order of forfeiture upon application of the law enforcement agency or State's Attorney of the county where the law enforcement agency has jurisdiction, or in the case of the Illinois State Police or the Secretary of State, upon application of the Attorney General. The court shall issue the order if the owner of the vehicle has been convicted of transporting stolen vehicles or stolen vehicle parts and the evidence establishes that the owner's vehicle has been used in the commission of such offense. The provisions of subsection

(k) of this Section shall not apply to any vessel, vehicle or aircraft, which has been leased, rented or loaned by its owner, if the owner did not have knowledge of and consent to the use of the vessel, vehicle or aircraft in the commission of, or in an attempt to commit, an offense prohibited by Section 4-103 of this Chapter.

625 ILCS 5/4-108 — Violations of this Chapter

Sec. 4-108. Violations of this Chapter.

(a) Any person who violates or aids or abets in the violation of any of the provisions of Section 4-102, 4-103, 4-104 or 4-105 shall be guilty of such offense and be subject to the same sentence as if he had committed the offense himself.

(b) Any person who is convicted of any offense under Chapter 4 of this Act, in addition to any other fines or penalties provided therein, may be required to compensate the victim, if known, involved in the related offense, for any loss that the victim sustains to his person or property.

(c) The amount and method of payment of the compensation award shall be determined at the time of the conviction.

(d) For purposes of this Section, "victim" shall mean the owner or other legally entitled person.

625 ILCS 5/4-109 — Motor Vehicle Theft Prevention Program

Sec. 4-109. Motor Vehicle Theft Prevention Program. The Secretary of State, in conjunction with the Motor Vehicle Theft Prevention and Insurance Verification Council, is hereby authorized to establish and operate a Motor Vehicle Theft Prevention Program as follows:

(a) Voluntary program participation.

(b) The registered owner of a motor vehicle interested in participating in the program shall sign an informed consent agreement designed by the Secretary of State under subsection

(e) of this Section indicating that the motor vehicle registered to him is not normally operated between the hours of 1:00 a.m. and 5:00 a.m. The form and fee, if any, shall be submitted to the Secretary of State for processing.

(c) Upon processing the form, the Secretary of State shall issue to the registered owner a decal. The registered owner shall affix the decal in a conspicuous place on his motor vehicle as prescribed by the Secretary of State.

(d) Whenever any law enforcement officer shall see a motor vehicle displaying a decal issued under the provisions of subsection

(c) of this Section being operated upon the public highways of this State between the hours of 1:00 a.m. and 5:00 a.m., the officer is authorized to stop that motor vehicle and to request the driver to produce a valid driver's license and motor vehicle registration card if required to be carried in the vehicle. Whenever the operator of a motor vehicle displaying a decal is unable to produce the documentation set forth in this Section, the police officer shall investigate further to determine if the person operating the motor vehicle is the registered owner or has the authorization of the owner to operate the vehicle.

(e) The Secretary of State, in consultation with the Director of the Illinois State Police and Motor Vehicle Theft Prevention and Insurance Verification Council, shall design the manner and form of the informed consent agreement required under subsection

(b) of this Section and the decal required under subsection

(c) of this Section.

(f) The Secretary of State shall provide for the recording of registered owners of motor vehicles who participate in the program. The records shall be available to all law enforcement departments, agencies, and forces. The Secretary of State shall cooperate with and assist all law enforcement officers and other agencies in tracing or examining any questionable motor vehicles in order to determine the ownership of the motor vehicles.

(g) A fee not to exceed \$10 may be charged for the informed consent form and decal provided under this Section. The fee, if any, shall be set by the Motor Vehicle Theft Prevention and Insurance Verification Council and shall be collected by the Secretary of State and deposited into the Vehicle Hijacking and Motor Vehicle Theft Prevention and Insurance Verification Trust Fund.

(h) The Secretary of State, in consultation with the Director of the Illinois State Police and the Motor Vehicle Theft Prevention and Insurance Verification Council shall promulgate rules and regulations to effectuate the purposes of this Section.

625 ILCS 5/4-110 — Stolen vehicle recovery hotline

Sec. 4-110. Stolen vehicle recovery hotline. In a county having a population of 3,000,000 or more, the county sheriff shall establish with other law enforcement agencies a vehicle theft hotline to facilitate interaction with vehicle manufacturers and vehicle location vendors consistent with the Freedom From Location Surveillance Act. The county sheriff shall collaborate with vehicle manufacturers, dealers, and vehicle location vendors to provide information and assistance to law enforcement officers in the investigation of a vehicular hijacking or kidnapping incident and ensure that consumers are provided with information concerning the hotline, new or used vehicles manufactured with stolen vehicle locator capabilities, and how consumers can activate stolen vehicle locator services by publishing the information in a conspicuous location on the county sheriff's website.

625 ILCS 5/4-111 — Manufacturer's vehicle incident hotline; law enforcement verification; manufacturer statements

Sec. 4-111. Manufacturer's vehicle incident hotline; law enforcement verification; manufacturer statements.

(a) Unless the manufacturer or its vehicle location vendor operates an existing vehicle location service line, a manufacturer of any vehicle sold in this State shall maintain a telephone number that is staffed and available to State, county, and local law enforcement agencies and their respective 9-1-1 system call centers or designated dispatch centers 24 hours a day, 7 days a week to assist law enforcement with locating vehicles in the investigation of vehicles stolen in vehicular hijacking incidents or that have been used in the commission of a kidnapping. The hotline for the manufacturer or the manufacturer's vehicle location vendor shall relay vehicle location information, including real-time vehicle location information whenever reasonably possible, to the 9-1-1 call center or designated dispatch center or sworn law enforcement personnel for any of the responding law enforcement agencies, to the best of the manufacturer's or vehicle location vendor's technical capability when:

- (1) a warrant or other court order has been issued relating to the vehicle's location information and provided to the manufacturer or the vehicle location vendor; or
- (2) the vehicle owner lawfully consents to the vehicle location information being shared with the 9-1-1 call center or designated dispatch center and responding law enforcement officials; or
- (3) the 9-1-1 call center or designated dispatch center or responding law enforcement officials: (A) provides adequate verification to the manufacturer or the vehicle location vendor, of their identity as law enforcement and the identity of the responding law enforcement official; and (B) the responding law enforcement officials shall certify to the manufacturer or the vehicle location vendor, that the situation involves a clear and present danger of death or great bodily harm to persons resulting from the vehicular hijacking or kidnapping incident.

(b) State, county, and local law enforcement agencies shall use their respective 9-1-1 system call centers or designated dispatch centers for the purpose of verification of law enforcement officers' identities and bona fide incident report numbers related to incidents.

(c) If a vehicle is equipped with functioning vehicle location tracking capability, but the capability is not currently activated, the manufacturer or the vehicle location vendor shall waive all fees associated with initiating, renewing, reestablishing, or maintaining the vehicle location service the vehicle is equipped with during the investigation of the vehicle being stolen in a vehicular hijacking incident or being used in the commission of kidnapping incident when law enforcement has confirmed that the situation involves a clear and present danger of death or great bodily harm to persons as described in paragraph

(3) of subsection

(a) and requires disclosure of vehicle location information without delay.

(d) A vehicle manufacturer or a subsidiary, vendor, employee, officer, director, representative, or contractor of the vehicle manufacturer shall not be liable and no cause of action shall arise under the laws of this State for providing, or in good faith attempting to provide, information or assistance to a law enforcement agency, 9-1-1 call center, or designated dispatch center pursuant to the mechanisms and processes established under this Section.

625 ILCS 5/4-201 — Abandonment of vehicles prohibited

Sec. 4-201. Abandonment of vehicles prohibited.

(a) The abandonment of a vehicle or any part thereof on any highway in this State is unlawful and subject to penalties as set forth under Penalty Section 4-214 of this Chapter.

(b) The abandonment of a vehicle or any part thereof on private or public property, other than a highway, in view of the general public, anywhere in this State is unlawful except on property of the owner or bailee of such abandoned vehicle. A vehicle or any part thereof so abandoned on private property shall be authorized for removal, by a law enforcement agency having jurisdiction, after a waiting period of 7 days or more, or may be removed immediately if determined to be a hazardous dilapidated motor vehicle under Section 11-40-3.1 of the Illinois Municipal Code. A violation of subsections

(a) or

(b) of this Section is subject to penalties as set forth under Section 4-214 of this Chapter.

(c) A towing service may begin to process an unclaimed vehicle as abandoned by requesting a record search by the Secretary of State up to 10 days after the date of the tow, or any later date acceptable to the Secretary of State. This subsection

(c) shall not apply to vehicles towed by order or authorization of a law enforcement agency.

625 ILCS 5/4-202 — Abandoned, lost, stolen or unclaimed vehicle notification to law enforcement agencies

Sec. 4-202. Abandoned, lost, stolen or unclaimed vehicle notification to law enforcement agencies. When an abandoned, lost, stolen or unclaimed vehicle comes into the temporary possession or custody of a person in this State, not the owner of the vehicle, such person shall immediately notify the municipal police when the vehicle is within the corporate limits of any city, village or town having a duly authorized police department, or the State Police or the county sheriff when the vehicle is outside the corporate limits of a city, village or town. Upon receipt of such notification, the municipal police, Illinois State Police or county sheriff will authorize a towing service to remove and take possession of the abandoned, lost, stolen or unclaimed vehicle. The towing service will safely keep the towed vehicle and its contents, maintain a record of the tow as set forth in Section 4-204 for law enforcement agencies, until the vehicle is claimed by the owner or any other person legally entitled to possession thereof or until it is disposed of as provided in this Chapter.

625 ILCS 5/4-203 — Removal of motor vehicles or other vehicles; towing or hauling away

Sec. 4-203. Removal of motor vehicles or other vehicles; towing or hauling away.

(a) When a vehicle is abandoned, or left unattended, on a toll highway, interstate highway, or expressway for 2 hours or more, its removal by a towing service may be authorized by a law enforcement agency having jurisdiction.

(b) When a vehicle is abandoned on a highway in an urban district for 10 hours or more, its removal by a towing service may be authorized by a law enforcement agency having jurisdiction.

(c) When a vehicle is abandoned or left unattended on a highway other than a toll highway, interstate highway, or expressway, outside of an urban district for 24 hours or more, its removal by a towing service may be authorized by a law enforcement agency having jurisdiction.

(d) When an abandoned, unattended, wrecked, burned, or partially dismantled vehicle is creating a traffic hazard because of its position in relation to the highway or its physical appearance is causing the impeding of traffic, its immediate removal from the highway or private property adjacent to the highway by a towing service may be authorized by a law enforcement agency having jurisdiction.

(e) Whenever a peace officer reasonably believes that a person under arrest for a violation of Section 11-501 of this Code or a similar provision of a local ordinance is likely, upon release, to commit a subsequent violation of Section 11-501, or a similar provision of a local ordinance, the arresting officer shall have the vehicle which the person was operating at the time of the arrest impounded for a period of 12 hours after the time of arrest. However, such vehicle may be released by the arresting law enforcement agency prior to the end of the impoundment period if:

(1) the vehicle was not owned by the person under arrest, and the lawful owner requesting such release possesses a valid operator's license, proof of ownership, and would not, as determined by the arresting law enforcement agency, indicate a lack of ability to operate a motor vehicle in a safe manner, or who would otherwise, by operating such motor vehicle, be in violation of this Code; or

(2) the vehicle is owned by the person under arrest, and the person under arrest gives permission to another person to operate such vehicle, provided however, that the other person possesses a valid operator's license and would not, as determined by the arresting law enforcement agency, indicate a lack of ability to operate a motor vehicle in a safe manner or who would otherwise, by operating such motor vehicle, be in violation of this Code. (e-5) Whenever a registered owner of a vehicle is taken into custody for operating the vehicle in violation of Section 11-501 of this Code or a similar provision of a local ordinance or Section 6-303 of this Code, a law enforcement officer may have the vehicle immediately impounded for a period not less than:

(1) 24 hours for a second violation of Section 11-501 of this Code or a similar provision of a local ordinance or Section 6-303 of this Code or a combination of these offenses; or

(2) 48 hours for a third violation of Section 11-501 of this Code or a similar provision of a local ordinance or Section 6-303 of this Code or a combination of these offenses. The vehicle may be released sooner if the vehicle is owned by the person under arrest and the person under arrest gives permission to another person to operate the vehicle and that other person possesses a valid operator's license and would not, as determined by the arresting law enforcement agency, indicate a lack of ability to operate a motor vehicle in a safe manner or would otherwise, by operating the motor vehicle, be in violation of this Code.

(f) Except as provided in Chapter 18a of this Code, the owner or lessor of privately owned real property within this State, or any person authorized by such owner or lessor, or any law enforcement agency in the case of publicly owned real property may cause any motor vehicle abandoned or left unattended upon such property without permission to be removed by a towing service without liability for the costs of removal, transportation, storage, or damage caused by such removal, transportation, or storage. The towing or removal of any vehicle from private property without the consent of the registered owner or other legally authorized person in control of the vehicle is subject to compliance with the following conditions and restrictions: 1. Any towed or removed vehicle must be stored at the site of the towing service's place of business. The site must be open during business hours, and for the purpose of redemption of vehicles, during the time that the person or firm towing such vehicle is open for towing purposes. 2. The towing service shall within 30 minutes of completion of such towing or removal, notify the law enforcement agency having jurisdiction of such towing or removal, and the make, model, color, and license plate number of the vehicle, and shall obtain and record the name of the person at the law enforcement agency to whom such information was reported. 3. If the registered owner or legally authorized person entitled to possession of the vehicle shall arrive at the scene prior to actual removal or towing of the vehicle, the vehicle shall be disconnected from the tow truck and that person shall be allowed to remove the vehicle without interference, upon the payment of a reasonable service fee of not more than one-half the posted rate of the towing service as provided in paragraph 6 of this subsection, for which a receipt shall be given. 4. The rebate or payment of money or any other valuable consideration from the towing service or its owners, managers, or employees to the owners or operators of the premises from which the vehicles are towed or removed, for the privilege of removing or towing those vehicles, is prohibited. Any individual who violates this paragraph shall be guilty of a Class A misdemeanor. 5. Except for property appurtenant to and obviously a part of a single family residence, and except for instances where notice is personally given to the owner or other legally authorized person in control of the vehicle that the area in which that vehicle is parked is reserved or otherwise unavailable to unauthorized vehicles and they are subject to being removed at the owner or operator's expense, any property owner or lessor, prior to towing or removing any vehicle from private property without the consent of the owner or other legally authorized person in control of that vehicle, must post a notice meeting the following requirements: a. Except as otherwise provided in subparagraph a.1 of this paragraph 5 of this subsection, the notice must be prominently placed at each driveway access or curb cut allowing vehicular access to the property within 5 feet from the public right-of-way line. If there are no curbs or access barriers, the sign must be posted not less than one sign each 100 feet of lot frontage. a.1. In a municipality with a population of less than 250,000, as an alternative to the requirement of subparagraph a of this paragraph 5 of this subsection, the notice for a parking lot contained within property used solely for a 2-family, 3-family, or 4-family residence may be prominently placed at the perimeter of the parking lot, in a position where the notice is visible to the occupants of vehicles entering the lot. b. The notice must indicate clearly, in not less than 2 inch high light-reflective letters on a contrasting background, that unauthorized vehicles will be towed away at the owner's expense. c. The notice must also provide the name and current telephone number of

the towing service towing or removing the vehicle. d. The sign structure containing the required notices must be permanently installed with the bottom of the sign not less than 4 feet above ground level, and must be continuously maintained on the property for not less than 24 hours prior to the towing or removing of any vehicle. 6. Any towing service that tows or removes vehicles and proposes to require the owner, operator, or person in control of the vehicle to pay the costs of towing and storage prior to redemption of the vehicle must file and keep on record with the local law enforcement agency a complete copy of the current rates to be charged for such services, and post at the storage site an identical rate schedule and any written contracts with property owners, lessors, or persons in control of property which authorize them to remove vehicles as provided in this Section. The towing and storage charges, however, shall not exceed the maximum allowed by the Illinois Commerce Commission under Section 18a-200. 7. No person shall engage in the removal of vehicles from private property as described in this Section without filing a notice of intent in each community where he intends to do such removal, and such notice shall be filed at least 7 days before commencing such towing. 8. No removal of a vehicle from private property shall be done except upon express written instructions of the owners or persons in charge of the private property upon which the vehicle is said to be trespassing. 9. Vehicle entry for the purpose of removal shall be allowed with reasonable care on the part of the person or firm towing the vehicle. Such person or firm shall be liable for any damages occasioned to the vehicle if such entry is not in accordance with the standards of reasonable care. 9.5. Except as authorized by a law enforcement officer, no towing service shall engage in the removal of a commercial motor vehicle that requires a commercial driver's license to operate by operating the vehicle under its own power on a highway. 10. When a vehicle has been towed or removed pursuant to this Section, it must be released to its owner, custodian, agent, or lienholder within one-half hour after requested, if such request is made during business hours. Any vehicle owner, custodian, agent, or lienholder shall have the right to inspect the vehicle before accepting its return, and no release or waiver of any kind which would release the towing service from liability for damages incurred during the towing and storage may be required from any vehicle owner or other legally authorized person as a condition of release of the vehicle. A detailed, signed receipt showing the legal name of the towing service must be given to the person paying towing or storage charges at the time of payment, whether requested or not. This Section shall not apply to law enforcement, firefighting, rescue, ambulance, or other emergency vehicles which are marked as such or to property owned by any governmental entity. When an authorized person improperly causes a motor vehicle to be removed, such person shall be liable to the owner or lessee of the vehicle for the cost of removal, transportation and storage, any damages resulting from the removal, transportation and storage, attorney's fee, and court costs. Any towing or storage charges accrued shall be payable in cash or by cashier's check, certified check, debit card, credit card, or wire transfer, at the option of the party taking possession of the vehicle. 11. Towing companies shall also provide insurance coverage for areas where vehicles towed under the provisions of this Chapter will be impounded or otherwise stored, and shall adequately cover loss by fire, theft, or other risks. Any person who fails to comply with the conditions and restrictions of this subsection shall be guilty of a Class C misdemeanor and shall be fined not less than \$100 nor more than \$500. (g)(1) When a vehicle is determined to be a hazardous dilapidated motor vehicle pursuant to Section 11-40-3.1 of the Illinois Municipal Code or Section 5-12002.1 of the Counties Code, its removal and impoundment by a towing service may be authorized by a law enforcement agency with appropriate jurisdiction.

(2) When a vehicle removal from either public or private property is authorized by a law enforcement agency, the owner of the vehicle shall be responsible for all towing and storage charges.

(3) Vehicles removed from public or private property and stored by a commercial vehicle relocater or any other towing service authorized by a law enforcement agency in compliance with this Section and Sections 4-201 and 4-202 of this Code, or at the request of the vehicle owner or operator, shall be subject to a possessor lien for services pursuant to the Labor and Storage Lien (Small Amount) Act. The provisions of Section 1 of that Act relating to notice and implied consent shall be deemed satisfied by compliance with Section 18a-302 and subsection

(6) of Section 18a-300. In no event shall such lien be greater than the rate or rates established in accordance with subsection

(6) of Section 18a-200 of this Code. In no event shall such lien be increased or altered to reflect any charge for services or materials rendered in addition to those authorized by this Code. Every such lien shall be payable in cash or by cashier's check, certified check, debit card, credit card, or wire transfer, at the option of the party taking possession of the vehicle.

(4) Any personal property belonging to the vehicle owner in a vehicle subject to a lien under this subsection

(g) shall likewise be subject to that lien, excepting only: child restraint systems as defined in Section 4 of the Child Passenger Protection Act and other child booster seats; eyeglasses; food; medicine; personal medical and health care

devices, including hearing instruments; perishable property; any operator's licenses; any cash, credit cards, or checks or checkbooks; any wallet, purse, or other property containing any operator's licenses, social security cards, or other identifying documents or materials, cash, credit cards, checks, checkbooks, or passbooks; higher education textbooks and study materials; and any personal property belonging to a person other than the vehicle owner if that person provides adequate proof that the personal property belongs to that person. The spouse, child, mother, father, brother, or sister of the vehicle owner may claim personal property excepted under this paragraph

(4) if the person claiming the personal property provides the commercial vehicle relocater or towing service with the authorization of the vehicle owner.

(5) This paragraph

(5) applies only in the case of a vehicle that is towed as a result of being involved in a crash. In addition to the personal property excepted under paragraph (4), all other personal property in a vehicle subject to a lien under this subsection

(g) is exempt from that lien and may be claimed by the vehicle owner if the vehicle owner provides the commercial vehicle relocater or towing service with proof that the vehicle owner has an insurance policy covering towing and storage fees. The spouse, child, mother, father, brother, or sister of the vehicle owner may claim personal property in a vehicle subject to a lien under this subsection

(g) if the person claiming the personal property provides the commercial vehicle relocater or towing service with the authorization of the vehicle owner and proof that the vehicle owner has an insurance policy covering towing and storage fees. The regulation of liens on personal property and exceptions to those liens in the case of vehicles towed as a result of being involved in a crash are exclusive powers and functions of the State. A home rule unit may not regulate liens on personal property and exceptions to those liens in the case of vehicles towed as a result of being involved in a crash. This paragraph

(5) is a denial and limitation of home rule powers and functions under subsection

(h) of Section 6 of Article VII of the Illinois Constitution.

(6) No lien under this subsection

(g) shall: exceed \$2,000 in its total amount; or be increased or altered to reflect any charge for services or materials rendered in addition to those authorized by this Code.

(h) Whenever a peace officer issues a citation to a driver for a violation of subsection (a), (a-5), or (b-5) of Section 11-506 of this Code or for a violation of paragraph

(1) of subsection

(a) of Section 11-503 of this Code, the arresting officer may have the vehicle which the person was operating at the time of the arrest impounded for a period of 5 days after the time of arrest. An impounding agency shall release a motor vehicle impounded under this subsection

(h) to the registered owner of the vehicle under any of the following circumstances:

(1) if the vehicle is a stolen vehicle; or

(2) if the person ticketed for a violation of subsection (a), (a-5), or (b-5) of Section 11-506 or paragraph

(1) of subsection

(a) of Section 11-503 of this Code was not authorized by the registered owner of the vehicle to operate the vehicle at the time of the violation; or

(3) if the registered owner of the vehicle was neither the driver nor a passenger in the vehicle at the time of the violation or was unaware that the driver was using the vehicle to engage in street racing, street sideshow, or reckless driving; or

(4) if the legal owner or registered owner of the vehicle is a rental car agency; or

(5) if, prior to the expiration of the impoundment period specified above, the citation is dismissed or the defendant is found not guilty of the offense.

(i) Except for vehicles exempted under subsection

(b) of Section 7-601 of this Code, whenever a law enforcement officer issues a citation to a driver for a violation of Section 3-707 of this Code, and the driver has a prior conviction for a violation of Section 3-707 of this Code in the past 12 months, the arresting officer shall authorize the removal and impoundment of the vehicle by a towing service.

(j) Notwithstanding any other provision of law, if a person has indicated in a timely filed report to the appropriate law enforcement agency that a vehicle towed pursuant to this Section has been stolen or hijacked then:

(1) the person shall not be liable for any governmentally imposed fees, fines, or penalties; and

(2) if a vehicle towed pursuant to this Section is registered in Illinois and the name and address of the registered owner of the vehicle is provided or made available to the towing service at the time of the tow, then the towing service must provide written notice of the tow to the registered owner within 2 business days after the vehicle is towed by certified mail, return receipt requested. No storage charges shall accrue if the vehicle is reclaimed by paying recovery and towing charges at the posted rates of the towing service as provided by paragraph 6 of subsection

(f) within 7 days after such notice is mailed. If the vehicle is registered in a state other than Illinois, then no storage charges shall accrue if the vehicle is reclaimed by paying recovery and towing charges at the posted rates of the towing service as provided by paragraph 6 of subsection

(f) within 7 days after a request for registered owner information is mailed by the towing service, certified mail, return receipt requested, to the applicable administrative agency or office in that state. The towing service shall enjoy a lien to secure payment of charges accrued in compliance with this subsection.

(k) If a vehicle is displayed for sale or for transfer of ownership with a vehicle identification number that has been destroyed, removed, covered, altered, or defaced, its removal by a towing service may be authorized by a law enforcement agency having jurisdiction.

625 ILCS 5/4-203.5 — Tow rotation list

Sec. 4-203.5. Tow rotation list.

(a) Each law enforcement agency whose duties include the patrol of highways in this State shall maintain a tow rotation list which shall be used by law enforcement officers authorizing the tow of a vehicle within the jurisdiction of the law enforcement agency. To ensure adequate response time, a law enforcement agency may maintain multiple tow rotation lists, with each tow rotation list covering tows authorized in different geographic locations within the jurisdiction of the law enforcement agency. A towing service may be included on more than one tow rotation list.

(b) Any towing service operating within the jurisdiction of a law enforcement agency may submit an application in a form and manner prescribed by the law enforcement agency for inclusion on the law enforcement agency's tow rotation list. The towing service does not need to be located within the jurisdiction of the law enforcement agency. To be included on a tow rotation list the towing service must meet the following requirements:

(1) possess a license permitting the towing service to operate in every unit of local government in the law enforcement agency's jurisdiction that requires a license for the operation of a towing service;

(2) if required by the law enforcement agency for inclusion on that law enforcement agency's tow rotation list, each owner of the towing service and each person operating a vehicle on behalf of the towing service shall submit his or her fingerprints to the Illinois State Police in the form and manner prescribed by the Illinois State Police. These fingerprints should be transmitted through a live scan fingerprint vendor licensed by the Department of Financial and Professional Regulation. These fingerprints shall be checked against the fingerprint records now and hereafter filed in the Illinois State Police and Federal Bureau of Investigation criminal history records databases. The Illinois State Police shall charge a fee for conducting the criminal history record check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the State and national criminal history record check. The Illinois State Police shall furnish, pursuant to positive identification, all Illinois conviction information to the law enforcement agency maintaining the tow rotation list and shall forward the national criminal history record information to the law enforcement agency maintaining the tow rotation list. A person may not own a towing service or operate a vehicle on behalf of a towing service included on a tow rotation list if that person has been convicted during the 5 years preceding the application of a criminal offense involving one or more of the following: (A) bodily injury or attempt to inflict bodily injury to another person; (B) theft of property or attempted theft of property; or (C) sexual assault or attempted sexual assault of any kind;

(3) each person operating a vehicle on behalf of the towing service must be classified for the type of towing operation he or she shall be performing and the vehicle he or she shall be operating;

(4) possess and maintain the following insurance in addition to any other insurance required by law: (A) comprehensive automobile liability insurance with a minimum combined single limit coverage of \$1,000,000; (B) commercial general liability insurance with limits of not less than \$1,000,000 per occurrence, \$100,000 minimum garage keepers legal liability

insurance, and \$100,000 minimum on-hook coverage or cargo insurance; and (C) a worker's compensation policy covering every person operating a tow truck on behalf of the towing service, if required under current law;

(5) possess a secure parking lot used for short-term vehicle storage after a vehicle is towed that is open during business hours and is equipped with security features as required by the law enforcement agency;

(6) utilize only vehicles that possess a valid vehicle registration, display a valid Illinois license plate in accordance with Section 5-202 of this Code, and comply with the weight requirements of this Code;

(7) every person operating a towing or recovery vehicle on behalf of the towing service must have completed a Traffic Incident Management Training Program approved by the Department of Transportation;

(8) hold a valid authority issued to it by the Illinois Commerce Commission;

(9) comply with all other applicable federal, State, and local laws; and

(10) comply with any additional requirements the applicable law enforcement agency deems necessary. The law enforcement agency may select which towing services meeting the requirements of this subsection

(b) shall be included on a tow rotation list. The law enforcement agency may choose to have only one towing service on its tow rotation list. Complaints regarding the process for inclusion on a tow rotation list or the use of a tow rotation list may be referred in writing to the head of the law enforcement agency administering that tow rotation list. The head of the law enforcement agency shall make the final determination as to which qualified towing services shall be included on a tow rotation list, and shall not be held liable for the exclusion of any towing service from a tow rotation list.

(c) Whenever a law enforcement officer initiates a tow of a vehicle, the officer shall contact his or her law enforcement agency and inform the agency that a tow has been authorized. The law enforcement agency shall then select a towing service from the law enforcement agency's tow rotation list corresponding to the geographical area where the tow was authorized, and shall contact that towing service directly by phone, computer, or similar means. Towing services shall be contacted in the order listed on the appropriate tow rotation list, at which point the towing service shall be placed at the end of that tow rotation list. In the event a listed towing service is not available, the next listed towing service on that tow rotation list shall be contacted.

(d) A law enforcement agency may deviate from the order listed on a tow rotation list if the towing service next on that tow rotation list is, in the judgment of the authorizing officer or the law enforcement agency making the selection, incapable of or not properly equipped for handling a specific task related to the tow that requires special skills or equipment. A deviation from the order listed on the tow rotation list for this reason shall not cause a loss of rotation turn by the towing service determined to be incapable or not properly equipped for handling the request.

(e) In the event of an emergency a law enforcement officer or agency, taking into account the safety and location of the situation, may deviate from the order of the tow rotation list and obtain towing service from any source deemed appropriate.

(f) If the owner or operator of a disabled vehicle is present at the scene of the disabled vehicle, is not under arrest, and does not abandon his or her vehicle, and in the law enforcement officer's opinion the disabled vehicle is not impeding or obstructing traffic, illegally parked, or posing a security or safety risk, the law enforcement officer shall allow the owner of the vehicle to specify a towing service to relocate the disabled vehicle. If the owner chooses not to specify a towing service, the law enforcement agency shall select a towing service for the vehicle as provided in subsection

(c) of this Section.

(g) If a tow operator is present or arrives where a tow is needed and it has not been requested by the law enforcement agency or the owner or operator, the law enforcement officer, unless acting under Section 11-1431 of this Code, shall advise the tow operator to leave the scene.

(h) (Blank).

625 ILCS 5/4-204 — Police tows; reports, release of vehicles, payment

Sec. 4-204. Police tows; reports, release of vehicles, payment. When a vehicle is authorized to be towed away as provided in Section 4-202 or 4-203:

(a) A copy of the authorization shall be provided to the towing company within one hour of the authorization. The authorization shall include the name of the registered owner of the vehicle, the mailing address of the registered owner of the vehicle on file with the Secretary of State, any hold order, and any release, except to the extent such information is

made available under written agreement with the Secretary of State.

(b) The police headquarters or office of the law officer authorizing the towing shall keep and maintain a record of the vehicle towed, listing the color, year of manufacture, manufacturer's trade name, manufacturer's series name, body style, Vehicle Identification Number, license plate or digital license plate year and number and registration sticker or digital registration sticker year and number displayed on the vehicle. The record shall also include the date and hour of tow, location towed from, location towed to, reason for towing and the name of the officer authorizing the tow.

(c) The owner, operator, or other legally entitled person shall be responsible to the towing service for payment of applicable removal, towing, storage, and processing charges and collection costs associated with a vehicle towed or held under order or authorization of a law enforcement agency. If a vehicle towed or held under order or authorization of a law enforcement agency is seized by the ordering or authorizing agency or any other law enforcement or governmental agency and sold, any unpaid removal, towing, storage, and processing charges and collection costs shall be paid to the towing service from the proceeds of the sale. If applicable law provides that the proceeds are to be paid into the treasury of the appropriate civil jurisdiction, then any unpaid removal, towing, storage, and processing charges and collection costs shall be paid to the towing service from the treasury of the civil jurisdiction. That payment shall not, however, exceed the amount of proceeds from the sale, with the balance to be paid by the owner, operator, or other legally entitled person.

(d) Upon delivery of a written release order to the towing service, a vehicle subject to a hold order shall be released to the owner, operator, or other legally entitled person upon proof of ownership or other entitlement and upon payment of applicable removal, towing, storage, and processing charges and collection costs.

625 ILCS 5/4-205 — Record searches

Sec. 4-205. Record searches.

(a) When a law enforcement agency authorizing the impounding of a vehicle does not know the identity of the registered owner, lienholder or other legally entitled person, that law enforcement agency will cause the vehicle registration records of the State of Illinois to be searched by the Secretary of State for the purpose of obtaining the required ownership information.

(b) The law enforcement agency authorizing the impounding of a vehicle will cause the stolen motor vehicle files of the Illinois State Police to be searched by a directed communication to the Illinois State Police for stolen or wanted information on the vehicle. When the Illinois State Police files are searched with negative results, the information contained in the National Crime Information Center (NCIC) files will be searched by the Illinois State Police. The information determined from these record searches will be returned to the requesting law enforcement agency for that agency's use in sending a notification by certified mail to the registered owner, lienholder and other legally entitled persons advising where the vehicle is held, requesting a disposition be made and setting forth public sale information. Notification shall be sent no later than 10 business days after the date the law enforcement agency impounds or authorizes the impounding of a vehicle, provided that if the law enforcement agency is unable to determine the identity of the registered owner, lienholder or other person legally entitled to ownership of the impounded vehicle within a 10 business day period after impoundment, then notification shall be sent no later than 2 days after the date the identity of the registered owner, lienholder or other person legally entitled to ownership of the impounded vehicle is determined. Exceptions to a notification by certified mail to the registered owner, lienholder and other legally entitled persons are set forth in Section 4-209 of this Code.

(c) When ownership information is needed for a towing service to give notification as required under this Code, the towing service may cause the vehicle registration records of the State of Illinois to be searched by the Secretary of State, and in such case, the towing service also shall give notice to all lienholders of record within the time period required for such other notices. The written request of a towing service, in the form and containing the information prescribed by the Secretary of State by rule, may be transmitted to the Secretary of State in person, by U.S. mail or other delivery service, by facsimile transmission, or by other means the Secretary of State deems acceptable. The Secretary of State shall provide the required information, or a statement that the information was not found in the vehicle registration records of the State, by U.S. mail or other delivery service, facsimile transmission, as requested by the towing service, or by other means acceptable to the Secretary of State.

(d) The Secretary of State may prescribe standards and procedures for submission of requests for record searches and replies via computer link.

(e) Fees for services provided under this Section shall be in amounts prescribed by the Secretary of State under Section 3-821.1 of this Code. Payment may be made by the towing service using cash, any commonly accepted credit card, or any other means of payment deemed acceptable by the Secretary of State.

625 ILCS 5/4-206 — Identifying and tracing of vehicle ownership by Illinois State Police

Sec. 4-206. Identifying and tracing of vehicle ownership by Illinois State Police. When the registered owner, lienholder or other person legally entitled to the possession of a vehicle cannot be identified from the registration files of this State or from the registration files of a foreign state, if applicable, the law enforcement agency having custody of the vehicle shall notify the Illinois State Police, for the purpose of identifying the vehicle owner or other person legally entitled to the possession of the vehicle. The information obtained by the Illinois State Police will be immediately forwarded to the law enforcement agency having custody of the vehicle for notification purposes as set forth in Section 4-205 of this Code.

625 ILCS 5/4-207 — Reclaimed vehicles; expenses

Sec. 4-207. Reclaimed vehicles; expenses.

(a) Any time before a vehicle is sold at public sale or disposed of as provided in Section 4-208, the owner, lienholder or other person legally entitled to its possession may reclaim the vehicle by presenting to the law enforcement agency having custody of the vehicle proof of ownership or proof of the right to possession of the vehicle.

(b) No vehicle shall be released to the owner, lienholder, or other person under this Section until all towing, storage, and processing charges have been paid.

625 ILCS 5/4-208 — Disposal of unclaimed vehicles

Sec. 4-208. Disposal of unclaimed vehicles.

(a) In cities having a population of more than 500,000, whenever an abandoned, lost, stolen or unclaimed vehicle, or vehicle determined to be a hazardous dilapidated motor vehicle pursuant to Section 11-40-3.1 of the Illinois Municipal Code, remains unclaimed by the registered owner, lienholder or other legally entitled person for a period of 18 days after notice has been given under Sections 4-205 and 4-206 of this Code, if during that 18 days the possessor of the vehicle has sent an additional notice by first class mail to the registered owner, lienholder, or other legally entitled person, the vehicle shall be disposed, pursuant to the provisions of the "Municipal purchasing act for cities of 500,000 or more population", to a person licensed as an automotive parts recycler, rebuilder or scrap processor under Chapter 5 of this Code. With respect to any vehicle that has been booted, impounded, or both in accordance with subsection

(c) of Section 11-208.3, a city with a population over 500,000 may establish a program whereby the registered owner, lienholder, or other legally entitled person is entitled to any proceeds from the disposition of the vehicle, less any reasonable storage charges, administrative fees, booting fees, towing fees, and parking and compliance fines and penalties.

(b) Except as provided in Section 4-208 for cities with more than 500,000 inhabitants, when an abandoned, lost, stolen or unclaimed vehicle 7 years of age or newer remains unclaimed by the registered owner, lienholder or other legally entitled persons for a period of 30 days after notice has been given as provided in Sections 4-205 and 4-206 of this Code, the law enforcement agency or towing service having possession of the vehicle shall cause it to be sold at public auction to a person licensed as an automotive parts recycler, rebuilder or scrap processor under Chapter 5 of this Code or the towing operator which towed the vehicle. Notice of the time and place of the sale shall be posted in a conspicuous place for at least 10 days prior to the sale on the premises where the vehicle has been impounded. At least 10 days prior to the sale, the law enforcement agency where the vehicle is impounded, or the towing service where the vehicle is impounded, shall cause a notice of the time and place of the sale to be sent by certified mail to the registered owner, lienholder, or other legally entitled persons. Notice as provided in Sections 4-205 and 4-206 of this Code and as provided in this subsection

(b) shall state the time and place of sale and shall contain a complete description of the vehicle to be sold and what steps must be taken by any legally entitled person to reclaim the vehicle.

(c) If an abandoned, lost, stolen, or unclaimed vehicle displays dealer plates, notice under this Section and Section 4-209 of this Code shall be sent to both the dealer and the registered owner, lienholder, or other legally entitled persons.

(d) In those instances where the certified notification specified in Sections 4-205 and 4-206 of this Code has been returned by the postal authorities to the law enforcement agency or towing service, the sending of a second certified notice will not be required.

625 ILCS 5/4-209 — Disposal of unclaimed vehicles more than 7 years of age; disposal of abandoned or unclaimed vehicles without notice

Sec. 4-209. Disposal of unclaimed vehicles more than 7 years of age; disposal of abandoned or unclaimed vehicles without notice.

(a) When the identity of the registered owner, lienholder, or other legally entitled persons of an abandoned, lost, or unclaimed vehicle of 7 years of age or newer cannot be determined by any means provided for in this Chapter, the vehicle may be sold as provided in Section 4-208 without notice to any person whose identity cannot be determined.

(b) When an abandoned vehicle of more than 7 years of age is impounded as specified by this Chapter, or when any such vehicle is towed at the request or with the consent of the owner or operator and is subsequently abandoned, it will be kept in custody or storage for a minimum of 10 days for the purpose of determining the identity of the registered owner, lienholder, or other legally entitled persons and contacting the registered owner, lienholder, or other legally entitled persons by the U. S. Mail, public service or in person for a determination of disposition; and, an examination of the Illinois State Police stolen vehicle files for theft and wanted information. At the expiration of the 10 day period, without the benefit of disposition information being received from the registered owner, lienholder, or other legally entitled persons, the vehicle may be disposed of in either of the following ways:

(1) The law enforcement agency having jurisdiction will authorize the disposal of the vehicle as junk or salvage.

(2) The towing service may sell the vehicle in the manner provided in Section 4-208 of this Code, provided that this paragraph

(2) shall not apply to vehicles towed by order or authorization of a law enforcement agency.

(c) A vehicle classified as an antique vehicle, expanded-use antique vehicle, custom vehicle, or street rod may however be sold to a person desiring to restore it.

625 ILCS 5/4-209.1 — Disposal of hazardous dilapidated motor vehicles

Sec. 4-209.1. Disposal of hazardous dilapidated motor vehicles. Any hazardous dilapidated motor vehicle impounded pursuant to the provisions of this Article and Section 11-40-3.1 of the Illinois Municipal Code, whether impounded at a public facility or on the property of private towing service, shall be kept in custody for a period of 10 days for the purpose of determining the identity of the registered owner or lienholder and contacting such owner or lienholder, if known, by regular U.S. Mail. At the expiration of the 10-day period, without benefit of disposition information being received from the registered owner or lienholder, the law enforcement agency having jurisdiction will authorize the disposal of the vehicle as junk.

625 ILCS 5/4-209.2 — Collection of unpaid charges

Sec. 4-209.2. Collection of unpaid charges. In an action to collect towing, storage, and processing charges that remain unpaid after disposition of a vehicle towed or relocated under this Code, the towing service may recover reasonable collection costs.

625 ILCS 5/4-210 — Police reports after vehicle is reclaimed or disposed of

Sec. 4-210. Police reports after vehicle is reclaimed or disposed of. When a vehicle in the custody of a law enforcement agency is reclaimed by the registered owner, lienholder or other legally entitled person, or when the vehicle is sold at public sale or otherwise disposed of as provided in this Chapter, a report of the transaction will be maintained by that law enforcement agency for a period of one year from the date of the sale or disposal.

625 ILCS 5/4-211 — Disposition of proceeds of sale of unclaimed vehicles

Sec. 4-211. Disposition of proceeds of sale of unclaimed vehicles.

(a) When a vehicle located within the corporate limits of a city, village or town is authorized to be towed away by a law enforcement agency having jurisdiction and disposed of as set forth in this Chapter, the proceeds of the public sale or disposition after the deduction of towing, storage and processing charges shall be deposited in the treasury of such city, village or town.

(b) When a vehicle located outside the corporate limits of a city, village or town is authorized to be towed away by a law enforcement agency having jurisdiction and disposed of as set forth in this Chapter, the proceeds of the public sale or disposition, after deducting towing, storage and processing costs shall be deposited in the county treasury of the county

where the vehicle was located at the time of the tow.

(c) The provisions of this Section shall not apply to vehicles disposed of or sold at public sale under subsection (k) of Section 4-107 of this Code.

625 ILCS 5/4-212 — Ownership documents for vehicles after public sale - removal of liens

Sec. 4-212. Ownership documents for vehicles after public sale - removal of liens. When an applicant for a salvage certificate or junking certificate under this Chapter presents to the Secretary of State proof that he has purchased or acquired a vehicle at a public sale as authorized by this Chapter and such fact is certified to by the law enforcement agency having jurisdiction over the public sale of a vehicle, the Secretary of State shall issue a salvage certificate or junking certificate for the vehicle upon receipt of the statutory fee and a properly executed application for a salvage certificate or junking certificate. The salvage certificate or junking certificate issued by the Secretary of State under this Section shall be free of any lien that existed against the vehicle prior to the time the vehicle was acquired by the applicant under this Chapter.

625 ILCS 5/4-212.1

Sec. 4-212.1. In cities with more than 500,000 inhabitants, the corporate authorities may, by ordinance, designate any department of municipal government to do any of the following:

- (1) To perform any of the duties and functions specified for law enforcement agencies in subsection (a) of Section 4-205 and in Sections 4-201, 4-203, 4-204, 4-206, 4-207, 4-208, 4-209, 4-210, 4-211 and 4-212; and
- (2) To authorize a towing service to remove and take possession of abandoned, lost, stolen or unclaimed vehicles, in the manner that municipal police may make such authorization pursuant to Section 4-202; and
- (3) To send notifications as required under subsection (b) of Section 4-205.

625 ILCS 5/4-213 — Liability of law enforcement officers, agencies, and towing services

Sec. 4-213. Liability of law enforcement officers, agencies, and towing services.

- (a) A law enforcement officer or agency, a department of municipal government designated under Section 4-212.1 or its officers or employees, or a towing service owner, operator, or employee shall not be held to answer or be liable for damages in any action brought by the registered owner, former registered owner, or his legal representative, lienholder or any other person legally entitled to the possession of a vehicle when the vehicle was processed and sold or disposed of as provided by this Chapter.
- (b) A towing service, and any of its officers or employees, that removes or tows a vehicle as a result of being directed to do so by a law enforcement officer or agency or a department of municipal government or its officers or employees shall not be held to answer or be liable for loss of or damages to any real or personal property that occurs in the course of the removal or towing of a vehicle or its contents
- (i) on a limited access highway in a designated Incident Management Program that uses fast lane clearance techniques as defined by the Department of Transportation or (ii) at the direction of a peace officer, a highway authority official, or a representative of local authorities, under Section 11-402 or 11-404 of this Code.

625 ILCS 5/4-214 — Violations of Section 4-201

Sec. 4-214. Violations of Section 4-201.

(a) Any person who violates Section 4-201 of this Code or who aids and abets in that violation:

- (1) shall be subject to a mandatory fine of \$200; and
- (2) shall be required by the court to make a disposition on the abandoned or unclaimed vehicle and pay all towing, storage, and processing charges and collection costs pursuant to Section 4-203, subsections (a) and (e).
- (b) When a vehicle is abandoned, it shall be presumed that the last registered owner is responsible for the abandonment and shall be liable for all towing, storage, and processing charges and collection costs, less any amounts realized in the disposal of the vehicle. The last registered owner's liability for storage fees may not exceed a maximum of 30 days'

storage fees. The presumption established under this subsection may be rebutted by a showing that, prior to the time of the tow:

- (1) a report of vehicle theft was filed with respect to the vehicle; or
- (2) the vehicle was sold or transferred and the last registered owner provides the towing service with the correct identity and address of the new owner at the time of the sale or transfer. If the presumption established under this subsection is rebutted, the person responsible for theft of the vehicle or to whom the vehicle was sold or transferred is liable for all towing, storage, and processing charges and collection costs.

625 ILCS 5/4-214.1

Sec. 4-214.1. (Repealed).

625 ILCS 5/4-215 — Rebuilt vehicles; clean titles

Sec. 4-215. Rebuilt vehicles; clean titles. Persons licensed under Section 5-301 of this Code may obtain a certificate of title that does not bear the notation "REBUILT" from a certificate of purchase when the damage to the vehicle is 25% or less of its market value, there has been no structural damage to the vehicle, there is no history of a salvage certificate, and the vehicle has undergone a salvage inspection by the Secretary of State and a safety inspection under Section 13-101 of this Code. The application for a certificate of title shall contain an affirmation under penalty for perjury that the vehicle on the date of the application is not damaged in excess of 25% of its market value, has no structural damage, and has no history of salvage.

625 ILCS 5/4-216 — Storage fees; notice to lienholder of record

Sec. 4-216. Storage fees; notice to lienholder of record.

(a) Any commercial vehicle relocater or any other private towing service providing removal or towing services pursuant to this Code and seeking to impose fees in connection with the furnishing of storage for a vehicle in the possession of the commercial vehicle relocater or other private towing service must provide written notice within 2 business days after the vehicle is removed or towed, by certified mail, return receipt requested, to the lienholder of record, regardless of whether the commercial vehicle relocater or other private towing service enforces a lien under the Labor and Storage Lien Act or the Labor and Storage Lien (Small Amount) Act. The notice shall be effective upon mailing and include the rate at which fees will be incurred, and shall provide the lienholder with an opportunity to inspect the vehicle on the premises where the vehicle is stored within 2 business days of the lienholder's request. The date on which the assessment and accrual of storage fees may commence is the date of the impoundment of the vehicle, subject to any applicable limitations set forth by a municipality authorizing the vehicle removal. Payment of the storage fees by the lienholder may be made in cash or by cashier's check, certified check, debit card, credit card, or wire transfer, at the option of the lienholder taking possession of the vehicle. The commercial vehicle relocater or other private towing service shall furnish a copy of the certified mail receipt to the lienholder upon request.

(b) The notification requirements in subsection

(a) of this Section apply in addition to any lienholder notice requirements under this Code relating to the removal or towing of an abandoned, lost, stolen, or unclaimed vehicle. If the commercial vehicle relocater or other private towing service fails to comply with the notification requirements set forth in subsection

(a) of this Section, storage fees shall not be assessed and collected and the lienholder shall be entitled to injunctive relief for possession of the vehicle without the payment of any storage fees.

(c) If the notification required under subsection

(a) was not sent and a lienholder discovers its collateral is in the possession of a commercial vehicle relocater or other private towing service by means other than the notification required in subsection

(a) of this Section, the lienholder is entitled to recover any storage fees paid to the commercial vehicle relocater or other private towing service to reclaim possession of its collateral.

(d) An action under this Section may be brought by the lienholder against the commercial vehicle locator or other private towing service in the circuit court.

(e) Notwithstanding any provision to the contrary in this Code, a commercial vehicle relocater or other private towing service seeking to impose storage fees for a vehicle in its possession may not foreclose or otherwise enforce its claim for

payment of storage services or any lien relating to the claim pursuant to this Code or other applicable law unless it first complies with the lienholder notification requirements set forth in subsection

(a) of this Section.

(f) If the vehicle that is removed or towed is registered in a state other than Illinois, the assessment and accrual of storage fees may commence on the date that the request for lienholder information is filed by the commercial vehicle relocater or other private towing service with the applicable administrative agency or office in that state if:

(i) the commercial vehicle relocater or other private towing service furnishes the lienholder with a copy or proof of filing of the request for lienholder information; (ii) the commercial vehicle relocater or other private towing service provides to the lienholder of record the notification required by this Section within one business day after receiving the requested lienholder information; and (iii) the assessment of storage fees complies with any applicable limitations set forth by a municipality authorizing the vehicle removal.

625 ILCS 5/4-300 — Definitions

Sec. 4-300. Definitions. For the purposes of this Article, the following word shall have the meaning ascribed to it as follows: Board. The Vehicle Recycling Board of the State of Illinois, acting directly or through its duly authorized officers and agents.

625 ILCS 5/4-301 — State policy

Sec. 4-301. State policy. The General Assembly finds that abandoned and derelict vehicles: constitute a safety hazard and a public nuisance; are detrimental to the health, safety and welfare of the general public by harboring disease, providing breeding places for vermin, inviting plundering, creating fire hazards, and presenting physical dangers to children and others; produce scenic blights which degrade the environment and adversely affect land values and the proper maintenance and continuing development of the State of Illinois and all of its subdivisions; represent a resource out of place and an energy loss to the Illinois economy, and require state and local governmental attention, in conjunction with any federal governmental attention, in order to assure the expeditious removal and recycling of these abandoned and derelict vehicles. The General Assembly declares therefore, that it is the policy of the State of Illinois, to: 1. Prohibit the abandonment of vehicles and the retention of derelicts, and to enforce such prohibition by law while reminding vehicle owners of their own individual responsibility to dispose of such vehicles; 2. Encourage the development of procedures and techniques to facilitate the expeditious removal of abandoned and derelict vehicles from public or private premises; 3. Encourage the State of Illinois and all of its political subdivisions, in cooperation with the federal government and the private sector of our State, and in cooperation with other states of the United States, to recover and recycle the resource represented by abandoned and derelict vehicles to the fullest extent practicable.

625 ILCS 5/4-302 — Vehicle Recycling Board

Sec. 4-302. Vehicle Recycling Board. There is hereby created the Vehicle Recycling Board of the State of Illinois composed of the Secretary of Transportation, the Director of the Illinois State Police, the Director of Public Health, the Director of the Environmental Protection Agency or their designated representatives. The Governor shall designate the Chairman and Secretary of the Board. The Board shall appoint an advisory committee, of no less than 10 members, to include an official representative of the Office of the Secretary of State as designated by the Secretary; and other appropriate representatives from such sources as: statewide associations of city, county and township governing bodies; knowledgeable successful leaders from the auto recycling private sector; the State associations of chiefs of police, county sheriffs, police officers; and State agencies having a direct or indirect relationship with vehicle recycling.

625 ILCS 5/4-303 — Tenure, vacancies and expenses

Sec. 4-303. Tenure, vacancies and expenses. State officers and their designated representatives on the Board and representatives of the State agencies serving on the advisory committee, shall serve without additional compensation and their necessary expenses shall be borne by the State office or agency represented. Members of the advisory committee shall be reimbursed for their necessary expenses in their attendance to meetings and functions as required by the Board. The Board shall employ such personnel as deemed necessary by the Board to implement and administer this Act and any expenses incurred in its administration may be incurred and expended only within and pursuant to the appropriations made by the General Assembly. The records of the Board shall be subject to audit by the Auditor General.

625 ILCS 5/4-304 — Implementation and administration of policy

Sec. 4-304. Implementation and administration of policy. The Board shall consider and adopt such programs as are designed to implement and administer the policies hereinbefore expressed and within the appropriations provided for by the General Assembly. In adopting such programs, the Board shall take into consideration the programs of the federal government in the same field, so as to assure full coordination therewith and that the State of Illinois does not duplicate federal actions and programs. The programs to be considered by the Board shall in addition be designed to: 1. Effect the efficient removal of abandoned vehicles from the highways, streets, roads, other public property, as well as from private property within Illinois. 2. Effect the efficient removal of abandoned and derelict vehicles from private property to be junked, salvaged, recycled, or reclaimed, to wrecking, recycling or salvaging facilities, or to a temporary impoundment or area collection center. 3. Effect efficient recycling or scrap processing of retired vehicles and the salvaging of usable parts. 4. Permit the restoration of antique and historic vehicles by private persons or agencies. 5. Work with other State agencies to effect the efficient and effective recycling of solid and liquid motor vehicle waste, including motor vehicle drain oil, derived in the recycling of a motor vehicle. 6. Recoup the costs of removal and disposal of abandoned and derelict vehicles from vehicle owners, land owners and persons who abandon or discard such vehicles and from other suitable sources. 7. Promote and publicize individual responsibility of vehicle owners for their personal disposal of unwanted and discarded vehicles and develop an effective promotional campaign to show owners how to properly dispose of such vehicles; and the legal consequences of not doing so. 8. Provide State coordination, expertise and assistance to all local units of government, as needed, seeking legislative remedy where appropriate regarding: vehicle detitling procedure; impoundment time periods; the legal restrictions unnecessarily delaying vehicle disposal; and, to promote and advance the technology, growth and development of the legitimate auto recycling industry to the end that this industry can effectively recycle all vehicles annually retired and accumulated in Illinois with a minimum of assistance from the State or its subdivisions. The Board is empowered to negotiate and enter into reciprocal agreements with other states and State and federal agencies, in furtherance of the provisions of this Act, as amended; provided, however, that no such reciprocal agreement may be entered into without the approval and authorization of the State body legally required to approve such agreements. The Board shall make rules, regulations and by-laws, not inconsistent with this Act or any other law of this State, as to its own organization and conduct and for the implementation and administration of this Act. The Board is further empowered to enter into an agreement with any State agency represented on the Board, to carry out the administration of the abandoned and derelict vehicle abatement program of the Board, and to make such funds available as may be found necessary by the Board, as appropriated by the General Assembly.

625 ILCS 5/4-305 — Inventory, collection and disposal facilities

Sec. 4-305. Inventory, collection and disposal facilities. If not otherwise economically practicable, the Board may provide by contract with private persons or agencies, or with political subdivisions of the State of Illinois and all local governmental units of government, for the inventory, collection and disposal or any portion thereof, of abandoned and derelict vehicles to wrecking, salvage or recycling plants, or, provide facilities for the collection and proper disposal of any vehicle under the provisions of this Act, as amended. The Board may further formulate a program, statewide or within prescribed areas, for the inventory and collection of abandoned and derelict vehicles and to provide for their junking, salvage or recycling. In all cases, the Board shall coordinate such program with each affected State agency, local governmental unit, and local law enforcement agencies. The Board may further subsidize political subdivisions of this State, local governmental units and local law enforcement agencies for their costs, provable by audit and not otherwise recoverable from any proceeds derived from any sale of abandoned and derelict vehicles, in collecting, storing and disposing of such vehicles during a reimbursement period set by the Board. Any expenditure of funds hereunder shall be subject to audit by the Auditor General, within the appropriations for this purpose by the General Assembly, and may be made only in the event that cost-analysis and program efficiency show that such reimbursement subsidy is justified. No owner of any abandoned or derelict vehicle shall in any way, receive any funds hereunder. This shall not, however, prohibit the Board from examining the strategy of paying owners of discarded vehicles a limited sum for delivering their vehicles to a collection point when scrap prices are depressed; and bringing emergency measures such as this to the attention of the General Assembly for its consideration at a later time.

625 ILCS 5/4-306 — Federal aid

Sec. 4-306. Federal aid. The Board is authorized and empowered to do all things necessary and proper to fully cooperate with any agency of the United States in the administration of any federal act relating to abandoned and derelict vehicles or the recycling or scrapping of vehicles now in effect or hereafter enacted for the purpose of appropriation of funds for the payment to or toward the junking, salvaging, recycling or scrapping of retired and discarded vehicles. Whenever federal

funds are expended to provide for the payment to or toward the junking, salvaging, recycling or scrapping of such vehicles, the amount received as reimbursement therefor shall be paid into the fund or trust fund in the State Treasury from which such expenditure was made.

625 ILCS 5/4-307 — Funding and fees

Sec. 4-307. Funding and fees.

(a) The programs initiated by the Board shall be funded by appropriations by the General Assembly to the Board. In addition to any fees enacted by the General Assembly, the Board shall recommend additional and optional methods of financing such programs to the end that the programs shall become self-sufficient.

(b) In addition to any provisions made by the General Assembly, the Board shall recommend incentives to induce the junking of abandoned and derelict vehicles not suitable for rebuilding or restoring as antiques or historic vehicles. The Board may further recommend a subsidy to implement Section 4-305.

625 ILCS 5/5-100 — Definitions

Sec. 5-100. Definitions. For the purposes of this Chapter, the following words shall have the meanings ascribed to them as follows: "Additional place of business" means a place owned or leased and occupied by the dealer in addition to its established place of business, at which the dealer conducts or intends to conduct business on a permanent or long term basis. The term does not include an area where an off site sale or exhibition is conducted. The Secretary of State shall adopt guidelines for the administration and enforcement of this definition by rule. "Display exhibition" means a temporary display of vehicles by a dealer licensed under Section 5-101 or 5-102, at a location at which no vehicles are offered for sale, that is conducted at a place other than the dealer's established and additional places of business. "Established place of business" means the place owned or leased and occupied by any person duly licensed or required to be licensed as a dealer for the purpose of engaging in selling, buying, bartering, displaying, exchanging or dealing in, on consignment or otherwise, vehicles and their essential parts and for such other ancillary purposes as may be permitted by the Secretary by rule. It shall include an office in which the dealer's records shall be separate and distinct from any other business or tenant which may occupy space in the same building except as provided in Section 5-101.1. This office shall not be located in a house trailer, residence, tent, temporary stand, temporary address, room or rooms in a hotel or rooming house, nor the premises occupied by a single or multiple unit residence. "Established place of business" only includes a place with an outdoor lot capable of parking at least 5 vehicles or an indoor lot with space for a minimum of one vehicle to be parked in its indoor showroom. The established place of business of a scrap processor shall be the fixed location where the scrap processor maintains its principal place of business. The Secretary of State shall, by rule and regulation, adopt guidelines for the administration and enforcement of this definition, such as, but not limited to issues concerning the required hours of operation, describing where vehicles are displayed and offered for sale, where books and records are maintained and requirements for the fulfillment of warranties. A dealer may have an additional place of business as defined under this Section. "Motor vehicle financing affiliate" means a business organization registered to do business in Illinois that, pursuant to a written contract with either

(1) a single new or used motor vehicle dealer or

(2) a single group of new or used motor vehicle dealers that share a common ownership within the group, purchases new or used motor vehicles on behalf of the dealer or group of dealers and then sells, transfers, or assigns those motor vehicles to the dealer or group of dealers. The motor vehicle financing affiliate must be incorporated or organized solely to purchase new or used vehicles on behalf of the new or used motor vehicle dealer or group of dealers with which it has contracted, shall not sell motor vehicles at retail, shall perform only those business functions related to the purchasing of motor vehicles and selling, transferring, or assigning those motor vehicles to the dealer or group of dealers. The motor vehicle financing affiliate must be licensed under the provisions of Section 5-101.1 and must not be licensed as a new or used motor vehicle dealer. "Off site sale" means the temporary display and sale of vehicles, for a period of not more than 7 calendar days (excluding Sundays), by a dealer licensed under Section 5-101 or 5-102 at a place other than the dealer's established and additional places of business. "Relevant market area", for a new vehicle dealer licensed under Section 5-101 and for a used vehicle dealer licensed under Section 5-102, means the area within 10 miles of the established or additional place of business of the dealer located in a county with a population of 300,000 or more, or within 15 miles if the established place of business is located in a county with a population of less than 300,000. "Trade show exhibition" means a temporary display of vehicles, by dealers licensed under Section 5-101 or 5-102, or any other person as defined in subsection

(c) of Section 5-102.1, at a location at which no vehicles are offered for sale that is conducted at a place other than the dealer's established and additional places of business. In order for a display exhibition to be considered a trade show exhibition, it must be participated in by at least 3 dealers, 2 of which must be licensed under Section 5-101 or 5-102; and a trade show exhibition of new vehicles shall only be participated in by licensed new vehicle dealers at least 2 of which must be licensed under Section 5-101.

625 ILCS 5/5-100-1 — Findings and Purpose

Sec. 5-100-1. Findings and Purpose. The General Assembly finds that:

- (1) crimes involving the theft of vehicles and their parts have risen steadily over the past years, with a resulting loss of millions of dollars to the residents of this State;
- (2) essential to the criminal enterprise of vehicle theft operations is the ability of thieves to transfer or sell stolen vehicles or their parts through legitimate commercial channels, making them available for sale to the automotive industry;
- (3) vehicle dealers, scrap processors, automotive parts recyclers, repairers and rebuilders who comprise the vast majority of the persons engaged in the automotive business in this State are frequently exposed to pressures and influences from motor vehicle thieves;
- (4) elements of organized crime are constantly attempting to influence businessmen engaged in the sale and repair of motor vehicles so as to further their own criminal interests; and
- (5) close and strict government regulation of vehicle dealers, scrap processors, automotive parts recyclers, repairers and rebuilders will provide a system of tracking the flow of vehicles and their essential parts and therefore significantly reduce the numbers of vehicle-related thefts in this State. It is, therefore, the intent of the General Assembly to establish a system of mandatory licensing and record keeping which will prevent or reduce the transfer or sale of stolen vehicles or their parts within this State. It further is the intent of the General Assembly that government agencies work in cooperation with vehicle dealers, scrap processors, automotive parts recyclers, repairers and rebuilders, utilizing their professional expertise in the development and execution of programs and strategies to reduce vehicle-related crime and maximize consumer protection while ensuring a healthy business climate for the legitimate automotive industry.

625 ILCS 5/5-101 — New vehicle dealers must be licensed

Sec. 5-101. New vehicle dealers must be licensed.

- (a) No person shall engage in this State in the business of selling or dealing in, on consignment or otherwise, new vehicles of any make, or act as an intermediary or agent or broker for any licensed dealer or vehicle purchaser other than as a salesperson, or represent or advertise that he is so engaged or intends to so engage in such business unless licensed to do so in writing by the Secretary of State under the provisions of this Section.
- (b) An application for a new vehicle dealer's license shall be filed with the Secretary of State, duly verified by oath, on such form as the Secretary of State may by rule or regulation prescribe and shall contain: 1. The name and type of business organization of the applicant and his established and additional places of business, if any, in this State. 2. If the applicant is a corporation, a list of its officers, directors, and shareholders having a ten percent or greater ownership interest in the corporation, setting forth the residence address of each; if the applicant is a sole proprietorship, a partnership, an unincorporated association, a trust, or any similar form of business organization, the name and residence address of the proprietor or of each partner, member, officer, director, trustee, or manager. 3. The make or makes of new vehicles which the applicant will offer for sale at retail in this State. 4. The name of each manufacturer or franchised distributor, if any, of new vehicles with whom the applicant has contracted for the sale of such new vehicles. As evidence of this fact, the application shall be accompanied by a signed statement from each such manufacturer or franchised distributor. If the applicant is in the business of offering for sale new conversion vehicles, trucks or vans, except for trucks modified to serve a special purpose which includes but is not limited to the following vehicles: street sweepers, fertilizer spreaders, emergency vehicles, implements of husbandry or maintenance type vehicles, he must furnish evidence of a sales and service agreement from both the chassis manufacturer and second stage manufacturer. 5. A statement that the applicant has been approved for registration under the Retailers' Occupation Tax Act by the Department of Revenue: Provided that this requirement does not apply to a dealer who is already licensed hereunder with the Secretary of State, and who is merely applying for a renewal of his license. As evidence of this fact, the application shall be accompanied by a certification from the Department of Revenue showing that that Department has approved the applicant for registration under the Retailers' Occupation Tax Act. 6. A statement that the applicant has complied with the appropriate liability

insurance requirement. A Certificate of Insurance in a solvent company authorized to do business in the State of Illinois shall be included with each application covering each location at which he proposes to act as a new vehicle dealer. The policy must provide liability coverage in the minimum amounts of \$100,000 for bodily injury to, or death of, any person, \$300,000 for bodily injury to, or death of, two or more persons in any one crash, and \$50,000 for damage to property. Such policy shall expire not sooner than December 31 of the year for which the license was issued or renewed. The expiration of the insurance policy shall not terminate the liability under the policy arising during the period for which the policy was filed. Trailer and mobile home dealers are exempt from this requirement. If the permitted user has a liability insurance policy that provides automobile liability insurance coverage of at least \$100,000 for bodily injury to or the death of any person, \$300,000 for bodily injury to or the death of any 2 or more persons in any one crash, and \$50,000 for damage to property, then the permitted user's insurer shall be the primary insurer and the dealer's insurer shall be the secondary insurer. If the permitted user does not have a liability insurance policy that provides automobile liability insurance coverage of at least \$100,000 for bodily injury to or the death of any person, \$300,000 for bodily injury to or the death of any 2 or more persons in any one crash, and \$50,000 for damage to property, or does not have any insurance at all, then the dealer's insurer shall be the primary insurer and the permitted user's insurer shall be the secondary insurer. When a permitted user is "test driving" a new vehicle dealer's automobile, the new vehicle dealer's insurance shall be primary and the permitted user's insurance shall be secondary. As used in this paragraph 6, a "permitted user" is a person who, with the permission of the new vehicle dealer or an employee of the new vehicle dealer, drives a vehicle owned and held for sale or lease by the new vehicle dealer which the person is considering to purchase or lease, in order to evaluate the performance, reliability, or condition of the vehicle. The term "permitted user" also includes a person who, with the permission of the new vehicle dealer, drives a vehicle owned or held for sale or lease by the new vehicle dealer for loaner purposes while the user's vehicle is being repaired or evaluated. As used in this paragraph 6, "test driving" occurs when a permitted user who, with the permission of the new vehicle dealer or an employee of the new vehicle dealer, drives a vehicle owned and held for sale or lease by a new vehicle dealer that the person is considering to purchase or lease, in order to evaluate the performance, reliability, or condition of the vehicle. As used in this paragraph 6, "loaner purposes" means when a person who, with the permission of the new vehicle dealer, drives a vehicle owned or held for sale or lease by the new vehicle dealer while the user's vehicle is being repaired or evaluated. 7. (A) An application for a new motor vehicle dealer's license shall be accompanied by the following license fees:

(i) \$1,000 for applicant's established place of business, and \$100 for each additional place of business, if any, to which the application pertains; but if the application is made after June 15 of any year, the license fee shall be \$500 for applicant's established place of business plus \$50 for each additional place of business, if any, to which the application pertains. License fees shall be returnable only in the event that the application is denied by the Secretary of State. All moneys received by the Secretary of State as license fees under this subparagraph

(i) prior to applications for the 2004 licensing year shall be deposited into the Motor Vehicle Review Board Fund and shall be used to administer the Motor Vehicle Review Board under the Motor Vehicle Franchise Act. Of the money received by the Secretary of State as license fees under this subparagraph

(i) for the 2004 licensing year and thereafter, 10% shall be deposited into the Motor Vehicle Review Board Fund and shall be used to administer the Motor Vehicle Review Board under the Motor Vehicle Franchise Act and 90% shall be deposited into the General Revenue Fund. (ii) Except for dealers selling 25 or fewer automobiles or as provided in subsection

(h) of Section 5-102.7 of this Code, an Annual Dealer Recovery Fund Fee in the amount of \$500 for the applicant's established place of business, and \$50 for each additional place of business, if any, to which the application pertains; but if the application is made after June 15 of any year, the fee shall be \$250 for the applicant's established place of business plus \$25 for each additional place of business, if any, to which the application pertains. For a license renewal application, the fee shall be based on the amount of automobiles sold in the past year according to the following formula:

(1) \$0 for dealers selling 25 or less automobiles;

(2) \$150 for dealers selling more than 25 but less than 200 automobiles;

(3) \$300 for dealers selling 200 or more automobiles but less than 300 automobiles; and

(4) \$500 for dealers selling 300 or more automobiles. License fees shall be returnable only in the event that the application is denied by the Secretary of State. Moneys received under this subparagraph (ii) shall be deposited into the Dealer Recovery Trust Fund. (B) An application for a new vehicle dealer's license, other than for a new motor vehicle dealer's license, shall be accompanied by the following license fees:

(i) \$1,000 for applicant's established place of business, and \$50 for each additional place of business, if any, to which the application pertains; but if the application is made after June 15 of any year, the license fee shall be \$500 for applicant's established place of business plus \$25 for each additional place of business, if any, to which the application pertains. License fees shall be returnable only in the event that the application is denied by the Secretary of State. Of the money received by the Secretary of State as license fees under this subparagraph

(i) for the 2004 licensing year and thereafter, 95% shall be deposited into the General Revenue Fund. (ii) Except as provided in subsection

(h) of Section 5-102.7 of this Code, an Annual Dealer Recovery Fund Fee in the amount of \$500 for the applicant's established place of business, and \$50 for each additional place of business, if any, to which the application pertains; but if the application is made after June 15 of any year, the fee shall be \$250 for the applicant's established place of business plus \$25 for each additional place of business, if any, to which the application pertains. License fees shall be returnable only in the event that the application is denied by the Secretary of State. Moneys received under this subparagraph (ii) shall be deposited into the Dealer Recovery Trust Fund. 8. A statement that the applicant's officers, directors, shareholders having a 10% or greater ownership interest therein, proprietor, a partner, member, officer, director, trustee, manager or other principals in the business have not committed in the past 3 years any one violation as determined in any civil, criminal or administrative proceedings of any one of the following Acts: (A) The Anti-Theft Laws of the Illinois Vehicle Code; (B) The Certificate of Title Laws of the Illinois Vehicle Code; (C) The Offenses against Registration and Certificates of Title Laws of the Illinois Vehicle Code; (D) The Dealers, Transporters, Wreckers and Rebuilders Laws of the Illinois Vehicle Code; (E) Section 21-2 of the Criminal Code of 1961 or the Criminal Code of 2012, Criminal Trespass to Vehicles; or (F) The Retailers' Occupation Tax Act. 9. A statement that the applicant's officers, directors, shareholders having a 10% or greater ownership interest therein, proprietor, partner, member, officer, director, trustee, manager or other principals in the business have not committed in any calendar year 3 or more violations, as determined in any civil, criminal or administrative proceedings, of any one or more of the following Acts: (A) The Consumer Finance Act; (B) The Consumer Installment Loan Act; (C) The Retail Installment Sales Act; (D) The Motor Vehicle Retail Installment Sales Act; (E) The Interest Act; (F) The Illinois Wage Assignment Act; (G) Part 8 of Article XII of the Code of Civil Procedure; or (H) The Consumer Fraud Act. 9.5. A statement that, within 10 years of application, each officer, director, shareholder having a 10% or greater ownership interest therein, proprietor, partner, member, officer, director, trustee, manager, or other principal in the business of the applicant has not committed, as determined in any civil, criminal, or administrative proceeding, in any calendar year one or more forcible felonies under the Criminal Code of 1961 or the Criminal Code of 2012, or a violation of either or both Article 16 or 17 of the Criminal Code of 1961 or a violation of either or both Article 16 or 17 of the Criminal Code of 2012, Article 29B of the Criminal Code of 1961 or the Criminal Code of 2012, or a similar out-of-state offense. For the purposes of this paragraph, "forcible felony" has the meaning provided in Section 2-8 of the Criminal Code of 2012. 10. A bond or certificate of deposit in the amount of \$50,000 for each location at which the applicant intends to act as a new vehicle dealer. The bond shall be for the term of the license, or its renewal, for which application is made, and shall expire not sooner than December 31 of the year for which the license was issued or renewed. The bond shall run to the People of the State of Illinois, with surety by a bonding or insurance company authorized to do business in this State. It shall be conditioned upon the proper transmittal of all title and registration fees and taxes (excluding taxes under the Retailers' Occupation Tax Act) accepted by the applicant as a new vehicle dealer. 11. Such other information concerning the business of the applicant as the Secretary of State may by rule or regulation prescribe. 12. A statement that the applicant understands Chapter 1 through Chapter 5 of this Code. 13. The full name, address, and contact information of each of the dealer's agents or legal representatives who is an Illinois resident and liable for the performance of the dealership.

(c) Any change which renders no longer accurate any information contained in any application for a new vehicle dealer's license shall be amended within 30 days after the occurrence of such change on such form as the Secretary of State may prescribe by rule or regulation, accompanied by an amendatory fee of \$2.

(d) Anything in this Chapter 5 to the contrary notwithstanding no person shall be licensed as a new vehicle dealer unless: 1. He is authorized by contract in writing between himself and the manufacturer or franchised distributor of such make of vehicle to so sell the same in this State, and 2. Such person shall maintain an established place of business as defined in this Act.

(e) The Secretary of State shall, within a reasonable time after receipt, examine an application submitted to him under this Section and unless he makes a determination that the application submitted to him does not conform with the

requirements of this Section or that grounds exist for a denial of the application, under Section 5-501 of this Chapter, grant the applicant an original new vehicle dealer's license in writing for his established place of business and a supplemental license in writing for each additional place of business in such form as he may prescribe by rule or regulation which shall include the following: 1. The name of the person licensed; 2. If a corporation, the name and address of its officers or if a sole proprietorship, a partnership, an unincorporated association or any similar form of business organization, the name and address of the proprietor or of each partner, member, officer, director, trustee or manager; 3. In the case of an original license, the established place of business of the licensee; 4. In the case of a supplemental license, the established place of business of the licensee and the additional place of business to which such supplemental license pertains; 5. The make or makes of new vehicles which the licensee is licensed to sell; 6. The full name, address, and contact information of each of the dealer's agents or legal representatives who is an Illinois resident and liable for the performance of the dealership.

(f) The appropriate instrument evidencing the license or a certified copy thereof, provided by the Secretary of State, shall be kept posted conspicuously in the established place of business of the licensee and in each additional place of business, if any, maintained by such licensee.

(g) Except as provided in subsection

(h) hereof, all new vehicle dealer's licenses granted under this Section shall expire by operation of law on December 31 of the calendar year for which they are granted unless sooner revoked or cancelled under the provisions of Section 5-501 of this Chapter.

(h) A new vehicle dealer's license may be renewed upon application and payment of the fee required herein, and submission of proof of coverage under an approved bond under the Retailers' Occupation Tax Act or proof that applicant is not subject to such bonding requirements, as in the case of an original license, but in case an application for the renewal of an effective license is made during the month of December, the effective license shall remain in force until the application is granted or denied by the Secretary of State.

(i) All persons licensed as a new vehicle dealer are required to furnish each purchaser of a motor vehicle: 1. In the case of a new vehicle a manufacturer's statement of origin and in the case of a used motor vehicle a certificate of title, in either case properly assigned to the purchaser; 2. A statement verified under oath that all identifying numbers on the vehicle agree with those on the certificate of title or manufacturer's statement of origin; 3. A bill of sale properly executed on behalf of such person; 4. A copy of the Uniform Invoice-transaction reporting return referred to in Section 5-402 hereof; 5. In the case of a rebuilt vehicle, a copy of the Disclosure of Rebuilt Vehicle Status; and 6. In the case of a vehicle for which the warranty has been reinstated, a copy of the warranty.

(j) Except at the time of sale or repossession of the vehicle, no person licensed as a new vehicle dealer may issue any other person a newly created key to a vehicle unless the new vehicle dealer makes a color photocopy or electronic scan of the driver's license or State identification card of the person requesting or obtaining the newly created key. The new vehicle dealer must retain the photocopy or scan for 30 days. A new vehicle dealer who violates this subsection

(j) is guilty of a petty offense. Violation of this subsection

(j) is not cause to suspend, revoke, cancel, or deny renewal of the new vehicle dealer's license. This amendatory Act of 1983 shall be applicable to the 1984 registration year and thereafter.

(k) If a licensee under this Section voluntarily surrenders a license to the Illinois Secretary of State Police or a representative of the Secretary of State Vehicle Services Department due to the licensee's inability to adhere to recordkeeping provisions, or the inability to properly issue certificates of title or registrations under this Code, or the Secretary revokes a license under this Section, then the licensee and the licensee's agent, designee, or legal representative, if applicable, may not be named on a new application for a licensee under this Section or under this Chapter, nor is the licensee or the licensee's agent, designee, or legal representative permitted to work for another licensee under this Chapter in a recordkeeping, management, or financial position or as an employee who handles certificate of title and registration documents and applications.

625 ILCS 5/5-101.1 — Motor vehicle financing affiliates; licensing

Sec. 5-101.1. Motor vehicle financing affiliates; licensing.

(a) In this State, no business shall engage in the business of a motor vehicle financing affiliate without a license to do so in writing from the Secretary of State.

(b) An application for a motor vehicle financing affiliate's license must be filed with the Secretary of State, duly verified by oath, on a form prescribed by the Secretary of State and shall contain all of the following:

(1) The name and type of business organization of the applicant and the applicant's established place of business and any additional places of business in this State.

(2) The name and address of the licensed new or used vehicle dealer to which the applicant will be selling, transferring, or assigning new or used motor vehicles pursuant to a written contract. If more than one dealer is on the application, the applicant shall state in writing the basis of common ownership among the dealers.

(3) A list of the business organization's officers, directors, members, and shareholders having a 10% or greater ownership interest in the business, providing the residential address for each person listed.

(4) If selling, transferring, or assigning new motor vehicles, the make or makes of new vehicles that it will sell, assign, or otherwise transfer to the contracting new motor vehicle dealer listed on the application pursuant to paragraph (2).

(5) The name of each manufacturer or franchised distributor, if any, of new vehicles with whom the applicant has contracted for the sale of new vehicles and a signed statement from each manufacturer or franchised distributor acknowledging the contract.

(6) A statement that the applicant has been approved for registration under the Retailers' Occupation Tax Act by the Department of Revenue. This requirement does not apply to a motor vehicle financing affiliate that is already licensed with the Secretary of State and is applying for a renewal of its license.

(7) A statement that the applicant has complied with the appropriate liability insurance requirement and a Certificate of Insurance that shall not expire before December 31 of the year for which the license was issued or renewed with a minimum liability coverage of \$100,000 for the bodily injury or death of any person, \$300,000 for the bodily injury or death of 2 or more persons in any one crash, and \$50,000 for damage to property. The expiration of the insurance policy shall not terminate the liability under the policy arising during the period for which the policy was filed. Trailer and mobile home dealers are exempt from the requirements of this paragraph. A motor vehicle financing affiliate is exempt from the requirements of this paragraph if it is covered by the insurance policy of the new or used dealer listed on the application pursuant to paragraph (2).

(8) A license fee of \$1,000 for the applicant's established place of business and \$250 for each additional place of business, if any, to which the application pertains. However, if the application is made after June 15 of any year, the license fee shall be \$500 for the applicant's established place of business and \$125 for each additional place of business, if any, to which the application pertains. These license fees shall be returnable only in the event that the application is denied by the Secretary of State.

(9) A statement incorporating the requirements of paragraphs 8 and 9 of subsection (b) of Section 5-101.

(10) Any other information concerning the business of the applicant as the Secretary of State may prescribe.

(11) A statement that the applicant understands Chapter 1 through Chapter 5 of this Code.

(12) The full name, address, and contact information of each of the dealer's agents or legal representatives who is an Illinois resident and liable for the performance of the dealership.

(c) Any change which renders no longer accurate any information contained in any application for a motor vehicle financing affiliate's license shall be amended within 30 days after the occurrence of the change on a form prescribed by the Secretary of State, accompanied by an amendatory fee of \$2.

(d) If a new vehicle dealer is not listed on the application, pursuant to paragraph

(2) of subsection (b), the motor vehicle financing affiliate shall not receive, possess, or transfer any new vehicle. If a new motor vehicle dealer is listed on the application, pursuant to paragraph

(2) of subsection (b), the new motor vehicle dealer can only receive those new cars it is permitted to receive under its franchise agreement. If both a new and used motor vehicle dealer are listed on the application, pursuant to paragraph

(2) of subsection (b), only the new motor vehicle dealer may receive new motor vehicles. If a used motor vehicle is listed on the application, pursuant to paragraph

(2) of subsection (b), the used motor vehicle dealer shall not receive any new motor vehicles.

(e) The applicant and dealer provided pursuant to paragraph

(2) of subsection

(b) must be business organizations registered to conduct business in Illinois. Three-fourths of the dealer's board of directors must be members of the motor vehicle financing affiliate's board of directors, if applicable.

(f) Unless otherwise provided in this Chapter 5, no business organization registered to do business in Illinois shall be licensed as a motor vehicle financing affiliate unless:

(1) The motor vehicle financing affiliate shall only sell, transfer, or assign motor vehicles to the licensed new or used dealer listed on the application pursuant to paragraph

(2) of subsection (b).

(2) The motor vehicle financing affiliate sells, transfers, or assigns to the new motor vehicle dealer listed on the application, if any, only those new motor vehicles the motor vehicle financing affiliate has received under the contract set forth in paragraph

(5) of subsection (b).

(3) Any new vehicle dealer listed pursuant to paragraph

(2) of subsection

(b) has a franchise agreement that permits the dealer to receive motor vehicles from the motor vehicle franchise affiliate.

(4) The new or used motor vehicle dealer listed on the application pursuant to paragraph

(2) of subsection

(b) has one established place of business or supplemental places of business as referenced in subsection (g).

(g) The Secretary of State shall, within a reasonable time after receipt, examine an application submitted pursuant to this Section and, unless it is determined that the application does not conform with the requirements of this Section or that grounds exist for a denial of the application under Section 5-501, grant the applicant a motor vehicle financing affiliate license in writing for the applicant's established place of business and a supplemental license in writing for each additional place of business in a form prescribed by the Secretary, which shall include all of the following:

(1) The name of the business licensed;

(2) The name and address of its officers, directors, or members, as applicable;

(3) In the case of an original license, the established place of business of the licensee;

(4) If applicable, the make or makes of new vehicles which the licensee is licensed to sell to the new motor vehicle dealer listed on the application pursuant to paragraph

(2) of subsection (b); and

(5) The full name, address, and contact information of each of the dealer's agents or legal representatives who is an Illinois resident and liable for the performance of the dealership.

(h) The appropriate instrument evidencing the license or a certified copy, provided by the Secretary of State, shall be kept posted conspicuously in the established place of business of the licensee.

(i) Except as provided in subsection (h), all motor vehicle financing affiliate's licenses granted under this Section shall expire by operation of law on December 31 of the calendar year for which they are granted, unless revoked or canceled at an earlier date pursuant to Section 5-501.

(j) A motor vehicle financing affiliate's license may be renewed upon application and payment of the required fee. However, when an application for renewal of a motor vehicle financing affiliate's license is made during the month of December, the effective license shall remain in force until the application is granted or denied by the Secretary of State.

(k) The contract a motor vehicle financing affiliate has with a manufacturer or franchised distributor, as provided in paragraph

(5) of subsection (b), shall only permit the applicant to sell, transfer, or assign new motor vehicles to the new motor vehicle dealer listed on the application pursuant to paragraph

(2) of subsection (b). The contract shall specifically prohibit the motor vehicle financing affiliate from selling motor vehicles at retail. This contract shall not be considered the granting of a franchise as defined in Section 2 of the Motor Vehicle Franchise Act.

(l) When purchasing a motor vehicle by a new or used motor vehicle dealer, all persons licensed as a motor vehicle financing affiliate are required to furnish all of the following:

(1) For a new vehicle, a manufacturer's statement of origin properly assigned to the purchasing dealer. For a used vehicle, a certificate of title properly assigned to the purchasing dealer.

(2) A statement verified under oath that all identifying numbers on the vehicle agree with those on the certificate of title or manufacturer's statement of origin.

(3) A bill of sale properly executed on behalf of the purchasing dealer.

(4) A copy of the Uniform Invoice-transaction report pursuant to Section 5-402.

(5) In the case of a rebuilt vehicle, a copy of the Disclosure of Rebuilt Vehicle Status pursuant to Section 5-104.3.

(6) In the case of a vehicle for which a warranty has been reinstated, a copy of the warranty.

(m) The motor vehicle financing affiliate shall use the established and supplemental place or places of business the new or used vehicle dealer listed on the application pursuant to paragraph

(2) of subsection

(b) as its established and supplemental place or places of business.

(n) The motor vehicle financing affiliate shall keep all books and records required by this Code with the books and records of the new or used vehicle dealer listed on the application pursuant to paragraph

(2) of subsection (b). The motor vehicle financing affiliate may use the books and records of the new or used motor vehicle dealer listed on the application pursuant to paragraph

(2) of subsection (b).

(o) Under no circumstances shall a motor vehicle financing affiliate sell, transfer, or assign a new vehicle to any place of business of a new motor vehicle dealer, unless that place of business is licensed under this Chapter to sell, assign, or otherwise transfer the make of the new motor vehicle transferred.

(p) All moneys received by the Secretary of State as license fees under this Section shall be deposited into the Motor Vehicle Review Board Fund and shall be used to administer the Motor Vehicle Review Board under the Motor Vehicle Franchise Act.

(q) Except as otherwise provided in this Section, a motor vehicle financing affiliate shall comply with all provisions of this Code.

(r) If a licensee under this Section voluntarily surrenders a license to the Illinois Secretary of State Police or a representative of the Secretary of State Vehicle Services Department due to the licensee's inability to adhere to recordkeeping provisions, or the inability to properly issue certificates of title or registrations under this Code, or the Secretary revokes a license under this Section, then the licensee and the licensee's agent, designee, or legal representative, if applicable, may not be named on a new application for a licensee under this Section or under this Chapter, nor is the licensee or the licensee's agent, designee, or legal representative permitted to work for another licensee under this Chapter in a recordkeeping, management, or financial position or as an employee who handles certificate of title and registration documents and applications.

625 ILCS 5/5-101.2

Sec. 5-101.2. (Repealed).

625 ILCS 5/5-102 — Used vehicle dealers must be licensed

Sec. 5-102. Used vehicle dealers must be licensed.

(a) No person, other than a licensed new vehicle dealer, shall engage in the business of selling or dealing in, on consignment or otherwise, 5 or more used vehicles of any make during the year (except house trailers as authorized by paragraph

(j) of this Section and rebuilt salvage vehicles sold by their rebuilders to persons licensed under this Chapter), or act as an intermediary, agent, or broker for any licensed dealer or vehicle purchaser (other than as a salesperson) or represent or advertise that he is so engaged or intends to so engage in such business unless licensed to do so by the Secretary of State under the provisions of this Section.

(b) An application for a used vehicle dealer's license shall be filed with the Secretary of State, duly verified by oath, in such form as the Secretary of State may by rule or regulation prescribe and shall contain: 1. The name and type of business organization established and additional places of business, if any, in this State. 2. If the applicant is a corporation, a list of its officers, directors, and shareholders having a 10% or greater ownership interest in the corporation, setting forth the residence address of each; if the applicant is a sole proprietorship, a partnership, an unincorporated association, a trust, or any similar form of business organization, the names and residence address of the proprietor or of each partner, member, officer, director, trustee, or manager. 3. A statement that the applicant has been approved for registration under the Retailers' Occupation Tax Act by the Department of Revenue. However, this requirement does not apply to a dealer who is already licensed hereunder with the Secretary of State, and who is merely applying for a renewal of his license. As evidence of this fact, the application shall be accompanied by a certification from the Department of Revenue showing that the Department has approved the applicant for registration under the Retailers' Occupation Tax Act. 4. A statement that the applicant has complied with the appropriate liability insurance requirement. A Certificate of Insurance in a solvent company authorized to do business in the State of Illinois shall be included with each application covering each location at which he proposes to act as a used vehicle dealer. The policy must provide liability coverage in the minimum amounts of \$100,000 for bodily injury to, or death of, any person, \$300,000 for bodily injury to, or death of, 2 or more persons in any one crash, and \$50,000 for damage to property. Such policy shall expire not sooner than December 31 of the year for which the license was issued or renewed. The expiration of the insurance policy shall not terminate the liability under the policy arising during the period for which the policy was filed. Trailer and mobile home dealers are exempt from this requirement. If the permitted user has a liability insurance policy that provides automobile liability insurance coverage of at least \$100,000 for bodily injury to or the death of any person, \$300,000 for bodily injury to or the death of any 2 or more persons in any one crash, and \$50,000 for damage to property, then the permitted user's insurer shall be the primary insurer and the dealer's insurer shall be the secondary insurer. If the permitted user does not have a liability insurance policy that provides automobile liability insurance coverage of at least \$100,000 for bodily injury to or the death of any person, \$300,000 for bodily injury to or the death of any 2 or more persons in any one crash, and \$50,000 for damage to property, or does not have any insurance at all, then the dealer's insurer shall be the primary insurer and the permitted user's insurer shall be the secondary insurer. When a permitted user is "test driving" a used vehicle dealer's automobile, the used vehicle dealer's insurance shall be primary and the permitted user's insurance shall be secondary. As used in this paragraph 4, a "permitted user" is a person who, with the permission of the used vehicle dealer or an employee of the used vehicle dealer, drives a vehicle owned and held for sale or lease by the used vehicle dealer which the person is considering to purchase or lease, in order to evaluate the performance, reliability, or condition of the vehicle. The term "permitted user" also includes a person who, with the permission of the used vehicle dealer, drives a vehicle owned or held for sale or lease by the used vehicle dealer for loaner purposes while the user's vehicle is being repaired or evaluated. As used in this paragraph 4, "test driving" occurs when a permitted user who, with the permission of the used vehicle dealer or an employee of the used vehicle dealer, drives a vehicle owned and held for sale or lease by a used vehicle dealer that the person is considering to purchase or lease, in order to evaluate the performance, reliability, or condition of the vehicle. As used in this paragraph 4, "loaner purposes" means when a person who, with the permission of the used vehicle dealer, drives a vehicle owned or held for sale or lease by the used vehicle dealer while the user's vehicle is being repaired or evaluated. 5. An application for a used vehicle dealer's license shall be accompanied by the following license fees: (A) \$1,000 for applicant's established place of business, and \$50 for each additional place of business, if any, to which the application pertains; however, if the application is made after June 15 of any year, the license fee shall be \$500 for applicant's established place of business plus \$25 for each additional place of business, if any, to which the application pertains. License fees shall be returnable only in the event that the application is denied by the Secretary of State. Of the money received by the Secretary of State as license fees under this subparagraph (A) for the 2004 licensing year and thereafter, 95% shall be deposited into the General Revenue Fund. (B) Except for dealers selling 25 or fewer automobiles or as provided in subsection

(h) of Section 5-102.7 of this Code, an Annual Dealer Recovery Fund Fee in the amount of \$500 for the applicant's established place of business, and \$50 for each additional place of business, if any, to which the application pertains; but if the application is made after June 15 of any year, the fee shall be \$250 for the applicant's established place of business plus \$25 for each additional place of business, if any, to which the application pertains. For a license renewal application, the fee shall be based on the amount of automobiles sold in the past year according to the following formula:

- (1) \$0 for dealers selling 25 or fewer automobiles;
- (2) \$150 for dealers selling more than 25 but fewer than 200 automobiles;

(3) \$300 for dealers selling 200 or more automobiles but fewer than 300 automobiles; and

(4) \$500 for dealers selling 300 or more automobiles. License fees shall be returnable only in the event that the application is denied by the Secretary of State. Moneys received under this subparagraph (B) shall be deposited into the Dealer Recovery Trust Fund. 6. A statement that the applicant's officers, directors, shareholders having a 10% or greater ownership interest therein, proprietor, partner, member, officer, director, trustee, manager, or other principals in the business have not committed in the past 3 years any one violation as determined in any civil, criminal, or administrative proceedings of any one of the following: (A) Article I of Chapter 4 of this Code; (B) Article I of Chapter 3 of this Code; (C) Article VII of Chapter 3 of this Code; (D) Chapter 5 of this Code; (E) Section 21-2 of the Criminal Code of 1961 or the Criminal Code of 2012, Criminal Trespass to Vehicles; or (F) The Retailers' Occupation Tax Act. 7. A statement that the applicant's officers, directors, shareholders having a 10% or greater ownership interest therein, proprietor, partner, member, officer, director, trustee, manager, or other principals in the business have not committed in any calendar year 3 or more violations, as determined in any civil, criminal, or administrative proceedings, of any one or more of the following Acts: (A) The Consumer Finance Act; (B) The Consumer Installment Loan Act; (C) The Retail Installment Sales Act; (D) The Motor Vehicle Retail Installment Sales Act; (E) The Interest Act; (F) The Illinois Wage Assignment Act; (G) Part 8 of Article XII of the Code of Civil Procedure; or (H) The Consumer Fraud and Deceptive Business Practices Act. 7.5. A statement that, within 10 years of application, each officer, director, shareholder having a 10% or greater ownership interest therein, proprietor, partner, member, officer, director, trustee, manager, or other principal in the business of the applicant has not committed, as determined in any civil, criminal, or administrative proceeding, in any calendar year one or more forcible felonies under the Criminal Code of 1961 or the Criminal Code of 2012, or a violation of either or both Article 16 or 17 of the Criminal Code of 1961 or a violation of either or both Article 16 or 17 of the Criminal Code of 2012, Article 29B of the Criminal Code of 1961 or the Criminal Code of 2012, or a similar out-of-state offense. For the purposes of this paragraph, "forcible felony" has the meaning provided in Section 2-8 of the Criminal Code of 2012. 8. A bond or Certificate of Deposit in the amount of \$50,000 for each location at which the applicant intends to act as a used vehicle dealer. The bond shall be for the term of the license, or its renewal, for which application is made, and shall expire not sooner than December 31 of the year for which the license was issued or renewed. The bond shall run to the People of the State of Illinois, with surety by a bonding or insurance company authorized to do business in this State. It shall be conditioned upon the proper transmittal of all title and registration fees and taxes (excluding taxes under the Retailers' Occupation Tax Act) accepted by the applicant as a used vehicle dealer. 9. Such other information concerning the business of the applicant as the Secretary of State may by rule or regulation prescribe. 10. A statement that the applicant understands Chapter 1 through Chapter 5 of this Code. 11. A copy of the certification from the prelicensing education program. 12. The full name, address, and contact information of each of the dealer's agents or legal representatives who is an Illinois resident and liable for the performance of the dealership.

(c) Any change which renders no longer accurate any information contained in any application for a used vehicle dealer's license shall be amended within 30 days after the occurrence of each change on such form as the Secretary of State may prescribe by rule or regulation, accompanied by an amendatory fee of \$2.

(d) Anything in this Chapter to the contrary notwithstanding, no person shall be licensed as a used vehicle dealer unless such person maintains an established place of business as defined in this Chapter.

(e) The Secretary of State shall, within a reasonable time after receipt, examine an application submitted to him under this Section. Unless the Secretary makes a determination that the application submitted to him does not conform to this Section or that grounds exist for a denial of the application under Section 5-501 of this Chapter, he must grant the applicant an original used vehicle dealer's license in writing for his established place of business and a supplemental license in writing for each additional place of business in such form as he may prescribe by rule or regulation which shall include the following: 1. The name of the person licensed; 2. If a corporation, the name and address of its officers or if a sole proprietorship, a partnership, an unincorporated association or any similar form of business organization, the name and address of the proprietor or of each partner, member, officer, director, trustee, or manager; 3. In case of an original license, the established place of business of the licensee; 4. In the case of a supplemental license, the established place of business of the licensee and the additional place of business to which such supplemental license pertains; 5. The full name, address, and contact information of each of the dealer's agents or legal representatives who is an Illinois resident and liable for the performance of the dealership.

(f) The appropriate instrument evidencing the license or a certified copy thereof, provided by the Secretary of State shall be kept posted, conspicuously, in the established place of business of the licensee and in each additional place of

business, if any, maintained by such licensee.

(g) Except as provided in subsection

(h) of this Section, all used vehicle dealer's licenses granted under this Section expire by operation of law on December 31 of the calendar year for which they are granted unless sooner revoked or cancelled under Section 5-501 of this Chapter.

(h) A used vehicle dealer's license may be renewed upon application and payment of the fee required herein, and submission of proof of coverage by an approved bond under the Retailers' Occupation Tax Act or proof that applicant is not subject to such bonding requirements, as in the case of an original license, but in case an application for the renewal of an effective license is made during the month of December, the effective license shall remain in force until the application for renewal is granted or denied by the Secretary of State.

(i) All persons licensed as a used vehicle dealer are required to furnish each purchaser of a motor vehicle: 1. A certificate of title properly assigned to the purchaser; 2. A statement verified under oath that all identifying numbers on the vehicle agree with those on the certificate of title; 3. A bill of sale properly executed on behalf of such person; 4. A copy of the Uniform Invoice-transaction reporting return referred to in Section 5-402 of this Chapter; 5. In the case of a rebuilt vehicle, a copy of the Disclosure of Rebuilt Vehicle Status; and 6. In the case of a vehicle for which the warranty has been reinstated, a copy of the warranty.

(j) A real estate broker holding a valid certificate of registration issued pursuant to "The Real Estate Brokers and Salesmen License Act" may engage in the business of selling or dealing in house trailers not his own without being licensed as a used vehicle dealer under this Section; however such broker shall maintain a record of the transaction including the following:

(1) the name and address of the buyer and seller,

(2) the date of sale,

(3) a description of the mobile home, including the vehicle identification number, make, model, and year, and

(4) the Illinois certificate of title number. The foregoing records shall be available for inspection by any officer of the Secretary of State's Office at any reasonable hour.

(k) Except at the time of sale or repossession of the vehicle, no person licensed as a used vehicle dealer may issue any other person a newly created key to a vehicle unless the used vehicle dealer makes a color photocopy or electronic scan of the driver's license or State identification card of the person requesting or obtaining the newly created key. The used vehicle dealer must retain the photocopy or scan for 30 days. A used vehicle dealer who violates this subsection

(k) is guilty of a petty offense. Violation of this subsection

(k) is not cause to suspend, revoke, cancel, or deny renewal of the used vehicle dealer's license.

(l) Used vehicle dealers licensed under this Section shall provide the Secretary of State a register for the sale at auction of each salvage or junk certificate vehicle. Each register shall include the following information: 1. The year, make, model, style, and color of the vehicle; 2. The vehicle's manufacturer's identification number or, if applicable, the Secretary of State or Illinois State Police identification number; 3. The date of acquisition of the vehicle; 4. The name and address of the person from whom the vehicle was acquired; 5. The name and address of the person to whom any vehicle was disposed, the person's Illinois license number, or, if the person is an out-of-state salvage vehicle buyer, the license number from the state or jurisdiction where the buyer is licensed; and 6. The purchase price of the vehicle. The register shall be submitted to the Secretary of State via written or electronic means within 10 calendar days from the date of the auction.

(m) If a licensee under this Section voluntarily surrenders a license to the Illinois Secretary of State Police or a representative of the Secretary of State Vehicle Services Department due to the licensee's inability to adhere to recordkeeping provisions, or the inability to properly issue certificates of title or registrations under this Code, or the Secretary revokes a license under this Section, then the licensee and the licensee's agent, designee, or legal representative, if applicable, may not be named on a new application for a licensee under this Section or under this Chapter, nor is the licensee or the licensee's agent, designee, or legal representative permitted to work for another licensee under this Chapter in a recordkeeping, management, or financial position or as an employee who handles certificate of title and registration documents and applications.

625 ILCS 5/5-102.1 — Permits for off site sales and exhibitions

Sec. 5-102.1. Permits for off site sales and exhibitions.

(a) A licensed new or used motor vehicle dealer licensed under Section 5-101 or 5-102 shall not engage in any off site sale without an off site sale permit issued by the Secretary under this Section. The Secretary shall issue an off site sale permit to a dealer if:

- (1) an application therefor is received by the Secretary prior to the beginning date of the proposed off site sale, accompanied by a fee of \$25;
- (2) the applicant is a licensed new vehicle dealer or used vehicle dealer in good standing; and
- (3) the Secretary determines that the proposed off site sale will conform with the requirements imposed by law. However, in no event shall an off site sale permit be issued to any licensed new or used vehicle dealer for any off site sale to be conducted outside that dealer's relevant market area, as that term is defined in this Chapter, except that this restriction shall not apply to off site sales of motor homes or recreational vehicles. The provisions of this subsection shall not apply to self-contained motor homes, mini motor homes, van campers, and recreational trailers, including trailers designed and used to transport vessels or watercraft. An off site sale permit does not authorize the sale of vehicles on a Sunday.

(b) Only a new or used vehicle dealer licensed under Section 5-101 or 5-102 may participate in a display exhibition and shall obtain a display exhibition permit issued by the Secretary under this Section. The Secretary shall issue a display exhibition permit to a dealer if:

- (1) an application therefor is received by the Secretary prior to the beginning date of the proposed exhibition, accompanied by a fee of \$10;
- (2) the applicant is a licensed new vehicle dealer or used vehicle dealer in good standing; and
- (3) the Secretary determines that the proposed exhibition will conform with the requirements imposed by law. A display exhibition permit shall be valid for a period of no longer than 30 days.

(c) A licensed new or used motor vehicle dealer under Section 5-101 or 5-102, or any other person as defined in this Section, may participate in a trade show exhibition and must obtain a trade show exhibition permit issued by the Secretary under this Section. The Secretary shall issue a trade show exhibition permit if:

- (1) an application is received by the Secretary before the beginning date of the proposed trade show exhibition, accompanied by a fee of \$10;
- (2) the applicant is a licensed new vehicle dealer or used vehicle dealer in good standing; and
- (3) the Secretary determines that the proposed trade show exhibition shall conform with the requirements imposed by law. A trade show exhibition permit shall be valid for a period of no longer than 30 days. The provisions of this subsection shall not apply to self-contained motor homes, mini motor homes, van campers, and recreational trailers, including trailers designed and used to transport vessels or watercraft. The term "any other person" shall mean new or used vehicle dealers licensed by other states; provided however, a trade show exhibition of new vehicles shall only be participated in by licensed new vehicle dealers, at least 2 of which must be licensed under Section 5-101.

(d) An Illinois or out-of-state licensed new or used trailer dealer, manufactured home dealer, motor home dealer, mini motor home dealer, or van camper dealer shall not engage in any off site sale or trade show exhibition without first acquiring a permit issued by the Secretary under this subsection. However, the provisions of this Section shall not apply to a licensed trailer dealer selling a mobile home or manufactured housing, as defined in the Illinois Manufactured Housing and Mobile Home Safety Act, if the manufactured housing or mobile home has utilities permanently attached. The Secretary shall issue a permit to an Illinois dealer if:

- (1) an application is received by the Secretary before the beginning date of the proposed off site sale or trade show exhibition, accompanied by a fee of \$25;
 - (2) the applicant is a licensed new or used vehicle dealer in good standing; and
 - (3) the Secretary determines that the proposed off site sale or trade show exhibition will conform with the requirements imposed by law. The Secretary shall issue a permit to an out-of-state dealer if the requirements of subdivisions (1), (2), and
- (3) of this subsection

(d) are met and at least 2 licensed Illinois dealers will participate in the off site sale or trade show exhibition. A permit issued pursuant to this subsection shall allow for the sale of vehicles at either an off site sale or at a trade show exhibition. The permit shall be valid for a period not to exceed 30 days.

(e) The Secretary of State may adopt rules regulating the conduct of off site deliveries, sales, and exhibitions, and governing the issuance and enforcement of the permits authorized under this Section. An Illinois licensed new or used motor vehicle dealer is authorized to conduct sales activities, including the collection of electronic signatures, via the Internet and deliver vehicles to a customer at the address provided in the customer's application, if the sale, lease, or delivery is requested by the customer in writing and only after the identity of the customer has been verified at the time of delivery. Any documents that State or federal law require to be signed in person may be signed at the time of delivery without constituting an off site sale that is subject to this Section. If a vehicle is delivered to an address other than the licensed dealer's established place of business, the date of the sale shall be that date on which the application for title is signed by the purchaser of the vehicle.

(f) Except as otherwise provided in this Section, a motor vehicle dealer or person acting as a motor vehicle dealer shall not park a motor vehicle for the primary purpose of displaying the vehicle for sale or for transfer of ownership on any of the following:

- (1) a public street or highway;
- (2) a public parking lot;
- (3) any other public property; or

(4) any private property if the public may lawfully drive a motor vehicle on the property. This paragraph does not apply if the property is a motor vehicle dealer's lot and the motor vehicle that is parked on the property is in the motor vehicle dealer's inventory. This subsection does not prohibit off-site sales, displays, or other activities permitted under this Section.

(g) A vehicle that is displayed for sale with a vehicle identification number that has been destroyed, removed, covered, altered, or defaced is subject to removal pursuant to subsection

(k) of Section 4-203.

625 ILCS 5/5-102.5 — Used vehicle dealer prelicensing education program courses

Sec. 5-102.5. Used vehicle dealer prelicensing education program courses.

(a) An applicant for a license as a Buy Here, Pay Here used vehicle dealer under Section 5-102.8 or a used vehicle dealer shall complete a minimum of 8 hours of prelicensing education program courses pursuant to this Section prior to submitting an application to the Secretary of State.

(b) To meet the requirements of this Section, at least one individual who is associated with the used vehicle dealer or Buy Here, Pay Here used vehicle dealer as an owner, principal, corporate officer, director, or member or partner of a limited liability company or limited liability partnership shall complete the education program courses.

(c) The education program courses shall be provided by public or private entities with an expertise in the area as approved by the Secretary of State. The Secretary of State must approve course curricula and instruction, in consultation with the Illinois Department of Transportation and any private entity with expertise in the area in the Secretary of State's discretion.

(d) Each person who successfully completes an approved prelicensing education program under this Section shall be issued a certificate by the education program provider of the course. The current certificate of completion, or a copy of the certificate, shall be posted conspicuously in the principal office of the licensee.

(e) The provisions of this Section apply to all Buy Here, Pay Here used vehicle dealers under Section 5-102.8 or used vehicle dealers including, but not limited to, individuals, corporations, and partnerships, except for the following:

- (1) Motor vehicle rental companies having a national franchise;
- (2) National motor vehicle auction companies;
- (3) Wholesale dealer-only auction companies;
- (4) Used vehicle dealerships owned by a franchise motor vehicle dealer; and
- (5) Banks, credit unions, and savings and loan associations.

625 ILCS 5/5-102.7 — Dealer Recovery Trust Fund

Sec. 5-102.7. Dealer Recovery Trust Fund.

(a) The General Assembly finds that motor vehicle dealers that go out of business without fulfilling agreements to pay off the balance of their customers' liens on traded-in vehicles cause financial harm to those customers by leaving those customers liable for multiple vehicle loans and cause harm to the integrity of the motor vehicle retailing industry. It is the intent of the General Assembly to protect vehicle purchasers by creating a Dealer Recovery Trust Fund to reimburse these consumers.

(b) The Dealer Recovery Trust Fund shall be used solely for the limited purpose of helping victims of dealership closings. Any interest accrued by moneys in the Fund shall be deposited and become part of the Dealer Recovery Trust Fund and its purpose. The sole beneficiaries of the Dealer Recovery Trust Fund are victims of dealership closings.

(c) Except where the context otherwise requires, the following words and phrases, when used in this Section, have the meanings ascribed to them in this subsection (c): "Applicant" means a person who applies for reimbursement from the Dealer Recovery Trust Fund Board. "Board" means the Dealer Recovery Trust Fund Board created under this Section. "Dealer" means a new vehicle dealer licensed under Section 5-101, a used vehicle dealer licensed under Section 5-102, or a Buy Here, Pay Here used vehicle dealer licensed under 5-102.8, excepting a dealer who primarily sells mobile homes, recreational vehicles, or trailers. "Fund" means the Dealer Recovery Trust Fund created under this Section. "Fund Administrator" means the private entity, which shall be appointed by the Board, that administers the Dealer Recovery Trust Fund.

(d) Beginning October 1, 2011, each application or renewal for a new vehicle dealer's license and each application or renewal for a Buy Here, Pay Here used vehicle dealer licensed under 5-102.8 or a used vehicle dealer's license shall be accompanied by the applicable Annual Dealer Recovery Fund Fee under Section 5-101 or 5-102 of this Code. The fee shall be in addition to any other fees imposed under this Article, shall be submitted at the same time an application or renewal for a new vehicle dealer's license, used vehicle dealer's license, or Buy Here, Pay Here used vehicle dealer is submitted, and shall be made payable to and remitted directly to the Dealer Recovery Trust Fund, a trust fund outside of the State Treasury which is hereby created. In addition, the Dealer Recovery Trust Fund may accept any federal, State, or private moneys for deposit into the Fund.

(e) The Fund Administrator shall maintain a list of all dealers who have paid the fee under subsection

(d) of this Section for the current year, which shall be available to the Secretary of State and the Board. The Secretary of State shall revoke the dealer license of any dealer who does not pay the fee imposed under subsection

(d) of this Section. The Secretary of State and the Fund Administrator may enter into information sharing agreements as needed to implement this Section.

(f) The Fund shall be audited annually by an independent auditor who is a certified public accountant and who has been selected by the Board. The independent auditor shall compile an annual report, which shall be filed with the Board and shall be a public record. The auditor shall be paid by the Fund, pursuant to an order of the Board.

(g) The Fund shall be maintained by the Fund Administrator, who shall keep current records of the amounts deposited into the Fund and the amounts paid out of the Fund pursuant to an order of the Board. These records shall be made available to all members of the Board upon reasonable request during normal business hours. The Fund Administrator shall report the balance in the Fund to the Board monthly, by the 15th day of each month. For purposes of determining the amount available to pay claims under this Section at any meeting of the Board, the Board shall use the Fund Administrator's most recent monthly report. The Fund Administrator shall purchase liability insurance to cover management of the Fund at a cost not to exceed 2% of the balance in the Fund as of January 15th of that year.

(h) In any year for which the balance in the Fund as of August 31st is greater than \$3,500,000, the Fund Administrator shall notify the Secretary of State and the Secretary of State shall suspend collection of the fee for the following year for any dealer who has not had a claim paid from the Fund, has not had his or her license suspended or revoked, and has not been assessed any civil penalties under this Code during the 3 previous years.

(i) Moneys in the Dealer Recovery Trust Fund may be paid from the Fund only as directed by a written order of the Board and used only for the following purposes:

(i) to pay claims under a written order of the Board as provided in this Section; or (ii) to reimburse the Fund Administrator for its expenses related to the administration of the Fund, provided that the reimbursement to the Fund Administrator in

any year shall not exceed 2% of the balance in the Fund as of January 15th of that year.

(j) The Dealer Recovery Trust Fund Board is hereby created. The Board shall consist of the Secretary of State, or his or her designee, who shall serve as chair, the Attorney General, or his or her designee, who shall serve as secretary, and one person alternatively representing new and independent Illinois automobile dealers, selected collectively by the Attorney General, or his or her designee, and the Secretary of State, or his or her designee. The Secretary of State may propose procedures and employ personnel as necessary to implement this Section. The Board shall meet quarterly, and as needed, as directed by the chair. The Board may not pay out any claims before the balance deposited into the Fund exceeds \$500,000. Board meetings shall be open to the public. The Board has the authority to take any action by at least a two-thirds majority vote.

(k) The following persons may apply to the Board for reimbursement from the Dealer Recovery Trust Fund:

(i) A retail customer who, on or after October 1, 2011, purchases a vehicle from a dealer who subsequently files for bankruptcy or whose vehicle dealer's license is subsequently revoked by the Secretary of State or otherwise terminated and, as part of the purchase transaction, trades in a vehicle with an outstanding lien to the dealer if lien satisfaction was a condition of the purchase agreement and the retail customer determines that the lien has not been satisfied; (ii) A retail customer who, on or after October 1, 2011, purchases a vehicle with an undisclosed lien from a dealer who subsequently files for bankruptcy or whose vehicle dealer's license is subsequently revoked by the Secretary of State or otherwise terminated; (iii) A dealer who, on or after October 1, 2011, purchases a vehicle with an undisclosed lien from another dealer who subsequently files for bankruptcy or whose vehicle dealer's license is subsequently revoked by the Secretary of State or otherwise terminated.

(l) To be considered by the Board, an applicant must submit his or her claim to the Board within 2 years after the date of the transaction that gave rise to the claim.

(m) At each meeting of the Board, it shall consider all claims that are properly submitted to it on forms prescribed by the Secretary of State at least 30 days before the date of the Board's meeting. Before the Board may consider a claim against a dealer, it must make a written determination that the dealer has filed for bankruptcy under the provisions of 11 U.S.C. Chapter 7; that the Secretary of State has revoked his or her dealer's license; or that the license has been otherwise terminated. Once the Board has made this determination, it may consider the applicant's claim against the dealer. If a two-thirds majority of the Board determines that the dealer has committed a violation under subsection (k), it shall grant the applicant's claim. Except as otherwise provided in this Section, the maximum amount of any award for a claim under paragraph

(i) of subsection

(k) of this Section shall be equal to the amount of the unpaid balance of the lien that the dealer agreed to pay off on behalf of the applicant as shown on the bill of sale or the retail installment sales contract. The maximum amount of any claim under paragraph (ii) or (iii) of subsection

(k) of this Section shall be equal to the amount of the undisclosed lien. However, no award for a claim under subsection

(k) of this Section shall exceed \$35,000.

(n) If the balance in the Fund at the time of any Board meeting is less than the amount of the total amount of all claims awarded at that meeting, then all awards made at that meeting shall be reduced, pro rata, so that the amount of claims does not exceed the balance in the Fund. Before it reviews new claims, the Board shall issue written orders to pay the remaining portion of any claims that were so reduced, provided that the balance in the Fund is sufficient to pay those claims.

(o) Whenever the balance of the Fund falls below \$500,000, the Board may charge dealers an additional assessment of up to \$50 to bring the balance to at least \$500,000. Not more than one additional assessment may be made against a dealer in any 12-month period.

(p) If the total amount of claims awarded against any dealer exceeds 33% of the balance in the Fund, the Board may permanently reduce the amount of those claims, pro rata, so that those claims do not exceed 33% of the balance in the Fund.

(q) The Board shall issue a written order directing the Fund Administrator to pay an applicant's claim to a secured party where the Board has received a signed agreement between the applicant and the secured party holding the lien. The agreement must

(i) state that the applicant and the secured party agree to accept payment from the Fund to the secured party as settlement in full of all claims against the dealer; and (ii) release the lien and the title, if applicable, to the vehicle that was the subject of the claim. The written order shall state the amount of the claim and the name and address of the secured party to whom the claim shall be paid. The Fund Administrator shall pay the claim within 30 days after it receives the Board's order.

(r) No dealer or principal associated with a dealer's license is eligible for licensure, renewal or relicensure until the full amount of reimbursement for an unpaid claim, plus interest as determined by the Board, is paid to the Fund. Nothing in this Section shall limit the authority of the Secretary of State to suspend, revoke, or levy civil penalties against a dealer, nor shall full repayment of the amount owed to the Fund nullify or modify the effect of any action by the Secretary.

(s) Nothing in this Section shall limit the right of any person to seek relief through civil action against any other person as an alternative to seeking reimbursement from the Fund.

625 ILCS 5/5-102.8 — Licensure of Buy Here, Pay Here used vehicle dealers

Sec. 5-102.8. Licensure of Buy Here, Pay Here used vehicle dealers.

(a) As used in this Section, "Buy Here, Pay Here used vehicle dealer" means any entity that engages in the business of selling or leasing of vehicles and finances the sale or purchase price of the vehicle to a customer without the customer using a third-party lender.

(b) No person shall engage in the business of selling or dealing in, on consignment or otherwise, 5 or more used vehicles of any make during the year (except rebuilt salvage vehicles sold by their rebuilders to persons licensed under this Chapter), or act as an intermediary, agent, or broker for any licensed dealer or vehicle purchaser (other than as a salesperson) or represent or advertise that he or she is so engaged or intends to so engage in such business of a Buy Here, Pay Here used vehicle dealer unless licensed to do so by the Secretary of State under the provisions of this Section.

(c) An application for a Buy Here, Pay Here used vehicle dealer's license shall be filed with the Secretary of State, duly verified by oath, in such form as the Secretary of State may by rule or regulation prescribe and shall contain:

(1) The name and type of business organization established and additional places of business, if any, in this State.

(2) If the applicant is a corporation, a list of its officers, directors, and shareholders having a 10% or greater ownership interest in the corporation, setting forth the residence address of each; if the applicant is a sole proprietorship, a partnership, an unincorporated association, a trust, or any similar form of business organization, the names and residence address of the proprietor or of each partner, member, officer, director, trustee, or manager.

(3) A statement that the applicant has been approved for registration under the Retailers' Occupation Tax Act by the Department of Revenue. However, this requirement does not apply to a dealer who is already licensed hereunder with the Secretary of State, and who is merely applying for a renewal of his or her license. As evidence of this fact, the application shall be accompanied by a certification from the Department of Revenue showing that the Department has approved the applicant for registration under the Retailers' Occupation Tax Act.

(4) A statement that the applicant has complied with the appropriate liability insurance requirement. A Certificate of Insurance in a solvent company authorized to do business in the State of Illinois shall be included with each application covering each location at which he or she proposes to act as a Buy Here, Pay Here used vehicle dealer. The policy must provide liability coverage in the minimum amounts of \$100,000 for bodily injury to, or death of, any person, \$300,000 for bodily injury to, or death of, 2 or more persons in any one crash, and \$50,000 for damage to property. Such policy shall expire not sooner than December 31 of the year for which the license was issued or renewed. The expiration of the insurance policy shall not terminate the liability under the policy arising during the period for which the policy was filed. If the permitted user has a liability insurance policy that provides automobile liability insurance coverage of at least \$100,000 for bodily injury to or the death of any person, \$300,000 for bodily injury to or the death of any 2 or more persons in any one crash, and \$50,000 for damage to property, then the permitted user's insurer shall be the primary insurer and the dealer's insurer shall be the secondary insurer. If the permitted user does not have a liability insurance policy that provides automobile liability insurance coverage of at least \$100,000 for bodily injury to or the death of any person, \$300,000 for bodily injury to or the death of any 2 or more persons in any one crash, and \$50,000 for damage to property, or does not have any insurance at all, then the dealer's insurer shall be the primary insurer and the permitted user's insurer shall be the secondary insurer. When a permitted user is "test driving" a Buy Here, Pay Here used vehicle

dealer's automobile, the Buy Here, Pay Here used vehicle dealer's insurance shall be primary and the permitted user's insurance shall be secondary. As used in this paragraph, "permitted user" means a person who, with the permission of the Buy Here, Pay Here used vehicle dealer or an employee of the Buy Here, Pay Here used vehicle dealer, drives a vehicle owned and held for sale or lease by the Buy Here, Pay Here used vehicle dealer that the person is considering to purchase or lease, in order to evaluate the performance, reliability, or condition of the vehicle. "Permitted user" includes a person who, with the permission of the Buy Here, Pay Here used vehicle dealer, drives a vehicle owned or held for sale or lease by the Buy Here, Pay Here used vehicle dealer for loaner purposes while the user's vehicle is being repaired or evaluated. As used in this paragraph, "test driving" occurs when a permitted user who, with the permission of the Buy Here, Pay Here used vehicle dealer or an employee of the Buy Here, Pay Here used vehicle dealer, drives a vehicle owned and held for sale or lease by a Buy Here, Pay Here used vehicle dealer that the person is considering to purchase or lease, in order to evaluate the performance, reliability, or condition of the vehicle. As used in this paragraph, "loaner purposes" means when a person who, with the permission of the Buy Here, Pay Here used vehicle dealer, drives a vehicle owned or held for sale or lease by the used vehicle dealer while the user's vehicle is being repaired or evaluated.

(5) An application for a Buy Here, Pay Here used vehicle dealer's license shall be accompanied by the following license fees: (A) \$1,000 for the applicant's established place of business, and \$50 for each additional place of business, if any, to which the application pertains; however, if the application is made after June 15 of any year, the license fee shall be \$500 for the applicant's established place of business plus \$25 for each additional place of business, if any, to which the application pertains. License fees shall be returnable only if the application is denied by the Secretary of State. Of the money received by the Secretary of State as license fees under this subparagraph, 95% shall be deposited into the General Revenue Fund. (B) Except for dealers selling 25 or fewer automobiles or as provided in subsection

(h) of Section 5-102.7 of this Code, an Annual Dealer Recovery Fund Fee in the amount of \$500 for the applicant's established place of business, and \$50 for each additional place of business, if any, to which the application pertains; but if the application is made after June 15 of any year, the fee shall be \$250 for the applicant's established place of business plus \$25 for each additional place of business, if any, to which the application pertains. For a license renewal application, the fee shall be based on the amount of automobiles sold in the past year according to the following formula:

(1) \$0 for dealers selling 25 or less automobiles;

(2) \$150 for dealers selling more than 25 but less than 200 automobiles;

(3) \$300 for dealers selling 200 or more automobiles but less than 300 automobiles; and

(4) \$500 for dealers selling 300 or more automobiles. Fees shall be returnable only if the application is denied by the Secretary of State. Money received under this subparagraph shall be deposited into the Dealer Recovery Trust Fund. A Buy Here, Pay Here used vehicle dealer shall pay into the Dealer Recovery Trust Fund for every vehicle that is financed, sold, or otherwise transferred to an individual or entity other than the Buy Here, Pay Here used vehicle dealer even if the individual or entity to which the Buy Here, Pay Here used vehicle dealer transfers the vehicle is unable to continue to adhere to the terms of the transaction by the Buy Here, Pay Here used vehicle dealer.

(6) A statement that each officer, director, shareholder having a 10% or greater ownership interest therein, proprietor, partner, member, officer, director, trustee, manager, or other principal in the business of the applicant has not committed in the past 3 years any one violation as determined in any civil, criminal, or administrative proceedings of any one of the following: (A) the Anti-Theft Laws of this Code; (B) the Certificate of Title Laws of this Code; (C) the Offenses against Registration and Certificates of Title Laws of this Code; (D) the Dealers, Transporters, Wreckers and Rebuilders Laws of this Code; (E) Section 21-2 of the Illinois Criminal Code of 1961 or the Criminal Code of 2012, Criminal Trespass to Vehicles; or (F) the Retailers' Occupation Tax Act.

(7) A statement that each officer, director, shareholder having a 10% or greater ownership interest therein, proprietor, partner, member, officer, director, trustee, manager, or other principal in the business of the applicant has not committed in any calendar year 3 or more violations, as determined in any civil, criminal, or administrative proceedings, of any one or more of the following: (A) the Consumer Finance Act; (B) the Consumer Installment Loan Act; (C) the Retail Installment Sales Act; (D) the Motor Vehicle Retail Installment Sales Act; (E) the Interest Act; (F) the Illinois Wage Assignment Act; (G) Part 8 of Article XII of the Code of Civil Procedure; or (H) the Consumer Fraud and Deceptive Business Practices Act.

(8) A statement that, within 10 years of application, each officer, director, shareholder having a 10% or greater ownership interest therein, proprietor, partner, member, officer, director, trustee, manager, or other principal in the business of the applicant has not committed, as determined in any civil, criminal, or administrative proceeding, in any calendar year one

or more forcible felonies under the Criminal Code of 1961 or the Criminal Code of 2012, or a violation of either or both Article 16 or 17 of the Criminal Code of 1961, or a violation of either or both Article 16 or 17 of the Criminal Code of 2012, Article 29B of the Criminal Code of 1961 or the Criminal Code of 2012, or a similar out-of-state offense. For the purposes of this paragraph, "forcible felony" has the meaning provided in Section 2-8 of the Criminal Code of 2012.

(9) A bond or Certificate of Deposit in the amount of \$50,000 for each location at which the applicant intends to act as a Buy Here, Pay Here used vehicle dealer. The bond shall be for the term of the license. The bond shall run to the People of the State of Illinois, with surety by a bonding or insurance company authorized to do business in this State. It shall be conditioned upon the proper transmittal of all title and registration fees and taxes (excluding taxes under the Retailers' Occupation Tax Act) accepted by the applicant as a Buy Here, Pay Here used vehicle dealer.

(10) Such other information concerning the business of the applicant as the Secretary of State may by rule prescribe.

(11) A statement that the applicant understands Chapter 1 through Chapter 5 of this Code.

(12) A copy of the certification from the preclicensing education program.

(13) The full name, address, and contact information of each of the dealer's agents or legal representatives who is an Illinois resident and liable for the performance of the dealership.

(d) Any change that renders no longer accurate any information contained in any application for a Buy Here, Pay Here used vehicle dealer's license shall be amended within 30 days after the occurrence of each change on such form as the Secretary of State may prescribe by rule, accompanied by an amendatory fee of \$2.

(e) Anything in this Chapter to the contrary notwithstanding, no person shall be licensed as a Buy Here, Pay Here used vehicle dealer unless the person maintains an established place of business as defined in this Chapter.

(f) The Secretary of State shall, within a reasonable time after receipt, examine an application submitted under this Section. Unless the Secretary makes a determination that the application does not conform to this Section or that grounds exist for a denial of the application under Section 5-501 of this Chapter, the Secretary must grant the applicant an original Buy Here, Pay Here used vehicle dealer's license in writing for his or her established place of business and a supplemental license in writing for each additional place of business in such form as the Secretary may prescribe by rule that shall include the following:

(1) The name of the person licensed.

(2) If a corporation, the name and address of its officers or if a sole proprietorship, a partnership, an unincorporated association, or any similar form of business organization, the name and address of the proprietor or of each partner, member, officer, director, trustee, or manager.

(3) In the case of an original license, the established place of business of the licensee.

(4) In the case of a supplemental license, the established place of business of the licensee and the additional place of business to which the supplemental license pertains.

(5) The full name, address, and contact information of each of the dealer's agents or legal representatives who is an Illinois resident and liable for the performance of the dealership.

(g) The appropriate instrument evidencing the license or a certified copy thereof, provided by the Secretary of State shall be kept posted, conspicuously, in the established place of business of the licensee and in each additional place of business, if any, maintained by the licensee.

(h) Except as provided in subsection (i), all Buy Here, Pay Here used vehicle dealer's licenses granted under this Section expire by operation of law on December 31 of the calendar year for which they are granted unless sooner revoked or cancelled under Section 5-501 of this Chapter.

(i) A Buy Here, Pay Here used vehicle dealer's license may be renewed upon application and payment of the fee required herein, and submission of proof of coverage by an approved bond under the Retailers' Occupation Tax Act or proof that the applicant is not subject to such bonding requirements, as in the case of an original license, but in the case of an application for the renewal of an effective license made during the month of December, the effective license shall remain in force until the application for renewal is granted or denied by the Secretary of State.

(j) Each person licensed as a Buy Here, Pay Here used vehicle dealer is required to furnish each purchaser of a motor vehicle:

(1) a certificate of title properly assigned to the purchaser;

- (2) a statement verified under oath that all identifying numbers on the vehicle agree with those on the certificate of title;
 - (3) a bill of sale properly executed on behalf of the person;
 - (4) a copy of the Uniform Invoice-transaction reporting return referred to in Section 5-402;
 - (5) in the case of a rebuilt vehicle, a copy of the Disclosure of Rebuilt Vehicle Status; and
 - (6) in the case of a vehicle for which the warranty has been reinstated, a copy of the warranty.
- (k) Except at the time of sale or repossession of the vehicle, no person licensed as a Buy Here, Pay Here used vehicle dealer may issue any other person a newly created key to a vehicle unless the Buy Here, Pay Here used vehicle dealer makes a color photocopy or electronic scan of the driver's license or State identification card of the person requesting or obtaining the newly created key. The Buy Here, Pay Here used vehicle dealer must retain the photocopy or scan for 30 days. A Buy Here, Pay Here used vehicle dealer who violates this subsection
- (k) is guilty of a petty offense. Violation of this subsection
- (k) is not cause to suspend, revoke, cancel, or deny renewal of the used vehicle dealer's license.
- (l) A Buy Here, Pay Here used vehicle dealer licensed under this Section shall provide the Secretary of State a register for the sale at auction of each salvage or junk certificate vehicle. Each register shall include the following information:
- (1) the year, make, model, style, and color of the vehicle;
 - (2) the vehicle's manufacturer's identification number or, if applicable, the Secretary of State or Illinois Department of State Police identification number;
 - (3) the date of acquisition of the vehicle;
 - (4) the name and address of the person from whom the vehicle was acquired;
 - (5) the name and address of the person to whom any vehicle was disposed, the person's Illinois license number or, if the person is an out-of-state salvage vehicle buyer, the license number from the state or jurisdiction where the buyer is licensed; and
 - (6) the purchase price of the vehicle. The register shall be submitted to the Secretary of State via written or electronic means within 10 calendar days from the date of the auction.
- (m) If a licensee under this Section voluntarily surrenders a license to the Illinois Secretary of State Police or a representative of the Secretary of State Vehicle Services Department due to the licensee's inability to adhere to recordkeeping provisions, or the inability to properly issue certificates of title or registrations under this Code, or the Secretary revokes a license under this Section, then the licensee and the licensee's agent, designee, or legal representative, if applicable, may not be named on a new application for a licensee under this Section or under this Chapter, nor is the licensee or the licensee's agent, designee, or legal representative permitted to work for another licensee under this Chapter in a recordkeeping, management, or financial position or as an employee who handles certificate of title and registration documents and applications.

625 ILCS 5/5-102.9 — Alternative vehicle sales and ownership

Sec. 5-102.9. Alternative vehicle sales and ownership.

- (a) The Secretary may create special dealership licenses for entities that specialize in specific types of used motor vehicles that may be based on model, make, age, or any other factor that the Secretary deems appropriate.
- (b) Any owner who is not a manufacturer of the vehicle and chooses to lease a used vehicle for a period of less than 12 months shall ensure that the lessee maintains valid registration and liability insurance as set forth in Chapter 7 of this Code. The owner of the vehicle shall not collect any fees in connection with the registration of the vehicle unless the owner is also a licensed remittance agent under this Code.
- (c) The Secretary may adopt any rules necessary to implement this Section.

625 ILCS 5/5-103

Sec. 5-103.

- (a) Every new vehicle manufacturer shall specify the delivery and preparation obligations of its vehicle dealers prior to delivery of new vehicles to retail buyers. A copy of the delivery and preparation obligations of its dealers shall be filed with the Secretary of State by every vehicle manufacturer and shall constitute the vehicle dealer's only responsibility for

product liability as between the dealer and the manufacturer. A manufacturer's product or warranty liability to the dealer shall extend to any mechanical, body or parts defect constituting a breach of any express or implied warranty of the manufacturer. The manufacturer shall reasonably compensate any authorized dealer who rectifies a defect which constitutes a breach of any express or implied warranty of the manufacturer and for preparation and delivery obligations. Every dealer shall perform the preparation and get ready services specified by the manufacturer to be performed prior to the delivery of the new vehicle to the buyer.

(b) The owner of the vehicle may cause the vehicle to be inspected according to this Section and have the original manufacturer's warranty reinstated if the vehicle is a theft recovery that has been salvaged and is recovered without structural damage or missing essential parts, excluding wheels, damage to the steering column, and radios provided the owner:

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

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

(3) Paid the inspection fee charged by the franchised dealer. The manufacturer shall reinstate the original manufacturer's warranty if a vehicle is certified by a franchised dealer as having complied with the provisions of this Section. The manufacturer shall, in addition to reinstating the warranty, provide the owner with a written statement indicating that the original manufacturer's warranty has been reinstated.

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

625 ILCS 5/5-104

Sec. 5-104. On and after January 1, 1976, each manufacturer of a 1976 or later model year vehicle of the first division manufactured for sale in this State, other than a motorcycle, shall clearly and conspicuously indicate, on the price listing affixed to the vehicle pursuant to the Automobile Information Disclosure Act, (15 United States Code 1231 through 1233), the following, with the appropriate gasoline mileage figure: "In tests for fuel economy in city and highway driving conducted by the United States Environmental Protection Agency, this passenger vehicle obtained miles per gallon of gasoline."

625 ILCS 5/5-104.1 — Informational labels on pickup trucks; penalty

Sec. 5-104.1. Informational labels on pickup trucks; penalty.

(1) Every manufacturer of second division vehicles having a gross vehicle weight rating of 8,500 pounds or less which are sold or offered for sale for use upon the public streets or highways within this State shall, prior to the delivery of the second division vehicle to an Illinois dealer, or on or prior to the introduction date of new models delivered to an Illinois dealer, securely affix to the windshield or side window of the second division vehicle a label upon which the manufacturer shall endorse clearly, distinctly and legibly true and correct entries disclosing information identical to and in the same manner as required on new first division vehicles. The label shall remain affixed to the second division vehicle until delivery of the second division vehicle to the ultimate purchaser. Any manufacturer who shall willfully fail to affix a proper label required by this Section or any person who shall willfully remove, alter or mutilate a label prior to delivery of the second division vehicle to the ultimate purchaser is guilty of a misdemeanor. This Section shall not apply to such second division vehicles for which the annual sales in Illinois of the previous model year were less than 200.

(2) This Section shall apply to second division vehicles having a gross vehicle weight rating of 8,500 pounds or less built after December 31, 1987.

625 ILCS 5/5-104.2 — Nonconforming vehicles; sale

Sec. 5-104.2. Nonconforming vehicles; sale.

(a) Every manufacturer shall be prohibited from reselling any motor vehicle that has been finally ordered, determined, or adjudicated as having a nonconformity under the New Vehicle Buyer Protection Act or a similar law of any state, territory, or country, and that the manufacturer repurchased or replaced because of the nonconformity, unless the manufacturer has corrected the nonconformity and issues a disclosure statement prior to resale stating that the vehicle was repurchased or replaced under the New Vehicle Buyer Protection Act or similar law of any other state, territory, or country; identifying the nonconformity; and warranting that the nonconformity has been corrected. The disclosure statement must

accompany the vehicle through the first retail purchase.

(b) "Nonconformity" refers to a new vehicle's failure to conform to all express warranties applicable to the vehicle, which failure substantially impairs the use, market value, or safety of the vehicle.

(c) The disclosure statement referred to in subsection

(a) shall be in substantially the same form as below: "IMPORTANT Vehicle Identification Number (VIN): (Insert VIN Number); Year: (Insert Year); Make (Insert Make); Model: (Insert Model). This vehicle was previously sold as new. It was subsequently ordered as having a nonconformity by final decision of court proceeding or State run arbitration. It was subsequently repurchased by its manufacturer because it did not conform to the manufacturer's express warranty and the nonconformity was not cured within a reasonable time as provided by Illinois law. The following nonconformities have been corrected (a minimum of 5 numbered lines shall be provided to describe the nonconformity or nonconformities)." The customer shall sign the disclosure statement. This disclosure language shall be in at least 8-point type.

625 ILCS 5/5-104.3 — Disclosure of rebuilt vehicle

Sec. 5-104.3. Disclosure of rebuilt vehicle.

(a) No person shall knowingly, with intent to defraud or deceive another, sell a vehicle for which a rebuilt title has been issued unless that vehicle is accompanied by a Disclosure of Rebuilt Vehicle Status form, properly signed and delivered to the buyer. (a-5) No dealer or rebuilder licensed under Sections 5-101, 5-102, or 5-301 of this Code shall sell a vehicle for which a rebuilt title has been issued from another jurisdiction without first obtaining an Illinois certificate of title with a "REBUILT" notation under Section 3-118.1 of this Code.

(b) The Secretary of State may by rule or regulation prescribe the format and information contained in the Disclosure of Rebuilt Vehicle Status form.

(c) A violation of subsection

(a) or (a-5) of this Section is a Class A misdemeanor. A second or subsequent violation of subsection

(a) or (a-5) of this Section is a Class 4 felony.

625 ILCS 5/5-105 — Investigation of licensee required

Sec. 5-105. Investigation of licensee required. Every person seeking a license under Chapter 5 of this Act, as part of the application process, authorizes an investigation to determine if the applicant has ever been convicted of a crime and if so, the disposition of those convictions. This authorization shall indicate the scope of the inquiry and the agencies which may be contacted. Upon this authorization the Secretary of State may request and receive information and assistance from any Federal, State or local governmental agency as part of the authorized investigation. The Illinois State Police shall provide information concerning any criminal convictions and their disposition brought against the applicant upon request of the Secretary of State when the request is made in the form and manner required by the Illinois State Police. The information derived from this investigation, including the source of this information, and any conclusions or recommendations derived from this information by the Secretary of State shall be provided to the applicant or his designee. Upon request to the Secretary of State prior to any final action by the Secretary of State on the application, no information obtained from such investigation may be placed in any automated information system. Any criminal convictions and their disposition information obtained by the Secretary of State shall be confidential and may not be transmitted outside the Office of the Secretary of State, except as required herein, and may not be transmitted to anyone within the Office of the Secretary of State except as needed for the purpose of evaluating the application. All criminal convictions and their disposition and information obtained by the Division of Criminal Investigation shall be destroyed no later than 60 days after the Division of Criminal Investigation has made a final ruling on the application, and all rights of appeal have expired and pending appeals have been completed. The only physical identity materials which the applicant can be required to provide the Secretary of State are photographs or fingerprints. Only information and standards which bear a reasonable and rational relation to the performance of a licensee shall be used by the Secretary of State. The Secretary of State shall adopt rules and regulations for the administration of this Section. Any employee of the Secretary of State who gives or causes to be given away any confidential information concerning any criminal convictions and their disposition of an applicant shall be guilty of a Class A misdemeanor.

625 ILCS 5/5-106

Sec. 5-106. No person may keep open, operate, or assist in keeping open or operating any established or additional place of business for the purpose of buying, selling, bartering, exchanging, or leasing for a period of 1 year or more, or offering for sale, barter, exchange, or lease for a period of 1 year or more, any motor vehicle, whether new or used, on the first day of the week, commonly called Sunday; provided, that this Section does not apply to the opening of an established or additional place of business on Sunday for the following purposes:

- (1) to sell petroleum products, tires or repair parts and accessories;
- (2) to operate and conduct a motor vehicle repair shop;
- (3) to supply services for the washing, towing or wrecking of motor vehicles;
- (4) to participate in a trade show exhibition or display exhibition by a dealer who has been granted a permit by the Secretary of State pursuant to Section 5-102.1 of this Article;
- (5) to sell motorcycles, motor driven cycles, motorized pedalcycles when offered for sale by a dealer licensed under Sections 5-101 and 5-102 to sell only such motor vehicles;
- (6) to offer for sale manufactured housing;
- (7) to sell self-contained motor homes, mini motor homes, van campers and recreational trailers when offered for sale by a dealer at an established or additional place of business where only such vehicles are displayed or offered for sale. This exemption includes dealers with off site sales or trade show exhibition permits issued pursuant to subsection (d) of Section 5-102.1 of this Article.

625 ILCS 5/5-107 — Bond exemption

Sec. 5-107. Bond exemption. The following persons shall be exempt from the bond required in Sections 5-101 and 5-102:

- (1) Any person who has been continuously licensed under Section 5-101 or 5-102 since calendar year 1983;
- (2) any licensee who as determined by the Secretary of State, has faithfully and continuously complied with conditions of the bond requirement for a period of 60 consecutive months after the effective date of this amendatory Act of the 100th General Assembly. This exemption shall continue for each licensee until such time as he may be determined by the Secretary of State to be delinquent or deficient in the transmittal of title and registration fees or taxes. A person whose license is cancelled due to the voluntary surrender of such license, who applies for a new license for the same license year or one license year after the license year of the cancelled license, will remain exempt under paragraph (1) above if the only break in the continuous licensure is caused by the cancellation due to the voluntary surrender of the license.

625 ILCS 5/5-108 — Vehicle Referral and Marketing Services

Sec. 5-108. Vehicle Referral and Marketing Services. Nothing in this Code shall be construed to prohibit a credit union, as defined in the Illinois Credit Union Act, a bank, as defined in the Illinois Banking Act, or any firm, copartnership, association or corporation from advertising the sale of motor vehicles by licensed dealers or advertising motor vehicle purchase opportunities from licensed dealers, from referring potential purchasers of motor vehicles to licensed dealers, or from soliciting purchasers of motor vehicles for licensed dealers. However, any motor vehicle sale resulting from those activities may only be consummated by a dealer licensed under Section 5-101 or 5-102 of this Code.

625 ILCS 5/5-109 — Manufacturers and distributors; fees

Sec. 5-109. Manufacturers and distributors; fees.

- (a) "Manufacturer" means any person who manufactures or assembles new motor vehicles either within or without of this State.
- (b) "Distributor" means any person who distributes or sells new motor vehicles to new vehicle dealers, or who maintains distributor representatives in this State, and who is not a manufacturer.
- (c) Each manufacturer and distributor doing business in this State shall pay an annual fee of \$1500 to the Secretary of State to be deposited into the Motor Vehicle Review Board Fund.

625 ILCS 5/5-110 — Unlicensed Motor Vehicle Dealer Enforcement Task Force

Sec. 5-110. Unlicensed Motor Vehicle Dealer Enforcement Task Force.

- (a) The Unlicensed Motor Vehicle Dealer Enforcement Task Force is established within the Office of the Secretary of State.
- (b) The members of the Task Force shall be appointed as follows:
- (1) 3 members of the Secretary of State's Office, appointed by the Secretary of State;
 - (2) 3 members of the Department of Revenue, appointed by the Director of the Department of Revenue;
 - (3) 3 members of the Office of the Illinois Attorney General, appointed by the Attorney General;
 - (4) 3 members who represent automobile dealers, one of which is a member of a statewide trade association representing franchised dealers and 2 of which who are nonfranchised, appointed by the Secretary of State; and
 - (5) one member who represents an auction firm or credentialing company, appointed by the Secretary of State.
- (c) The purpose of the Task Force is to review unlicensed motor vehicle dealer enforcement activities in the State. The Task Force shall:
- (1) explore and recommend ways to ensure consumer protections are afforded to State consumers making purchases from unlicensed vehicle dealers, including those who are using out-of-state licenses in a manner that evades the State's licensing requirements and protections;
 - (2) consider methods to identify and investigate violators, with a focus on retail sales occurring through the internet;
 - (3) explore methods to collect tax revenue and license and title fees owed to the State;
 - (4) explore enhanced penalties and enforcement mechanisms for violators; and
 - (5) address practices relating to renting dealer plates and auction authority.
- (d) Initial appointments to the Task Force shall be made as soon as practicable after the effective date of this amendatory Act of the 104th General Assembly. The Task Force shall meet at least 4 times and issue a report to the General Assembly by December 31, 2026.
- (e) The Secretary of State shall provide administrative and technical support to the Task Force.
- (f) The members of the Task Force shall serve without compensation.
- (g) The Task Force established by this Section is dissolved on January 1, 2027.

625 ILCS 5/5-201 — Transporters must apply for in-transit plates

Sec. 5-201. Transporters must apply for in-transit plates.

- (a) No person shall engage in this State in the business as a transporter until such person shall apply for and receive from the Secretary of State a generally distinctive set of two "in-transit license plates" for any vehicle so transported by him.
- (b) An application for a generally distinctive number under this Article shall be filed with the Secretary of State, duly verified by oath and in such form as the Secretary of State may by rule or regulation prescribe and shall contain the name and business address of such person, the certificate, registration or permit number issued by the Illinois Commerce Commission and such other information concerning the business of the applicant as the Secretary of State may by rule or regulation prescribe. If the applicant does not hold a certificate, registration or permit from the Illinois Commerce Commission to so transport, such application shall be denied.
- (c) An application for a generally distinctive set of two "in-transit license plates" shall be accompanied by the prescribed fee. Upon the payment of such license fee, such application shall be filed and recorded in the office of the Secretary of State. Thereupon the Secretary of State shall assign and issue to such person a generally distinctive number and without any further expense to him shall deliver to such person at his business address a certificate of registration in such form as the Secretary of State may prescribe and one set of two "in-transit license plates" with a number corresponding to the number of such certificate of registration. Such in-transit plates shall be used by such person only on vehicles transported, but not owned, by him.
- (d) Except as provided in sub-section
- (3) hereof, all certificates of registration and "in-transit plates" granted under this Section shall expire by operation of law on December 31 of the calendar year for which they are granted unless sooner revoked under the provisions of Section 5-501 of this Chapter.

(e) A certificate of registration under this Article may be renewed upon application and payment of the fee required herein as in the case of an original application, provided, however, that in case an application for renewal of an effective registration is made during the month of December, such existing registration shall remain in force until such application for renewal is granted by the Secretary of State.

(f) Any person registered as a transporter under the Article may make application for additional duplicate sets of "in-transit plates" on such form as the Secretary of State may by rule or regulation prescribe, from time to time to obtain as many duplicate sets of "in-transit plates" as he may desire upon payment of the prescribed fee for each set. Such duplicate plates shall bear the number of that person's original certificate of registration.

(g) In case of loss or destruction of one license plate issued to a transporter under this Section such transporter may obtain a duplicate of the same by filing an affidavit to that effect with the Secretary of State, accompanied by the prescribed fee.

(h) An original "in-transit plate" or a duplicate shall be attached to the front and rear of each vehicle so transported in this State; provided, that if one such vehicle is towing another such vehicle, one plate or duplicate plate shall be attached to the front of the towing vehicle and one such plate to the rear of the rearmost towed vehicle.

(i) Anything in this Chapter to the contrary notwithstanding, the provisions of this Section shall not apply to a non-resident engaged in such business and using the public highways of this State if he has an "in-transit plate" or license from the State, foreign country or province, territory or federal district of which he is a resident and such State, country, province, territory or district grants a like exemption to residents of this State.

625 ILCS 5/5-202 — Tow or Wrecker operators must register tow or wrecker vehicles

Sec. 5-202. Tow or Wrecker operators must register tow or wrecker vehicles.

(a) No person in this State shall engage in the business of operating a tow truck or wrecker or operate a tow or wrecker vehicle until such person shall register any vehicle to be used for such purpose and apply for and receive from the Secretary of State a generally distinctive set of 3 "tow truck" plates for any towing or wrecker vehicle operated by him.

(b) An application for registration for a generally distinctive set of 3 "tow truck" plates under this Article shall be filed with the Secretary of State, duly verified by oath and in such form as the Secretary of State may by rule or regulation prescribe and shall contain the name and business address of such person, the vehicle identification number of the vehicle for which such application is made, proof of insurance as set forth in paragraph

(d) of Section 12-606 of this Code, and such other information concerning the business of the applicant as the Secretary of State may by rule or regulation prescribe.

(c) The application for registration and a generally distinctive set of 3 "tow truck" plates shall be accompanied by the prescribed fee. Upon payment of such fee, such registration and application shall be filed and recorded in the office of the Secretary of State. Thereupon the Secretary of State shall assign and issue to such person a generally distinctive number for each vehicle and without further expense to him shall deliver to such person at his place of business address one set of 3 "tow truck" plates. Such "tow truck" plates shall be used by such person only on the vehicle for which application was made and the vehicle being towed, and are not transferable.

(d) All "tow truck" plates granted under this Section shall expire by operation of law on December 31 of the calendar year for which they are granted unless sooner revoked under the provisions of Section 5-501 of this Chapter.

(e) One "tow truck" plate shall be attached to the front and rear of each registered vehicle, and one "tow truck" plate shall be attached to the rear of the vehicle being towed unless the towed vehicle displays a valid registration plate or digital registration plate visible from the rear while being towed, so that the numbers and letter on the plate are clearly visible to any person following the vehicle being towed. However, illumination of the rear plate required by subsection

(c) of Section 12-201 of this Code shall not apply to the third plate displayed on the towed vehicle. In addition, the vehicle registration plates or digital registration plates assigned to the vehicle being towed shall be displayed as provided in Section 3-413 of this Code.

625 ILCS 5/5-207 — Licensing of towing services as dealers

Sec. 5-207. Licensing of towing services as dealers. Any towing service that sells or disposes of 5 or more vehicles in a calendar year to anyone other than a person licensed under Chapter 5 of this Code must also be licensed under Section 5-102 of this Chapter.

625 ILCS 5/5-301 — Automotive parts recyclers, scrap processors, repairers and rebuilders must be licensed

Sec. 5-301. Automotive parts recyclers, scrap processors, repairers and rebuilders must be licensed.

(a) No person in this State shall, except as an incident to the servicing of vehicles, carry on or conduct the business of an automotive parts recycler, a scrap processor, a repairer, or a rebuilder, unless licensed to do so in writing by the Secretary of State under this Section. No person shall rebuild a salvage vehicle unless such person is licensed as a rebuilder by the Secretary of State under this Section. No person shall engage in the business of acquiring 5 or more previously owned vehicles in one calendar year for the primary purpose of disposing of those vehicles in the manner described in the definition of a "scrap processor" in this Code unless the person is licensed as an automotive parts recycler by the Secretary of State under this Section. No person shall engage in the act of dismantling, crushing, or altering a vehicle into another form using machinery or equipment unless licensed to do so and only from the fixed location identified on the license issued by the Secretary. Each license shall be applied for and issued separately, except that a license issued to a new vehicle dealer under Section 5-101 of this Code shall also be deemed to be a repairer license.

(b) Any application filed with the Secretary of State, shall be duly verified by oath, in such form as the Secretary of State may by rule or regulation prescribe and shall contain: 1. The name and type of business organization of the applicant and his principal or additional places of business, if any, in this State. 2. The kind or kinds of business enumerated in subsection

(a) of this Section to be conducted at each location. 3. If the applicant is a corporation, a list of its officers, directors, and shareholders having a ten percent or greater ownership interest in the corporation, setting forth the residence address of each; if the applicant is a sole proprietorship, a partnership, an unincorporated association, a trust, or any similar form of business organization, the names and residence address of the proprietor or of each partner, member, officer, director, trustee or manager. 4. A statement that the applicant's officers, directors, shareholders having a ten percent or greater ownership interest therein, proprietor, partner, member, officer, director, trustee, manager, or other principals in the business have not committed in the past three years any one violation as determined in any civil or criminal or administrative proceedings of any one of the following Acts:

(a) the Anti-Theft Laws of the Illinois Vehicle Code;

(b) the "Certificate of Title Laws" of the Illinois Vehicle Code;

(c) the "Offenses against Registration and Certificates of Title Laws" of the Illinois Vehicle Code;

(d) the "Dealers, Transporters, Wreckers and Rebuilders Laws" of the Illinois Vehicle Code;

(e) Section 21-2 of the Criminal Code of 1961 or the Criminal Code of 2012, Criminal Trespass to Vehicles; or

(f) the Retailers Occupation Tax Act. 5. A statement that the applicant's officers, directors, shareholders having a ten percent or greater ownership interest therein, proprietor, partner, member, officer, director, trustee, manager or other principals in the business have not committed in any calendar year 3 or more violations, as determined in any civil or criminal or administrative proceedings, of any one or more of the following Acts:

(a) the Consumer Finance Act;

(b) the Consumer Installment Loan Act;

(c) the Retail Installment Sales Act;

(d) the Motor Vehicle Retail Installment Sales Act;

(e) the Interest Act;

(f) the Illinois Wage Assignment Act;

(g) Part 8 of Article XII of the Code of Civil Procedure; or

(h) the Consumer Fraud Act. 6. An application for a license shall be accompanied by the following fees: \$50 for applicant's established place of business; \$25 for each additional place of business, if any, to which the application pertains; provided, however, that if such an application is made after June 15 of any year, the license fee shall be \$25 for applicant's established place of business plus \$12.50 for each additional place of business, if any, to which the application pertains. License fees shall be returnable only in the event that such application shall be denied by the Secretary of State.

7. A statement that the applicant understands Chapter 1 through Chapter 5 of this Code. 8. A statement that the applicant

shall comply with subsection

(e) of this Section. 9. A statement indicating if the applicant, including any of the applicant's affiliates or predecessor corporations, has been subject to the revocation or nonrenewal of a business license by a municipality under Section 5-501.5 of this Code. 10. The applicant's National Motor Vehicle Title Information System number and a statement of compliance if applicable. 11. The full name, address, and contact information of each of the dealer's agents or legal representatives who is an Illinois resident and liable for the performance of the dealership.

(c) Any change which renders no longer accurate any information contained in any application for a license filed with the Secretary of State shall be amended within 30 days after the occurrence of such change on such form as the Secretary of State may prescribe by rule or regulation, accompanied by an amendatory fee of \$2.

(d) Anything in this Chapter to the contrary, notwithstanding, no person shall be licensed under this Section unless such person shall maintain an established place of business as defined in this Chapter.

(e) The Secretary of State shall within a reasonable time after receipt thereof, examine an application submitted to him under this Section and unless he makes a determination that the application submitted to him does not conform with the requirements of this Section or that grounds exist for a denial of the application, as prescribed in Section 5-501 of this Chapter, grant the applicant an original license as applied for in writing for his established place of business and a supplemental license in writing for each additional place of business in such form as he may prescribe by rule or regulation which shall include the following: 1. the name of the person licensed; 2. if a corporation, the name and address of its officers or if a sole proprietorship, a partnership, an unincorporated association or any similar form of business organization, the name and address of the proprietor or of each partner, member, officer, director, trustee or manager; 3. a designation of the kind or kinds of business enumerated in subsection

(a) of this Section to be conducted at each location; 4. in the case of an original license, the established place of business of the licensee; 5. in the case of a supplemental license, the established place of business of the licensee and the additional place of business to which such supplemental license pertains; 6. the full name, address, and contact information of each of the dealer's agents or legal representatives who is an Illinois resident and liable for the performance of the dealership.

(f) The appropriate instrument evidencing the license or a certified copy thereof, provided by the Secretary of State shall be kept, posted, conspicuously in the established place of business of the licensee and in each additional place of business, if any, maintained by such licensee. The licensee also shall post conspicuously in the established place of business and in each additional place of business a notice which states that such business is required to be licensed by the Secretary of State under Section 5-301, and which provides the license number of the business and the license expiration date. This notice also shall advise the consumer that any complaints as to the quality of service may be brought to the attention of the Attorney General. The information required on this notice also shall be printed conspicuously on all estimates and receipts for work by the licensee subject to this Section. The Secretary of State shall prescribe the specific format of this notice.

(g) Except as provided in subsection

(h) hereof, licenses granted under this Section shall expire by operation of law on December 31 of the calendar year for which they are granted unless sooner revoked, nonrenewed, or cancelled under the provisions of Section 5-501 or 5-501.5 of this Chapter.

(h) Any license granted under this Section may be renewed upon application and payment of the fee required herein as in the case of an original license, provided, however, that in case an application for the renewal of an effective license is made during the month of December, such effective license shall remain in force until such application is granted or denied by the Secretary of State.

(i) All automotive repairers and rebuilders shall, in addition to the requirements of subsections

(a) through

(h) of this Section, meet the following licensing requirements: 1. provide proof that the property on which first time applicants plan to do business is in compliance with local zoning laws and regulations, and a listing of zoning classification; 2. provide proof that the applicant for a repairer's license complies with the proper workers' compensation rate code or classification, and listing the code of classification for that industry; 3. provide proof that the applicant for a rebuilder's license complies with the proper workers' compensation rate code or classification for the repair industry or the auto parts recycling industry and listing the code of classification; 4. provide proof that the applicant has obtained or

applied for a hazardous waste generator number, and listing the actual number if available or certificate of exemption; 5. provide proof that applicant has proper liability insurance, and listing the name of the insurer and the policy number; and 6. provide proof that the applicant has obtained or applied for the proper State sales tax classification and federal identification tax number, and listing the actual numbers if available. (i-1) All automotive repairers shall provide proof that they comply with all requirements of the Automotive Collision Repair Act.

(j) All automotive parts recyclers shall, in addition to the requirements of subsections

(a) through

(h) of this Section, meet the following licensing requirements: 1. provide a statement that the applicant purchases 5 vehicles per year or has 5 hulks or chassis in stock; 2. provide proof that the property on which all first time applicants will do business does comply to the proper local zoning laws in existence, and a listing of zoning classifications; 3. provide proof that applicant complies with the proper workers' compensation rate code or classification, and listing the code of classification; and 4. provide proof that applicant has obtained or applied for the proper State sales tax classification and federal identification tax number, and listing the actual numbers if available.

625 ILCS 5/5-302 — Out-of-state salvage vehicle buyer must be licensed

Sec. 5-302. Out-of-state salvage vehicle buyer must be licensed.

(a) No person in this State shall sell at auction a salvage vehicle to a nonresident individual or business licensed in the United States unless the nonresident is licensed in another state or jurisdiction and provides a resale tax certificate, if applicable, and one of the following: a National Motor Vehicle Title Information System (NMVTIS) number, a federal employer identification number, or a government-issued driver's license or passport. A person in this State shall not sell at auction a salvage vehicle to an out-of-country buyer, unless if the nonresident is licensed in a jurisdiction that is not a state, then the nonresident shall provide to the seller the number of the nonresident's license issued by that jurisdiction and a copy of the nonresident's passport or the passport of an owner or officer of the nonresident entity or a copy of another form of government-issued identification from the nonresident or an owner or officer of the nonresident entity.

(b) (Blank).

(c) (Blank).

(d) (Blank).

(e) (Blank).

(f) (Blank).

(g) An out-of-state salvage vehicle buyer shall be subject to the inspection of records pertaining to the acquisition of salvage vehicles in this State in accordance with this Code and such rules as the Secretary of State may promulgate.

(h) (Blank).

(i) (Blank).

(j) An out-of-state salvage vehicle buyer who provides an address outside of the United States shall receive a salvage certificate stamped by the seller with the designation of "For Export Only" at the point of sale for each salvage vehicle purchased and the NMVTIS record shall be designated "EXPORT".

625 ILCS 5/5-401.2 — Licensees required to keep records and make inspections

Sec. 5-401.2. Licensees required to keep records and make inspections.

(a) Every person licensed or required to be licensed under Section 5-101, 5-101.1, 5-101.2, 5-102, 5-102.8, 5-301, or 5-302 of this Code, shall, with the exception of scrap processors, maintain for 3 years, in a form as the Secretary of State may by rule or regulation prescribe, at his established place of business, additional place of business, or principal place of business if licensed under Section 5-302, the following records relating to the acquisition or disposition of vehicles and their essential parts possessed in this State, brought into this State from another state, territory or country, or sold or transferred to another person in this State or in another state, territory, or country.

(1) The following records pertaining to new or used vehicles shall be kept: (A) the year, make, model, style and color of the vehicle; (B) the vehicle's manufacturer's identification number or, if applicable, the Secretary of State or Illinois State Police identification number; (C) the date of acquisition of the vehicle; (D) the name and address of the person from whom the vehicle was acquired and, if that person is a dealer, the Illinois or out-of-state dealer license number of such person;

(E) the signature of the person making the inspection of a used vehicle as required under subsection

(d) of this Section, if applicable; (F) the purchase price of the vehicle, if applicable; (G) the date of the disposition of the vehicle; (H) the name and address of the person to whom any vehicle was disposed, and if that person is a dealer, the Illinois or out-of-State dealer's license number of that dealer; (I) the uniform invoice number reflecting the disposition of the vehicle, if applicable; and (J) The sale price of the vehicle, if applicable.

(2) (A) The following records pertaining to used essential parts other than quarter panels and transmissions of vehicles of the first division shall be kept:

(i) the year, make, model, color and type of such part; (ii) the vehicle's manufacturer's identification number, derivative number, or, if applicable, the Secretary of State or Illinois State Police identification number of such part; (iii) the date of the acquisition of each part; (iv) the name and address of the person from whom the part was acquired and, if that person is a dealer, the Illinois or out-of-state dealer license number of such person; if the essential part being acquired is from a person other than a dealer, the licensee shall verify and record that person's identity by recording the identification numbers from at least two sources of identification, one of which shall be a drivers license or State identification card;

(v) the uniform invoice number or out-of-state bill of sale number reflecting the acquisition of such part; (vi) the stock number assigned to the essential part by the licensee, if applicable; (vii) the date of the disposition of such part; (viii) the name and address of the person to whom such part was disposed of and, if that person is a dealer, the Illinois or out-of-state dealer license number of that person; (ix) the uniform invoice number reflecting the disposition of such part.

(B) Inspections of all essential parts shall be conducted in accordance with Section 5-402.1. (C) A separate entry containing all of the information required to be recorded in subparagraph (A) of paragraph

(2) of subsection

(a) of this Section shall be made for each separate essential part. Separate entries shall be made regardless of whether the part was a large purchase acquisition. In addition, a separate entry shall be made for each part acquired for immediate sale or transfer, or for placement into the overall inventory or stock to be disposed of at a later time, or for use on a vehicle to be materially altered by the licensee, or acquired for any other purpose or reason. Failure to make a separate entry for each essential part acquired or disposed of, or a failure to record any of the specific information required to be recorded concerning the acquisition or disposition of each essential part as set forth in subparagraph (A) of paragraph

(2) of subsection

(a) shall constitute a failure to keep records. (D) The vehicle's manufacturer's identification number or Secretary of State or Illinois State Police identification number for the essential part shall be ascertained and recorded even if such part is acquired from a person or dealer located in a State, territory, or country which does not require that such information be recorded. If the vehicle's manufacturer's identification number or Secretary of State or Illinois State Police identification number for an essential part cannot be obtained, that part shall not be acquired by the licensee or any of his agents or employees. If such part or parts were physically acquired by the licensee or any of his agents or employees while the licensee or agent or employee was outside this State, that licensee or agent or employee was outside the State, that licensee, agent or employee shall not bring such essential part into this State or cause it to be brought into this State. The acquisition or disposition of an essential part by a licensee without the recording of the vehicle identification number or Secretary of State identification number for such part or the transportation into the State by the licensee or his agent or employee of such part or parts shall constitute a failure to keep records. (E) The records of essential parts required to be kept by this Section shall apply to all hulks, chassis, frames or cowl, regardless of the age of those essential parts. The records required to be kept by this Section for essential parts other than hulks, chassis, frames or cowl, shall apply only to those essential parts which are 6 model years of age or newer. In determining the model year of such an essential part it may be presumed that the identification number of the vehicle from which the essential part came or the identification number affixed to the essential part itself acquired by the licensee denotes the model year of that essential part. This presumption, however, shall not apply if the gross appearance of the essential part does not correspond to the year, make or model of either the identification number of the vehicle from which the essential part is alleged to have come or the identification number which is affixed to the essential part itself. To determine whether an essential part is 6 years of age or newer within this paragraph, the model year of the essential part shall be subtracted from the calendar year in which the essential part is acquired or disposed of by the licensee. If the remainder is 6 or less, the record of the acquisition or disposition of that essential part shall be kept as required by this Section. (F) The requirements of paragraph

(2) of subsection

(a) of this Section shall not apply to the disposition of an essential part other than a cowl which has been damaged or altered to a state in which it can no longer be returned to a usable condition and which is being sold or transferred to a scrap processor or for delivery to a scrap processor.

(3) the following records for vehicles on which junking certificates are obtained shall be kept: (A) the year, make, model, style and color of the vehicle; (B) the vehicle's manufacturer's identification number or, if applicable, the Secretary of State or Illinois State Police identification number; (C) the date the vehicle was acquired; (D) the name and address of the person from whom the vehicle was acquired and, if that person is a dealer, the Illinois or out-of-state dealer license number of that person; (E) the certificate of title number or salvage certificate number for the vehicle, if applicable; (F) the junking certificate number obtained by the licensee; this entry shall be recorded at the close of business of the fifth business day after receiving the junking certificate; (G) the name and address of the person to whom the junking certificate has been assigned, if applicable, and if that person is a dealer, the Illinois or out-of-state dealer license number of that dealer; (H) if the vehicle or any part of the vehicle is dismantled for its parts to be disposed of in any way, or if such parts are to be used by the licensee to materially alter a vehicle, those essential parts shall be recorded and the entries required by paragraph

(2) of subsection

(a) shall be made.

(4) The following records for rebuilt vehicles shall be kept: (A) the year, make, model, style and color of the vehicle; (B) the vehicle's manufacturer's identification number of the vehicle or, if applicable, the Secretary of State or Illinois State Police identification number; (C) the date the vehicle was acquired; (D) the name and address of the person from whom the vehicle was acquired, and if that person is a dealer, the Illinois or out-of-state dealer license number of that person; (E) the salvage certificate number for the vehicle; (F) the newly issued certificate of title number for the vehicle; (G) the date of disposition of the vehicle; (H) the name and address of the person to whom the vehicle was disposed, and if a dealer, the Illinois or out-of-state dealer license number of that dealer; (I) The sale price of the vehicle. (a-1) A person licensed or required to be licensed under Section 5-101 or Section 5-102 of this Code who issues temporary registration permits as permitted by this Code and by rule must electronically file the registration with the Secretary and must maintain records of the registration in the manner prescribed by the Secretary.

(b) A failure to make separate entries for each vehicle acquired, disposed of, or assigned, or a failure to record any of the specific information required to be recorded concerning the acquisition or disposition of each vehicle as set forth in paragraphs (1),

(3) and

(4) of subsection

(a) shall constitute a failure to keep records.

(c) All entries relating to the acquisition of a vehicle or essential part required by subsection

(a) of this Section shall be recorded no later than the close of business on the seventh calendar day following such acquisition. All entries relating to the disposition of a vehicle or an essential part shall be made at the time of such disposition. If the vehicle or essential part was disposed of on the same day as its acquisition or the day thereafter, the entries relating to the acquisition of the vehicle or essential part shall be made at the time of the disposition of the vehicle or essential part. Failure to make the entries required in or at the times prescribed by this subsection following the acquisition or disposition of such vehicle or essential part shall constitute a failure to keep records.

(d) Every person licensed or required to be licensed shall, before accepting delivery of a used vehicle, inspect the vehicle to determine whether the manufacturer's public vehicle identification number has been defaced, destroyed, falsified, removed, altered, or tampered with in any way. If the person making the inspection determines that the manufacturer's public vehicle identification number has been altered, removed, defaced, destroyed, falsified or tampered with he shall not acquire that vehicle but instead shall promptly notify law enforcement authorities of his finding.

(e) The information required to be kept in subsection

(a) of this Section shall be kept in a manner prescribed by rule or regulation of the Secretary of State.

(f) Every person licensed or required to be licensed shall have in his possession a separate certificate of title, salvage certificate, junking certificate, certificate of purchase, uniform invoice, out-of-state bill of sale or other acceptable

documentary evidence of his right to the possession of every vehicle or essential part.

(g) Every person licensed or required to be licensed as a transporter under Section 5-201 shall maintain for 3 years, in such form as the Secretary of State may by rule or regulation prescribe, at his principal place of business a record of every vehicle transported by him, including numbers of or other marks of identification thereof, the names and addresses of persons from whom and to whom the vehicle was delivered and the dates of delivery.

(h) No later than 15 days prior to going out of business, selling the business, or transferring the ownership of the business, the licensee shall notify the Secretary of State that he is going out of business or that he is transferring the ownership of the business. Failure to notify under this paragraph shall constitute a failure to keep records.

(i) (Blank).

(j) A person who knowingly fails to comply with the provisions of this Section or knowingly fails to obey, observe, or comply with any order of the Secretary or any law enforcement agency issued in accordance with this Section is guilty of a Class B misdemeanor for the first violation and a Class A misdemeanor for the second and subsequent violations. Each violation constitutes a separate and distinct offense and a separate count may be brought in the same indictment or information for each vehicle or each essential part of a vehicle for which a record was not kept as required by this Section.

(k) Any person convicted of failing to keep the records required by this Section with intent to conceal the identity or origin of a vehicle or its essential parts or with intent to defraud the public in the transfer or sale of vehicles or their essential parts is guilty of a Class 2 felony. Each violation constitutes a separate and distinct offense and a separate count may be brought in the same indictment or information for each vehicle or essential part of a vehicle for which a record was not kept as required by this Section.

(l) A person may not be criminally charged with or convicted of both a knowing failure to comply with this Section and a knowing failure to comply with any order, if both offenses involve the same record keeping violation.

(m) The Secretary shall adopt rules necessary for implementation of this Section, which may include the imposition of administrative fines.

625 ILCS 5/5-401.3 — Scrap processors required to keep records

Sec. 5-401.3. Scrap processors required to keep records.

(a) Every person licensed or required to be licensed as a scrap processor pursuant to Section 5-301 of this Chapter shall maintain for 3 years, at his established place of business, the following records relating to the acquisition of recyclable metals or the acquisition of a vehicle, junk vehicle, or vehicle cowl which has been acquired for the purpose of processing into a form other than a vehicle, junk vehicle or vehicle cowl which is possessed in the State or brought into this State from another state, territory or country. No scrap metal processor shall sell a vehicle or essential part, as such, except for engines, transmissions, and powertrains, unless licensed to do so under another provision of this Code. A scrap processor who is additionally licensed as an automotive parts recycler shall not be subject to the record keeping requirements for a scrap processor when acting as an automotive parts recycler.

(1) For a vehicle, junk vehicle, or vehicle cowl acquired from a person who is licensed under this Chapter, the scrap processor shall record the name and address of the person, and the Illinois or out-of-state dealer license number of such person on the scrap processor's weight ticket at the time of the acquisition. The person disposing of the vehicle, junk vehicle, or vehicle cowl shall furnish the scrap processor with documentary proof of ownership of the vehicle, junk vehicle, or vehicle cowl in one of the following forms: a Certificate of Title, a Salvage Certificate, a Junking Certificate, a Secretary of State Junking Manifest, a Uniform Invoice, a Certificate of Purchase, or other similar documentary proof of ownership. The scrap processor shall not acquire a vehicle, junk vehicle or vehicle cowl without obtaining one of the aforementioned documentary proofs of ownership.

(2) For a vehicle, junk vehicle or vehicle cowl acquired from a person who is not licensed under this Chapter, the scrap processor shall verify and record that person's identity by recording the identification of such person from at least 2 sources of identification, one of which shall be a driver's license or State Identification Card, on the scrap processor's weight ticket at the time of the acquisition. The person disposing of the vehicle, junk vehicle, or vehicle cowl shall furnish the scrap processor with documentary proof of ownership of the vehicle, junk vehicle, or vehicle cowl in one of the following forms: a Certificate of Title, a Salvage Certificate, a Junking Certificate, a Secretary of State Junking Manifest, a Certificate of Purchase, or other similar documentary proof of ownership. The scrap processor shall not acquire a vehicle, junk vehicle or vehicle cowl without obtaining one of the aforementioned documentary proofs of ownership.

(3) In addition to the other information required on the scrap processor's weight ticket, a scrap processor who at the time of acquisition of a vehicle, junk vehicle, or vehicle cowl is furnished a Certificate of Title, Salvage Certificate or Certificate of Purchase shall record the Vehicle Identification Number on the weight ticket or affix a copy of the Certificate of Title, Salvage Certificate or Certificate of Purchase to the weight ticket and the identification of the person acquiring the information on the behalf of the scrap processor.

(4) The scrap processor shall maintain a copy of a Junk Vehicle Notification relating to any Certificate of Title, Salvage Certificate, Certificate of Purchase or similarly acceptable out-of-state document surrendered to the Secretary of State pursuant to the provisions of Section 3-117.2 of this Code.

(5) For recyclable metals valued at \$100 or more, the scrap processor shall, for each transaction, record the identity of the person from whom the recyclable metals were acquired by verifying the identification of that person from one source of identification, which shall be a valid driver's license or State Identification Card, on the scrap processor's weight ticket at the time of the acquisition and by making and recording a color photocopy or electronic scan of the driver's license or State Identification Card. Such information shall be available for inspection by any law enforcement official. If the person delivering the recyclable metal does not have a valid driver's license or State Identification Card, the scrap processor shall not complete the transaction. The inspection of records pertaining only to recyclable metals shall not be counted as an inspection of a premises for purposes of subparagraph

(7) of Section 5-403 of this Code. This subdivision (a)(5) does not apply to electrical contractors, to agencies or instrumentalities of the State of Illinois or of the United States, to common carriers, to purchases from persons, firms, or corporations regularly engaged in the business of manufacturing recyclable metal, in the business of selling recyclable metal at retail or wholesale, or in the business of razing, demolishing, destroying, or removing buildings, to the purchase by one recyclable metal dealer from another, or the purchase from persons, firms, or corporations engaged in either the generation, transmission, or distribution of electric energy or in telephone, telegraph, and other communications if such common carriers, persons, firms, or corporations at the time of the purchase provide the recyclable metal dealer with a bill of sale or other written evidence of title to the recyclable metal. This subdivision (a)(5) also does not apply to contractual arrangements between dealers.

(b) Any licensee who knowingly fails to record any of the specific information required to be recorded on the weight ticket required under any other subsection of this Section, or Section 5-401 of this Code, or who knowingly fails to acquire and maintain for 3 years documentary proof of ownership in one of the prescribed forms shall be guilty of a Class A misdemeanor and subject to a fine not to exceed \$1,000. Each violation shall constitute a separate and distinct offense and a separate count may be brought in the same complaint for each violation. Any licensee who commits a second violation of this Section within two years of a previous conviction of a violation of this Section shall be guilty of a Class 4 felony.

(c) It shall be an affirmative defense to an offense brought under paragraph

(b) of this Section that the licensee or person required to be licensed both reasonably and in good faith relied on information appearing on a Certificate of Title, a Salvage Certificate, a Junking Certificate, a Secretary of State Manifest, a Secretary of State's Uniform Invoice, a Certificate of Purchase, or other documentary proof of ownership prepared under Section 3-117.1(a) of this Code, relating to the transaction for which the required record was not kept which was supplied to the licensee by another licensee or an out-of-state dealer.

(d) No later than 15 days prior to going out of business, selling the business, or transferring the ownership of the business, the scrap processor shall notify the Secretary of that fact. Failure to so notify the Secretary of State shall constitute a failure to keep records under this Section.

(e) Evidence derived directly or indirectly from the keeping of records required to be kept under this Section shall not be admissible in a prosecution of the licensee for an alleged violation of Section 4-102(a)(3) of this Code.

625 ILCS 5/5-401.4 — Purchase of beer kegs by scrap processors

Sec. 5-401.4. Purchase of beer kegs by scrap processors.

(a) A scrap processor may not purchase metal beer kegs from any person other than the beer manufacturer whose identity is printed, stamped, attached, or otherwise displayed on the beer keg, or the manufacturer's authorized representative.

(b) The purchaser shall obtain a proof of ownership record from a person selling the beer keg, including any person selling a beer keg with an indicia of ownership that is obliterated, unreadable, or missing, and shall also verify the seller's identity by a driver's license or other government-issued photo identification. The proof of ownership record shall include all of the following information:

- (1) The name, address, telephone number, and signature of the seller or the seller's authorized representative.
- (2) The name and address of the buyer, or consignee if not sold.
- (3) A description of the beer keg, including its capacity and any indicia of ownership or other distinguishing marks appearing on the exterior surface.
- (4) The date of transaction.

(c) The information required to be collected by this Section shall be kept for one year from the date of purchase or delivery, whichever is later.

625 ILCS 5/5-402 — Use of Department of Revenue Uniform Invoice for vehicle

Sec. 5-402. Use of Department of Revenue Uniform Invoice for vehicle. Every person licensed as a new vehicle dealer, as a used vehicle dealer, or as a motor vehicle financing affiliate shall issue a Uniform Invoice with respect to each transaction wherein he disposes of a vehicle, except that where, in the same transaction, a vehicle dealer transfers more than one vehicle to another vehicle dealer for the purpose of resale, such seller for resale may issue one Uniform Invoice to the purchaser covering all the vehicles involved in that transaction and may report the transfer of all the vehicles involved in that transaction to the Department on the same Uniform Invoice-transaction reporting return form. Every person licensed as a rebuilder shall likewise issue a Uniform Invoice with respect to each transaction wherein he disposes of a rebuilt or restored vehicle. Such Uniform Invoice shall be the same document as the transaction reporting return referred to in Section 3 of the Retailers' Occupation Tax Act. Such Uniform Invoice shall contain complete financial details of the transaction in such form as shall be prescribed by the Department of Revenue. Such Uniform Invoice shall include an affidavit by both the seller and the buyer that any trade-in title has been properly assigned from the buyer to the seller and that all information on the Uniform Invoice-transaction reporting return is true and accurate.

625 ILCS 5/5-402.1 — Use of Secretary of State Uniform Invoice for Essential Parts

Sec. 5-402.1. Use of Secretary of State Uniform Invoice for Essential Parts.

(a) Except for scrap processors, every person licensed or required to be licensed under Section 5-101, 5-101.1, 5-102, 5-102.8, or 5-301 of this Code shall issue, in a form the Secretary of State may by rule or regulation prescribe, a Uniform Invoice, which may also act as a bill of sale, with respect to each transaction in which he disposes of an essential part other than quarter panels and transmissions of vehicles of the first division. Such Invoice shall be made out at the time of the disposition of the essential part. If the licensee disposes of several essential parts in the same transaction, the licensee may issue one Uniform Invoice covering all essential parts disposed of in that transaction.

(b) The following information shall be contained on the Uniform Invoice:

- (1) the business name, address, and dealer license number of the person disposing of the essential part;
- (2) the name and address of the person acquiring the essential part, and if that person is a dealer, the Illinois or out-of-state dealer license number of that dealer;
- (3) the date of the disposition of the essential part;
- (4) the year, make, model, color, and description of each essential part disposed of by the person;
- (5) the manufacturer's vehicle identification number, Secretary of State identification number, or Illinois State Police identification number for each essential part disposed of by the person;
- (6) the printed name and legible signature of the person or agent disposing of the essential part; and
- (7) if the person is a dealer the printed name and legible signature of the dealer or his agent or employee accepting delivery of the essential part.

(c) Except for scrap processors, and except as set forth in subsection

(d) of this Section, whenever a person licensed or required to be licensed by Section 5-101, 5-101.1, 5-102, or 5-301 accepts delivery of an essential part, other than quarter panels and transmissions of vehicles of the first division, that person shall, at the time of the acceptance or delivery, comply with the following procedures:

(1) Before acquiring or accepting delivery of any essential part, the licensee or his authorized agent or employee shall inspect the part to determine whether the vehicle identification number, Secretary of State identification number, Illinois State Police identification number, or identification plate or sticker attached to or stamped on any part being acquired or delivered has been removed, falsified, altered, defaced, destroyed, or tampered with. If the licensee or his agent or employee determines that the vehicle identification number, Secretary of State identification number, Illinois State Police identification number, identification plate or identification sticker containing an identification number, or Federal Certificate label of an essential part has been removed, falsified, altered, defaced, destroyed, or tampered with, the licensee or agent shall not accept or receive that part. If that part was physically acquired by or delivered to a licensee or his agent or employee while that licensee, agent, or employee was outside this State, that licensee or agent or employee shall not bring that essential part into this State or cause it to be brought into this State.

(2) If the person disposing of or delivering the essential part to the licensee is a licensed in-state or out-of-state dealer, the licensee or his agent or employee, after inspecting the essential part as required by paragraph

(1) of this subsection (c), shall examine the Uniform Invoice, or bill of sale, as the case may be, to ensure that it contains all the information required to be provided by persons disposing of essential parts as set forth in subsection

(b) of this Section. If the Uniform Invoice or bill of sale does not contain all the information required to be listed by subsection

(b) of this Section, the dealer disposing of or delivering such part or his agent or employee shall record such additional information or other needed modifications on the Uniform Invoice or bill of sale or, if needed, an attachment thereto. The dealer or his agent or employee delivering the essential part shall initial all additions or modifications to the Uniform Invoice or bill of sale and legibly print his name at the bottom of each document containing his initials. If the transaction involves a bill of sale rather than a Uniform Invoice, the licensee or his agent or employee accepting delivery of or acquiring the essential part shall affix his printed name and legible signature on the space on the bill of sale provided for his signature or, if no space is provided, on the back of the bill of sale. If the dealer or his agent or employee disposing of or delivering the essential part cannot or does not provide all the information required by subsection

(b) of this Section, the licensee or his agent or employee shall not accept or receive any essential part for which that required information is not provided. If such essential part for which the information required is not fully provided was physically acquired while the licensee or his agent or employee was outside this State, the licensee or his agent or employee shall not bring that essential part into this State or cause it to be brought into this State.

(3) If the person disposing of the essential part is not a licensed dealer, the licensee or his agent or employee shall, after inspecting the essential part as required by paragraph

(1) of subsection

(c) of this Section verify the identity of the person disposing of the essential part by examining 2 sources of identification, one of which shall be either a driver's license or state identification card. The licensee or his agent or employee shall then prepare a Uniform Invoice listing all the information required to be provided by subsection

(b) of this Section. In the space on the Uniform Invoice provided for the dealer license number of the person disposing of the part, the licensee or his agent or employee shall list the numbers taken from the documents of identification provided by the person disposing of the part. The person disposing of the part shall affix his printed name and legible signature on the space on the Uniform Invoice provided for the person disposing of the essential part and the licensee or his agent or employee acquiring the part shall affix his printed name and legible signature on the space provided on the Uniform Invoice for the person acquiring the essential part. If the person disposing of the essential part cannot or does not provide all the information required to be provided by this paragraph, or does not present 2 satisfactory forms of identification, the licensee or his agent or employee shall not acquire that essential part.

(d) If an essential part other than quarter panels and transmissions of vehicles of the first division was delivered by a licensed commercial delivery service delivering such part on behalf of a licensed dealer, the person required to comply with subsection

(c) of this Section may conduct the inspection of that part required by paragraph

(1) of subsection

(c) and examination of the Uniform Invoice or bill of sale required by paragraph

(2) of subsection

(c) of this Section immediately after the acceptance of the part.

(1) If the inspection of the essential part pursuant to paragraph

(1) of subsection

(c) reveals that the vehicle identification number, Secretary of State identification number, Illinois State Police identification number, identification plate or sticker containing an identification number, or Federal Certificate label of an essential part has been removed, falsified, altered, defaced, destroyed, or tampered with, the licensee or his agent shall immediately record such fact on the Uniform Invoice or bill of sale, assign the part an inventory or stock number, place such inventory or stock number on both the essential part and the Uniform Invoice or bill of sale, and record the date of the inspection of the part on the Uniform Invoice or bill of sale. The licensee shall, within 7 days of such inspection, return such part to the dealer from whom it was acquired.

(2) If the examination of the Uniform Invoice or bill of sale pursuant to paragraph

(2) of subsection

(c) reveals that any of the information required to be listed by subsection

(b) of this Section is missing, the licensee or person required to be licensed shall immediately assign a stock or inventory number to such part, place such stock or inventory number on both the essential part and the Uniform Invoice or bill of sale, and record the date of examination on the Uniform Invoice or bill of sale. The licensee or person required to be licensed shall acquire the information missing from the Uniform Invoice or bill of sale within 7 days of the examination of such Uniform Invoice or bill of sale. Such information may be received by telephone conversation with the dealer from whom the part was acquired. If the dealer provides the missing information the licensee shall record such information on the Uniform Invoice or bill of sale along with the name of the person providing the information. If the dealer does not provide the required information within the aforementioned 7-day period, the licensee shall return the part to that dealer.

(e) Except for scrap processors, all persons licensed or required to be licensed who acquire or dispose of essential parts other than quarter panels and transmissions of vehicles of the first division shall retain a copy of the Uniform Invoice required to be made by subsections (a), (b), and

(c) of this Section for a period of 3 years.

(f) Except for scrap processors, any person licensed or required to be licensed under Section 5-101, 5-102, or 5-301 who knowingly fails to record on a Uniform Invoice any of the information or entries required to be recorded by subsections (a), (b), and

(c) of this Section, or who knowingly places false entries or other misleading information on such Uniform Invoice, or who knowingly fails to retain for 3 years a copy of a Uniform Invoice reflecting transactions required to be recorded by subsections (a), (b), and

(c) of this Section, or who knowingly acquires or disposes of essential parts without receiving, issuing, or executing a Uniform Invoice reflecting that transaction as required by subsections (a), (b), and

(c) of this Section, or who brings or causes to be brought into this State essential parts for which the information required to be recorded on a Uniform Invoice is not recorded as prohibited by subsection

(c) of this Section, or who knowingly fails to comply with the provisions of this Section in any other manner shall be guilty of a Class 2 felony. Each violation shall constitute a separate and distinct offense and a separate count may be brought in the same indictment or information for each essential part for which a record was not kept as required by this Section or for which the person failed to comply with other provisions of this Section.

(g) The records required to be kept by this Section may be examined by a person or persons making a lawful inspection of the licensee's premises pursuant to Section 5-403.

(h) The records required to be kept by this Section shall be retained by the licensee at his principal place of business for a period of 3 years.

(i) The requirements of this Section shall not apply to the disposition of an essential part other than a cowl which has been damaged or altered to a state in which it can no longer be returned to a usable condition and which is being sold or transferred to a scrap processor or for delivery to a scrap processor.

625 ILCS 5/5-403

Sec. 5-403.

(1) Authorized representatives of the Secretary of State including officers of the Secretary of State's Department of Police, other peace officers, and such other individuals as the Secretary may designate from time to time shall make inspections of individuals and facilities licensed or required to be licensed under Chapter 5 of the Illinois Vehicle Code for the purpose of reviewing records required to be maintained under Chapter 5 for accuracy and completeness and reviewing and examining the premises of the licensee's established or additional place of business for the purpose of determining the accuracy of the required records. Premises that may be inspected in order to determine the accuracy of the books and records required to be kept includes all premises used by the licensee to store vehicles and parts that are reflected by the required books and records.

(2) Persons having knowledge of or conducting inspections pursuant to this Chapter shall not in advance of such inspections knowingly notify a licensee or representative of a licensee of the contemplated inspection unless the Secretary or an individual designated by him for this purpose authorizes such notification. Any individual who, without authorization, knowingly violates this subparagraph shall be guilty of a Class A misdemeanor.

(3) The licensee or a representative of the licensee shall be entitled to be present during an inspection conducted pursuant to Chapter 5, however, the presence of the licensee or an authorized representative of the licensee is not a condition precedent to such an inspection.

(4) Inspection conducted pursuant to Chapter 5 may be initiated at any time that business is being conducted or work is being performed, whether or not open to the public or when the licensee or a representative of the licensee, other than a mere custodian or watchman, is present. The fact that a licensee or representative of the licensee leaves the licensed premises after an inspection has been initiated shall not require the termination of the inspection.

(5) Any inspection conducted pursuant to Chapter 5 shall not continue for more than 24 hours after initiation.

(6) In the event information comes to the attention of the individuals conducting an inspection that may give rise to the necessity of obtaining a search warrant, and in the event steps are initiated for the procurement of a search warrant, the individuals conducting such inspection may take all necessary steps to secure the premises under inspection until the warrant application is acted upon by a judicial officer.

(7) No more than 6 inspections of a premises may be conducted pursuant to Chapter 5 within any 6 month period except pursuant to a search warrant. Notwithstanding this limitation, nothing in this subparagraph

(7) shall be construed to limit the authority of law enforcement agents to respond to public complaints of violations of the Code. For the purpose of this subparagraph (7), a public complaint is one in which the complainant identifies himself or herself and sets forth, in writing, the specific basis for their complaint against the licensee. For the purpose of this subparagraph (7), the inspection of records pertaining only to recyclable metals, as provided in subdivision (a)(5) of Section 5-401.3 of this Code, shall not be counted as an inspection of a premises.

(8) Nothing in this Section shall be construed to limit the authority of individuals by the Secretary pursuant to this Section to conduct searches of licensees pursuant to a duly issued and authorized search warrant.

(9) Any licensee who, having been informed by a person authorized to make inspections and examine records under this Section that he desires to inspect records and the licensee's premises as authorized by this Section, refuses either to produce for that person records required to be kept by this Chapter or to permit such authorized person to make an inspection of the premises in accordance with this Section shall subject the license to immediate suspension by the Secretary of State.

(10) Beginning July 1, 1988, any person referenced under Section 5-302 shall produce for inspection upon demand those records pertaining to the acquisition of salvage vehicles in this State.

625 ILCS 5/5-403.1 — Inventory system

Sec. 5-403.1. Inventory system.

(a) Every person licensed or required to be licensed under the provisions of Sections 5-101, 5-101.1, 5-102, 5-102.8, and 5-301 of this Code shall, under rule and regulation prescribed by the Secretary of State, maintain an inventory system of all vehicles or essential parts in such a manner that a person making an inspection pursuant to the provisions of Section 5-403 of this Code can readily ascertain the identity of such vehicles or essential parts and readily locate such parts on the licensee's premises.

(b) Failure to maintain an inventory system as required under this Section is a Class A misdemeanor.

(c) This Section does not apply to vehicles or essential parts which have been acquired by a scrap processor for processing into a form other than a vehicle or essential part.

625 ILCS 5/5-404 — Injunctions

Sec. 5-404. Injunctions. The Illinois Attorney General or the State's Attorney for the county in which the scrap processor is located may initiate an appropriate action in the circuit court of the county in which a scrap processor is located to prevent the unlawful operation of a scrap processor, or to restrain, correct, or abate a violation of this Act, or to prevent any illegal act or conduct by the scrap processor.

625 ILCS 5/5-501 — Denial, suspension or revocation or cancellation of a license

Sec. 5-501. Denial, suspension or revocation or cancellation of a license.

(a) The license of a person issued under this Chapter may be denied, revoked or suspended if the Secretary of State finds that the applicant, or the officer, director, shareholder having a ten percent or greater ownership interest in the corporation, owner, partner, trustee, manager, employee or the licensee has: 1. Violated this Act; 2. Made any material misrepresentation to the Secretary of State in connection with an application for a license, junking certificate, salvage certificate, title or registration; 3. Committed a fraudulent act in connection with selling, bartering, exchanging, offering for sale or otherwise dealing in vehicles, chassis, essential parts, or vehicle shells; 4. As a new vehicle dealer has no contract with a manufacturer or enfranchised distributor to sell that new vehicle in this State; 5. Not maintained an established place of business as defined in this Code; 6. Failed to file or produce for the Secretary of State any application, report, document or other pertinent books, records, documents, letters, contracts, required to be filed or produced under this Code or any rule or regulation made by the Secretary of State pursuant to this Code; 7. Previously had, within 3 years, such a license denied, suspended, revoked, or cancelled under the provisions of subsection (c)(2) of this Section; 8. Has committed in any calendar year 3 or more violations, as determined in any civil or criminal proceeding, of any one or more of the following Acts: a. the "Consumer Finance Act"; b. the "Consumer Installment Loan Act"; c. the "Retail Installment Sales Act"; d. the "Motor Vehicle Retail Installment Sales Act"; e. "An Act in relation to the rate of interest and other charges in connection with sales on credit and the lending of money", approved May 24, 1879, as amended; f. "An Act to promote the welfare of wage-earners by regulating the assignment of wages, and prescribing a penalty for the violation thereof", approved July 1, 1935, as amended; g. Part 8 of Article XII of the Code of Civil Procedure; or h. the "Consumer Fraud Act"; 9. Failed to pay any fees or taxes due under this Act, or has failed to transmit any fees or taxes received by him for transmittal by him to the Secretary of State or the State of Illinois; 10. Converted an abandoned vehicle; 11. Used a vehicle identification plate or number assigned to a vehicle other than the one to which originally assigned; 12. Violated the provisions of Chapter 5 of this Act, as amended; 13. Violated the provisions of Chapter 4 of this Act, as amended; 14. Violated the provisions of Chapter 3 of this Act, as amended; 15. Violated Section 21-2 of the Criminal Code of 1961 or the Criminal Code of 2012, Criminal Trespass to Vehicles; 16. Made or concealed a material fact in connection with his application for a license; 17. Acted in the capacity of a person licensed or acted as a licensee under this Chapter without having a license therefor; 18. Failed to pay, within 90 days after a final judgment, any fines assessed against the licensee pursuant to an action brought under Section 5-404; 19. Failed to pay the Dealer Recovery Trust Fund fee under Section 5-102.7 of this Code; 20. Failed to pay, within 90 days after notice has been given, any fine or fee owed as a result of an administrative citation issued by the Secretary under this Code; 21. Violated Article 16 or 17 of the Criminal Code of 2102; 22. Was convicted of a forcible felony under either the Criminal Code of 1961 or Criminal Code of 2012 or convicted of a similar out-of-state offense; 23. Offered for private sale a motor vehicle in the licensee's or exhibitor's inventory.

(b) In addition to other grounds specified in this Chapter, the Secretary of State, on complaint of the Department of Revenue, shall refuse the issuance or renewal of a license, or suspend or revoke such license, for any of the following violations of the "Retailers' Occupation Tax Act", the tax imposed on corporations under subsection

(b) of Section 201 of the Illinois Income Tax Act, the Personal Property Tax Replacement Income Tax imposed under subsections

(c) and

(d) of Section 201 of the Illinois Income Tax Act, or the tax imposed under Section 704A of the Illinois Income Tax Act: 1. Failure to make a tax return; 2. The filing of a fraudulent return; 3. Failure to pay all or part of any tax or penalty finally determined to be due; 4. Failure to comply with the bonding requirements of the "Retailers' Occupation Tax Act". (b-1) In

addition to other grounds specified in this Chapter, the Secretary of State, on complaint of the Motor Vehicle Review Board, shall refuse the issuance or renewal of a license, or suspend or revoke that license, if costs or fees assessed under Section 29 or Section 30 of the Motor Vehicle Franchise Act have remained unpaid for a period in excess of 90 days after the licensee received from the Motor Vehicle Board a second notice and demand for the costs or fees. The Motor Vehicle Review Board must send the licensee written notice and demand for payment of the fees or costs at least 2 times, and the second notice and demand must be sent by certified mail.

(c) Cancellation of a license. 1. The license of a person issued under this Chapter may be cancelled by the Secretary of State prior to its expiration in any of the following situations: A. When a license is voluntarily surrendered, by the licensed person; or B. If the business enterprise is a sole proprietorship, which is not a franchised dealership, when the sole proprietor dies or is imprisoned for any period of time exceeding 30 days; or C. If the license was issued to the wrong person or corporation, or contains an error on its face. If any person above whose license has been cancelled wishes to apply for another license, whether during the same license year or any other year, that person shall be treated as any other new applicant and the cancellation of the person's prior license shall not, in and of itself, be a bar to the issuance of a new license. 2. The license of a person issued under this Chapter may be cancelled without a hearing when the Secretary of State is notified that the applicant, or any officer, director, shareholder having a 10 per cent or greater ownership interest in the corporation, owner, partner, trustee, manager, employee or member of the applicant or the licensee has been convicted of any felony involving the selling, bartering, exchanging, offering for sale, or otherwise dealing in vehicles, chassis, essential parts, vehicle shells, or ownership documents relating to any of the above items.

625 ILCS 5/5-501.5 — License eligibility; fraud

Sec. 5-501.5. License eligibility; fraud.

(a) For purposes of this Section, an "automotive parts recycler, scrap processor, repairer, or rebuilder" includes any owners, operators, principals, shareholders, partners, or directors that have ownership interest or managerial authority in the business at the time the fraud or misconduct occurred.

(b) Notwithstanding any other provision of law to the contrary, an automotive parts recycler, scrap processor, repairer, or rebuilder with a business license issued by a municipality that has been revoked or nonrenewed due to fraud or misconduct committed against the municipality within 3 years preceding the effective date of this amendatory Act of the 100th General Assembly or on or after the effective date of this amendatory Act of the 100th General Assembly shall not be eligible for a license or license renewal under Section 5-301 of this Code.

(c) No later than 30 days after the effective date of this amendatory Act of the 100th General Assembly, a municipality that has revoked or nonrenewed a business license under subsection

(b) of this Section shall:

(1) notify the Secretary of State of the revocation or nonrenewal; and

(2) notify any other municipality in which the former licensee is known to conduct business that the former licensee's business license has been revoked or nonrenewed due to fraud or misconduct committed against the municipality.

(d) No later than 30 days after receiving a notice required under paragraph

(2) of subsection

(c) of this Section, a municipality shall take all actions necessary to revoke or, if the business license is set to expire within a 30-day period of the notice, prohibit renewal of the licensee's business license. (d-5) No later than 30 days after receiving notice under paragraph

(1) of subsection

(c) of this Section, the Secretary shall notify the former licensee that it is not eligible to conduct business in this State as an automotive parts recycler, scrap processor, repairer, or rebuilder.

(e) An automotive parts recycler, scrap processor, repairer, or rebuilder shall be fined \$1,000 for each day it conducts business in this State in violation of this Section.

(f) No unit of local government, including a home rule unit, may regulate business licenses in a manner inconsistent with this Section. This subsection

(f) is a limitation under subsection

(i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

625 ILCS 5/5-502 — Injunctions

Sec. 5-502. Injunctions. If any person operates in violation of any provision of this Chapter, or any rule, regulation, order or decision of the Secretary of State, or of any term, condition or limitation of any license, the Secretary of State, or any person injured thereby, or any interested person, may apply to the Circuit Court of the county in which such violation or some part thereof occurred, or in which the person complained of has his established or additional place of business or resides, to prevent such violation. The Court has jurisdiction to enforce obedience by injunction or other process restraining such person from further violation and enjoining upon him obedience.

625 ILCS 5/5-503 — Failure to obtain dealer's license, operation of a business with a suspended or revoked license

Sec. 5-503. Failure to obtain dealer's license, operation of a business with a suspended or revoked license.

(a) Any person operating a business for which he is required to be licensed under Section 5-101, 5-101.2, 5-102, 5-102.8, 5-201, or 5-301 who fails to apply for such a license or licenses within 15 days after being informed in writing by the Secretary of State that he must obtain such a license or licenses is subject to a civil action brought by the Secretary of State for operating a business without a license in the circuit court in the county in which the business is located. If the person is found to be in violation of Section 5-101, 5-101.2, 5-102, 5-102.8, 5-201, or 5-301 by carrying on a business without being properly licensed, that person shall be fined \$300 for each business day he conducted his business without such a license after the expiration of the 15-day period specified in this subsection (a).

(b) Any person who, having had his license or licenses issued under Section 5-101, 5-101.2, 5-102, 5-201, or 5-301 suspended, revoked, nonrenewed, cancelled, or denied by the Secretary of State under Section 5-501 or 5-501.5 of this Code, continues to operate business after the effective date of such revocation, nonrenewal, suspension, cancellation, or denial may be sued in a civil action by the Secretary of State in the county in which the established or additional place of such business is located. Except as provided in subsection

(e) of Section 5-501.5 of this Code, if such person is found by the court to have operated such a business after the license or licenses required for conducting such business have been suspended, revoked, nonrenewed, cancelled, or denied, that person shall be fined \$500 for each day he conducted business thereafter.

625 ILCS 5/5-504 — Effect of revoked or denied license - Notification to prospective buyers - Rescinding of contracts

Sec. 5-504. Effect of revoked or denied license - Notification to prospective buyers - Rescinding of contracts.

(a) No license shall be issued to any person to conduct the business of a new vehicle dealer, used vehicle dealer, scrap processor, automotive parts recycler, repairer, or rebuilder at a location or at property at which that person or any other person had his license as a new vehicle dealer, used vehicle dealer, scrap processor, automotive parts recycler, repairer, or rebuilder revoked or denied after a revocation or pending revocation within 2 months after such revocation or denial.

(b) A licensee who has been notified by the Secretary of State that the Secretary of State may take action to revoke the dealer's license or licenses of that licensee shall inform in writing any prospective buyer of his business of such possible action by the Secretary of State.

(c) If any person purchases or contracts to purchase a business required to be licensed by Section 5-101, 5-102, 5-201 or 5-301 without being informed in writing by the prior owner or owners that, at the time of the sale or making of contract to purchase, the prior owner or owners had been informed by the Secretary of State that the Secretary of State may be taking action to revoke the license or licenses of the prior owner or owners, the person who has purchased or contracted to purchase such business may, within one year after being informed that his application for a dealer's license at that location had been denied due to the revocation of the license or licenses of any prior owner or owners, rescind the purchase or contract to purchase such business or the property, both real and otherwise, at which the business is located.

(d) Notwithstanding the provisions of subsection

(a) of this Section, the Secretary of State may issue a license to a person applying for a license as a new vehicle dealer, used vehicle dealer, scrap processor, automotive parts recycler, repairer or rebuilder if the Secretary of State, solely in his discretion, determines that a denial of the license under the circumstances would place extreme undue hardship upon the

applicant. No license shall be issued under this subsection to a person who is a spouse, offspring, sibling, parent, grandparent, grandchild, uncle or aunt, nephew or niece, cousin or in-law of the person whose license to do business at that location had been revoked or denied nor to a person who was an officer or employee of the business firm in relation to which the license was revoked or denied. Notwithstanding the provisions of subsection

(e) of Section 2-118 of this Code, the venue for judicial review of final acts or decisions under this subsection shall be the Circuit Court of Sangamon County.

625 ILCS 5/5-505 — License suspension or revocation; penalty

Sec. 5-505. License suspension or revocation; penalty. The Secretary shall suspend the license of any licensee under this Chapter who permits an individual who is not an authorized agent or employee of the licensee to use the license of the licensee to purchase a vehicle from an auction. The suspension shall be for a period of no less than 30 days for the first violation. Upon a second or subsequent violation, the Secretary shall revoke the license of the licensee.

625 ILCS 5/5-601 — Credit or conditional sale of certain motor vehicles - Liability insurance status stamped on bill of sale

Sec. 5-601. Credit or conditional sale of certain motor vehicles - Liability insurance status stamped on bill of sale. Whenever, in connection with the credit sale of or conditional sale of a motor vehicle designed and used for the carrying of not more than 10 passengers, the agreement provides that all or any of the consideration to be paid by the buyer or conditional buyer may be paid more than 30 days after possession of such motor vehicle is transferred to such buyer or conditional buyer, and a policy of insurance which does not cover such buyer or conditional buyer for the risk of liability to the public arising out of the operation, use or maintenance of such motor vehicle, is issued in connection with such transaction, the seller or conditional seller shall stamp or have imprinted thereon a statement on the bill of sale at the time the transaction is consummated that no such coverage is included in such policy. Such statement shall be in the following form and shall be in bold type not less than one-half inch in height: NO PUBLIC LIABILITY INSURANCE ISSUED WITH THIS TRANSACTION

625 ILCS 5/5-602

Sec. 5-602. Whoever violates any of the provisions of this Article shall be guilty of a petty offense and shall be fined not more than \$500.

625 ILCS 5/5-700 — Definitions

Sec. 5-700. Definitions. For the purposes of this Article, the following phrases have the meanings ascribed to them in this Section: Place of business for a vehicle auctioneer. This means the place owned and regularly occupied by a vehicle auctioneer licensee, within or without the State, for the primary and principal purpose of keeping and maintaining the books and records required for the conduct of business, with the personnel available during normal business hours or an automatic telephone answering service during normal business hours. The additional place of business means that place within the State where the auction is held, which place of business shall contain the books and records required for said auction with personnel available during normal business hours. The Secretary of State shall be notified of the additional place of business at least 10 days before the auction. Auctioning vehicles. This means arranging for and handling the sale of vehicles, not the property of the auctioneer, by auction to the highest bidder.

625 ILCS 5/5-701 — Vehicle auctioneers to be licensed

Sec. 5-701. Vehicle auctioneers to be licensed.

(a) No person, other than a licensed new vehicle dealer, a licensed used vehicle dealer, or municipality, shall engage in this State in the business of auctioning vehicles, for more than one owner, at auction or shall offer to sell, solicit or advertise the sale of a vehicle at auction without first acquiring a commercial vehicle auctioneer license from the Secretary of State under the provisions of this Section. A vehicle auction licensee shall be entitled thereunder to sell, solicit, and advertise the sale of used vehicles belonging to others at auction.

(b) An application for a vehicle auctioneer license shall be filed with the Secretary of State, duly verified by oath, in such form as the Secretary of State may by rule or regulation prescribe and shall contain: 1. The name and type of business organization established and the address of the place of business; 2. If the applicant is a corporation, a list of its officers and directors, setting forth the residence address of each; if the applicant is a sole proprietorship, a partnership, an unincorporated association, trust or any similar form of business organization, the names and residence addresses of the

proprietor or of each partner, member, officer, director, trustee, manager and shareholder having 10% or greater ownership interest in the corporation; 3. A statement that the applicant has been approved for registration under the Retailers' Occupation Tax Act, approved June 28, 1933, as amended, by the Department of Revenue. However, this requirement does not apply to licensee who is already licensed hereunder with the Secretary of State, and who is merely applying for a renewal of his license. As evidence of this fact, the application shall be accompanied by a certification from the Department of Revenue showing that the Department has approved the applicant for registration under the Retailers' Occupation Tax Act; 4. A statement that the applicant has complied with the bonding requirements of the "Retailers' Occupation Tax Act", approved June 28, 1933, as amended. As evidence of this fact, the application shall be accompanied by a certification from the Department of Revenue showing that the applicant is in compliance with the bonding requirements of the "Retailers' Occupation Tax Act" or that the applicant is not required to be bonded with the Department of Revenue under the "Retailers' Occupation Tax Act"; 5. Such other information concerning the business of the applicant as the Secretary of State may by rule or regulation prescribe; 6. An application for a vehicle auctioneer license shall be accompanied by the following license fees: \$50 for applicant's place of business plus \$25 for each additional place of business, if any, to which the application pertains, provided, however, that if such an application is made after July 1 of any year, the license fee shall be \$25 for applicant's place of business plus \$12.50 for each additional place of business, if any, to which the application pertains. License fees shall be returnable only in the event that such application shall be denied by the Secretary of State. 7. A statement that the licensee has irrevocably consented to the appointment of the Secretary of State as its agent for service of process with the State of Illinois. Said service of process shall be accomplished as provided in Section 10-301 of the Illinois Vehicle Code.

(c) Any change which renders no longer accurate any information contained in any application for a vehicle auctioneer shall be amended within thirty days after the occurrence of each change on such form as the Secretary of State may prescribe by rule or regulation, accompanied by an amendatory fee of \$2.

(d) Anything in this Chapter to the contrary notwithstanding, no person shall be licensed as a vehicle auctioneer unless such person shall maintain a place of business as defined in this Chapter.

(e) The Secretary of State shall, within a reasonable time after receipt, examine an application submitted to him under this Section. Unless the Secretary makes a determination that the application submitted to him does not conform to this Section or that grounds exist for a denial of the application under Section 5-501 of this Chapter, he must grant the applicant an original vehicle auctioneer license in writing for his place of business and a supplemental license in writing for each additional place of business, in such form as he may prescribe by rule or regulation which shall include the following: 1. The name of the person licensed; 2. If a corporation, the name and address of its officers or if a sole proprietorship, a partnership, an unincorporated association or any similar form of business organization, the name and address of the proprietor or of each partner, member, officer, director, trustee or manager; 3. Complete address of the place of business of the licensee; 4. In the case of supplemental license, the place of business of the licensee and the place of business to which such supplemental license pertains.

(f) The appropriate instruments evidencing the license or a certified copy thereof, provided by the Secretary of State shall be kept posted, conspicuously, in the place of business of the licensee within the State and in each additional place of business, if any, maintained by such licensee.

(g) Except as provided in subsection

(h) of this Section, all vehicle auctioneer licenses granted under this Section expire on December 31 of the calendar year for which they are granted unless sooner revoked under Section 5-501 of this Chapter.

(h) a vehicle auctioneer license may be renewed upon application and payment of the fee required herein, and submission of proof of coverage by an approved bond under the "Retailers' Occupation Tax Act" or proof that applicant is not subject to such bonding requirements, as in the case of an original license, but in case an application for the renewal of an effective license is made during the month of December, the effective license shall remain in force until the application for renewal is granted or denied by the Secretary of State.

(i) Each person licensed as a vehicle auctioneer or a licensed new or used car dealer when auctioning vehicles is required to furnish each purchaser of a motor vehicle the following: 1. A certificate of title properly assigned to the purchaser; 2. A statement verified under oath that all identifying numbers on the vehicle agree with those on the certificate of title; 3. A bill of sale properly executed on behalf of such person.

625 ILCS 5/5-702

Sec. 5-702. No person shall engage in the business of auctioning any vehicles for which a salvage certificate is required by law except to a bidder who is an out-of-state salvage vehicle buyer or who is properly licensed as a rebuilder, automotive parts recycler, or scrap processor, as required by Section 5-301 of this Chapter.

625 ILCS 5/5-801 — Criminal penalties

Sec. 5-801. Criminal penalties. Any person who violates any of the provisions of this Chapter, except a person who violates a provision for which a different criminal penalty is indicated, is guilty of a Class A misdemeanor. Any person who violates subsection

(e) of Section 5-202 is guilty of a Class C misdemeanor. Any person who violates any provisions of Section 5-701 is guilty of a Class 3 felony.

625 ILCS 5/5-802

Sec. 5-802. The violation of any rule or regulation promulgated by the Office of the Secretary of State under this Chapter shall not in and of itself constitute a criminal offense.

625 ILCS 5/5-803 — Administrative penalties

Sec. 5-803. Administrative penalties. Instead of filing a criminal complaint against a new or used vehicle dealer, or against any other entity licensed by the Secretary under this Code, or any other unlicensed entity acting in violation of this Code, a Secretary of State Police investigator may issue administrative citations for violations of any of the provisions of this Code or any administrative rule adopted by the Secretary under this Code. A party receiving a citation shall have the right to contest the citation in proceedings before the Secretary of State Department of Administrative Hearings. Penalties imposed by issuance of an administrative citation shall not exceed \$50 per violation, except for violations of subsections

(f) and

(g) of Section 5-102.1, in which case penalties imposed by issuance of an administrative citation shall not be less than \$1,000 and shall not exceed \$3,000 per violation. A penalty may not be imposed unless, during the course of a single investigation or upon review of the party's records, the party is found to have committed at least 3 separate violations of one or more of the provisions of this Code or any administrative rule adopted by the Secretary under this Code, except for violations of subsections

(f) and

(g) of Section 5-102.1. Penalties paid as a result of the issuance of administrative citations shall be deposited in the Secretary of State Police Services Fund. If the Secretary of State has reasonable cause to believe from information furnished to the Secretary or from an investigation made by a Secretary of State Police that a person is engaged in a business regulated by this Chapter without being licensed as required by law, the Secretary shall immediately issue and serve on the person by personal delivery or first class mail at the person's last known address a cease and desist order requiring the person to immediately cease and desist from further engaging in the business and shall notify the person that the person has the right to contest the cease and desist order in proceedings before the Secretary of State's Department of Administrative Hearings and that penalties may be imposed pursuant to this Section. The Secretary shall provide a copy of the cease and desist order to the Director of the Department of Revenue.

625 ILCS 5/5-901 — Regulation of manufactured home dealers

Sec. 5-901. Regulation of manufactured home dealers.

(a) As used in this Article: "Established place of business" means the place owned or leased and occupied by any person duly licensed or required to be licensed as a manufactured home dealer for the purpose of engaging in selling, buying, bartering, displaying, exchanging, or dealing in, on consignment or otherwise, manufactured homes and for such other ancillary purposes as may be permitted by the Secretary by rule. "Manufactured home" means a factory-assembled structure built on a permanent chassis, transportable in one or more sections in the travel mode, incapable of self-propulsion, bears a label indicating the manufacturer's compliance with the United States Department of Housing and Urban Development standards, as applicable, and is designed for year-round occupancy as a single-family residence when connected to approved water, sewer, and electrical utilities. "Manufactured home dealer" means:

(1) an individual or entity that engages in the business of acquiring or disposing of new or used manufactured homes;

(2) an individual or entity who advertises or otherwise holds the individual or the entity out as being engaged in the business of acquiring or selling new or used manufactured homes; or

(3) an individual or entity who buys or sells more than 2 new or used manufactured homes within a 12-month period.

(b) No person shall engage in this State in the business of selling or dealing in, on consignment or otherwise, manufactured homes of any make, or act as an intermediary, agent, or broker for any manufactured home purchaser, other than as a salesperson, or to represent or advertise that he or she is so engaged, or intends to so engage, in the business, unless licensed to do so by the Secretary of State under this Section.

(c) An application for a manufactured home dealer's license shall be filed with the Secretary of State Vehicle Services Department and duly verified by oath, on such form as the Secretary of State may prescribe, and shall contain all of the following:

(1) The name and type of business organization of the applicant, and his or her established place of business in this State.

(2) If the applicant is a corporation, a list of its officers, directors, and shareholders having a 10% or greater ownership interest in the corporation. If the applicant is a sole proprietorship, a partnership, a limited liability company, an unincorporated association, a trust, or any similar form of business organization, the name and residence address of the proprietor, or the name and residence address of each partner, member, officer, director, trustee, or manager.

(3) A statement that the applicant has been approved for registration under the Retailers' Occupation Tax Act by the Department of Revenue, except that this requirement does not apply to a manufactured home dealer who is already licensed with the Secretary of State, and who is only applying for a renewal of his or her license. As evidence of this fact, the application shall be accompanied by a certification from the Department of Revenue showing that the Department has approved the applicant for registration under the Retailers' Occupation Tax Act.

(4) An application for a manufactured home dealer's license shall be accompanied by a \$1,000 license fee for the applicant's established place of business. If the application is made after June 15 of any year, the license fee shall be \$500 for the applicant's established place of business. License fees shall be returnable only if the application is denied by the Secretary of State. Of the money received by the Secretary of State as license fees under this paragraph (4), 95% shall be deposited into the General Revenue Fund and 5% into the Motor Vehicle License Plate Fund.

(5) A statement that no officer, director, shareholder having a 10% or greater ownership interest, proprietor, partner, member, officer, director, trustee, manager, or other principal in the business of the applicant has committed in the past 3 years any violation, as determined in any civil, criminal, or administrative hearing proceeding, of any one of the following Acts: (A) the Anti-Theft Laws of this Code; (B) the Certificate of Title Laws of this Code; (C) the Offenses against Registration and Certificates of Title Laws of this Code; (D) the Dealers, Transporters, Wreckers, and Rebuilders Laws of this Code; (E) Section 21-2 of the Criminal Code of 2012, criminal trespass to vehicles; (F) the Retailers' Occupation Tax Act; (G) the Consumer Installment Loan Act; (H) the Retail Installment Sales Act; (I) the Interest Act; (J) the Illinois Wage Assignment Act; (K) Part 8 of Article XII of the Code of Civil Procedure; or (L) the Consumer Fraud and Deceptive Business Practices Act.

(6) A bond or certificate of deposit in the amount of \$150,000 for each license holder applicant intending to act as a manufactured home dealer under this Section. The bond shall be for the term of the license for which application is made and shall expire not sooner than December 31st of the year for which the license was issued. The bond shall run to the People of the State of Illinois and to customers asserting financial claims against the dealer, with surety by a bonding or insurance company authorized to do business in this State. It shall be conditioned upon the proper transmittal of all title and registration fees and taxes (excluding taxes under the Retailers' Occupation Tax Act) accepted by the applicant as a manufactured home dealer, and the execution of all of the dealer's obligations to the customer, including financial duties related to the acceptance and disbursement of any funds paid to the dealer by the customer, and conveyance of possession or ownership documents of a manufactured home.

(7) Dealers in business for over 10 years may substitute a certificate of insurance in lieu of the bond or certificate of deposit upon renewing their license.

(8) Any other information concerning the business of the applicant as the Secretary of State may by rule prescribe.

(d) Any change that renders no longer accurate any information contained in any application for a license under this Section shall be amended within 30 days after the occurrence of the change on a form the Secretary of State may prescribe, by rule, accompanied by an amendatory fee of \$25.

(e) The Secretary of State shall, within a reasonable time after receipt, examine an application submitted under this Section, and unless the Secretary makes a determination that the application submitted does not conform with the requirements of this Section or that grounds exist for a denial of the application under subsection (f), grant the applicant an initial manufactured home dealer's license in writing for the established place of business of the applicant in a form the Secretary may prescribe by rule, which shall include the following:

(1) the name of the person or entity licensed;

(2) if a corporation, the name and address of its officers; if a sole proprietorship, a partnership, an unincorporated association, or any similar form of business organization, the name and address of the proprietor, or the name and address of each partner, member, officer, director, trustee or manager; or if a limited liability company, the name and address of the general partner or partners, or managing member or members; and

(3) the established place of business of the licensee.

(f) A license issued under this Section may be denied, revoked, or suspended if the Secretary of State finds that the applicant, or the officer, director, shareholder having a 10% or greater ownership interest in the corporation, owner, partner, trustee, manager, employee or the licensee has:

(1) violated this Section;

(2) made any material misrepresentation to the Secretary of State in connection with an application for a license, title, or registration;

(3) committed a fraudulent act in connection with selling, bartering, exchanging, offering for sale, or otherwise dealing in manufactured homes;

(4) not maintained an established place of business as defined in this Section;

(5) failed to file or produce to the Secretary of State any application, report, document, or other pertinent books, records, documents, letters, contracts required to be filed or produced under this Section or any rule adopted by the Secretary of State pursuant to this Section;

(6) failed to pay any fees or taxes due under this Code, or has failed to transmit any fees or taxes received by him or her for transmittal by him or her to the Secretary of State or the State of Illinois;

(7) failed to transfer title to a manufactured home when legally required to do so; or

(8) violated any of the following: (A) the Anti-Theft Laws of this Code; (B) the Certificate of Title Laws of this Code; (C) the Offenses against Registration and Certificates of Title Laws of this Code; (D) the Dealers, Transporters, Wreckers, and Rebuilders Laws of this Code; (E) Section 21-2 of the Criminal Code of 2012, criminal trespass to vehicles; (F) the Retailers' Occupation Tax Act; (G) the Consumer Installment Loan Act; (H) the Retail Installment Sales Act; (I) the Interest Act; (J) the Illinois Wage Assignment Act; (K) Part 8 of Article XII of the Code of Civil Procedure; or (L) the Consumer Fraud and Deceptive Business Practices Act.

(g) In addition to other grounds specified in this Section, the Secretary of State, on complaint of the Department of Revenue, shall refuse the issuance or renewal of a license, or suspend or revoke such a license, for any of the following violations of the Retailers' Occupation Tax Act, the tax imposed on corporations under subsection

(b) of Section 201 of the Illinois Income Tax Act, the Personal Property Tax Replacement Income Tax imposed under subsections

(c) and

(d) of Section 201 of the Illinois Income Tax Act, or the tax imposed under Section 704A of the Illinois Income Tax Act:

(1) failure to make a tax return;

(2) the filing of a fraudulent return;

(3) failure to pay all or part of any tax or penalty finally determined to be due;

(4) failure to comply with the bonding requirements of the Retailers' Occupation Tax Act.

(h) A license issued under this Section may be canceled by the Secretary of State prior to its expiration in any of the following situations:

(1) if a license is voluntarily surrendered by the licensed person;

(2) if the business enterprise is a sole proprietorship and the sole proprietor dies or is imprisoned for any period exceeding 30 days; or

(3) if the license was issued to the wrong person or corporation or contains an error on its face. If any person whose license has been canceled wishes to apply for another license, whether during the same license year or any other year, that person shall be treated as a new applicant and the cancellation of the person's prior license shall not, in and of itself, be a bar to the issuance of a new license.

(i) A license issued under this Section may be canceled without a hearing if the Secretary of State is notified that the applicant, or any officer, director, shareholder having a 10% or greater ownership interest, owner, partner, trustee, manager, employee, or member of the applicant or the licensee has been convicted of any forcible felony or any felony involving the selling, bartering, exchanging, offering for sale, or otherwise dealing in ownership documents relating to any of the above actions.

(j) The appropriate instrument evidencing the license or a certified copy of the instrument, provided by the Secretary of State, shall be kept posted conspicuously in the established place of business of the licensee.

(k) All records related to the purchase, sale, or acceptance for sale on consignment of any manufactured home shall be maintained at the licensee's established place of business. These records shall be retained for a period of not less than 7 years, and shall be made available for inspection upon the request of a Secretary of State auditor or an investigator with the Secretary of State Department of Police.

(l) Except as provided in subsection (i), all licenses granted under this Section shall expire by operation of law on December 31st of the calendar year for which the licenses were granted, unless sooner revoked or canceled under subsection (f).

(m) Each person licensed as a manufactured home dealer is required to furnish each purchaser of a manufactured home:

(1) in the case of a new manufactured home, a manufacturer's statement of origin, and in the case of a previously owned manufactured home, a certificate of title, in either case properly assigned to the purchaser;

(2) a statement verified under oath that all identifying numbers on the vehicle match the identifying numbers on the certificate of title or manufacturer's statement of origin;

(3) a bill of sale properly executed on behalf of the purchaser; and

(4) for a new manufactured home, a warranty, and in the case of a manufactured home for which the warranty has been reinstated, a copy of the warranty; if no warranty is provided, a disclosure or statement that the manufactured home is being sold "AS IS".

(n) This Section does not apply to a seller who privately owns his or her manufactured home as his or her main residence and is selling the manufactured home to another individual or to a licensee so long as that individual does not sell more than 2 manufactured homes in one 12-month period.

(o) This Section does not apply to any person licensed under the Real Estate License Act of 2000.

(p) The Secretary of State may adopt any rules necessary to implement this Section.

(q) Any individual or entity licensed as a manufactured home dealer or a community-based manufactured home dealer on the effective date of this Section shall be entitled to act as a manufactured home dealer under this Section for the duration of any license in effect on the effective date of this amendatory Act of the 102nd General Assembly, and shall be eligible to be issued a manufactured home dealer's license under this Section upon the expiration of any such license.

625 ILCS 5/6-100 — Definitions

Sec. 6-100. Definitions. For the purposes of this Chapter, the following words shall have the meanings ascribed to them:

(a) Application Process. The process of obtaining a driver's license, identification card, or permit. The process begins when a person enters a Secretary of State Driver Services facility and requests a driver's license, identification card or permit.

(b) Conviction. A final adjudication of guilty by a court of competent jurisdiction either after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default.

(c) Identification Card. A document made or issued by or under the authority of the United States Government, the State of Illinois or any other state or political subdivision thereof, or any governmental or quasi-governmental organization that,

when completed with information concerning the individual, is of a type intended or commonly accepted for the purpose of identifying the individual.

(d) Standard driver's license. A driver's license issued in a manner which is not compliant with the REAL ID Act and implementing regulations. Standard driver's licenses shall be marked "Federal Limits Apply" and shall have a color or design different from the REAL ID compliant driver's license.

(e) REAL ID compliant driver's license. A driver's license issued in compliance with the REAL ID Act and implementing regulations. REAL ID compliant driver's licenses shall bear a security marking approved by the United States Department of Homeland Security.

(f) Limited Term REAL ID compliant driver's license. A REAL ID compliant driver's license issued to a person who is not a permanent resident or citizen of the United States, or an individual who has an approved application for asylum in the United States or has entered the United States in refugee status, and marked "Limited Term" on the face of the license.

625 ILCS 5/6-100.5 — Issuance of REAL ID compliant and standard driver's licenses

Sec. 6-100.5. Issuance of REAL ID compliant and standard driver's licenses. The Secretary of State may issue both REAL ID compliant driver's licenses and standard driver's licenses, and may permit applicants to designate which type of driver's license they wish to receive. All provisions of this Code applicable to standard driver's licenses shall also apply to REAL ID compliant driver's licenses, except where the provisions are inconsistent with the REAL ID Act and implementing regulations. The Secretary shall establish by rule the date on which issuance of REAL ID compliant driver's licenses will begin.

625 ILCS 5/6-101 — Drivers must have licenses or permits

Sec. 6-101. Drivers must have licenses or permits.

(a) No person, except those expressly exempted by Section 6-102, shall drive any motor vehicle upon a highway in this State unless such person has a valid license or permit, an Illinois mobile driver's license, or a restricted driving permit, issued under the provisions of this Act.

(b) No person shall drive a motor vehicle unless the person holds a valid license or permit, an Illinois mobile driver's license, or a restricted driving permit issued under this Act. Any person to whom a license is issued under the provisions of this Act must surrender to the Secretary of State all valid licenses or permits, except that an applicant for a non-domiciled commercial learner's permit or commercial driver's license shall not be required to surrender a license or permit issued by the applicant's state or country of domicile. No driver's license or instruction permit shall be issued to any person who holds a valid Foreign State license, identification card, or permit unless such person first surrenders to the Secretary of State any such valid Foreign State license, identification card, or permit. (b-5) Any person who commits a violation of subsection

(a) or

(b) of this Section is guilty of a Class A misdemeanor, if at the time of the violation the person's driver's license or permit was cancelled under clause (a)9 of Section 6-201 of this Code.

(c) Any person licensed as a driver hereunder shall not be required by any city, village, incorporated town or other municipal corporation to obtain any other license to exercise the privilege thereby granted.

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

(e) In addition to other penalties imposed under this Section, the vehicle of any person in violation of this Section who is also in violation of Section 7-601 of this Code relating to mandatory insurance requirements and who, in violating this Section, has caused death or personal injury to another person is subject to forfeiture under Sections 36-1 and 36-2 of the Criminal Code of 2012. For the purposes of this Section, a personal injury shall include any type A injury as indicated on the traffic crash report completed by a law enforcement officer that requires immediate professional attention in either a doctor's office or a medical facility. A type A injury shall include severely bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene. (f)(1) The Secretary of State may issue a mobile

driver's license to an individual in addition to, and not instead of, a license or an identification card if the Secretary of State has issued a driver's license to the person.

(2) The Secretary may enter into agreements with an agency of the State, another state, or the United States to facilitate the issuance, use, and verification of a mobile driver's license issued by the Secretary or another state.

(3) Any mobile driver's license issued by the Secretary shall be in accordance with American Association of Motor Vehicle Administrator's Mobile Driver's License (mDL) Implementation Guidelines, Version 1.1.

(4) The Secretary shall design the mobile driver's license in a manner that allows the credential holder to maintain physical possession of the device on which the electronic credential is accessed during verification.

(g) As used in this Section: "Mobile driver's license" means an electronic extension of the Secretary of State issued physical driver's license that conveys identity and driving privilege information and is in compliance with the American Association of Motor Vehicle Administrator's Mobile Driver's License Implementation Guidelines and the ISO/IEC 18013-5 standard. "Mobile driver's license" does not include a digital copy, photograph, or image of a driver's license that is not downloaded through the Secretary of State's application on a mobile device.

(h) A person may be required to produce when so requested a physical driver's license to a law enforcement officer, a representative of a State or federal department or agency, or a private entity and is subject to all applicable laws and consequences for failure to produce such a license.

(i) The Secretary of State shall adopt such rules as are necessary to implement a mobile driver's license.

(j) The display of a mobile driver's license shall not serve as consent or authorization for a law enforcement officer, or any other person, to search, view, or access any other data or application on the mobile device. If a person presents his or her mobile device to a law enforcement officer for purposes of displaying a mobile driver's license, the law enforcement officer shall promptly return the mobile device to the person once the officer has had an opportunity to verify the identity and license status of the person. Except for willful and wanton misconduct, any law enforcement officer, court, or officer of the court presented with the device shall be immune from any liability resulting from damage to the mobile device.

(k) The fee to install the application to display a mobile driver's license as defined in this subsection shall not exceed \$6.

625 ILCS 5/6-101.5

Sec. 6-101.5. (Repealed).

625 ILCS 5/6-102 — What persons are exempt

Sec. 6-102. What persons are exempt. The following persons are exempt from the requirements of Section 6-101 and are not required to have an Illinois drivers license or permit if one or more of the following qualifying exemptions are met and apply: 1. Any employee of the United States Government or any member of the Armed Forces of the United States, while operating a motor vehicle owned by or leased to the United States Government and being operated on official business need not be licensed; 2. A nonresident who has in his immediate possession a valid license issued to him in his home state or country may operate a motor vehicle for which he is licensed for the period during which he is in this State; 3. A nonresident and his spouse and children living with him who is a student at a college or university in Illinois who have a valid license issued by their home State. 4. A person operating a road machine temporarily upon a highway or operating a farm tractor between the home farm buildings and any adjacent or nearby farm land for the exclusive purpose of conducting farm operations need not be licensed as a driver. 5. A resident of this State who has been serving as a member or as a civilian employee of the Armed Forces of the United States, or as a civilian employee of the United States Department of Defense, outside the Continental limits of the United States, for a period of 120 days following his return to the continental limits of the United States. 6. A nonresident on active duty in the Armed Forces of the United States who has a valid license issued by his home state and such nonresident's spouse, and dependent children and living with parents, who have a valid license issued by their home state. 7. A nonresident who becomes a resident of this State, may for a period of the first 90 days of residence in Illinois operate any motor vehicle which he was qualified or licensed to drive by his home state or country so long as he has in his possession, a valid and current license issued to him by his home state or country. Upon expiration of such 90 day period, such new resident must comply with the provisions of this Act and apply for an Illinois license or permit. 8. An engineer, conductor, brakeman, or any other member of the crew of a locomotive or train being operated upon rails, including operation on a railroad crossing over a public street, road or highway. Such person is not required to display a driver's license to any law enforcement officer in connection with the operation of a locomotive or train within this State. 9. Persons operating low-speed electric scooters in accordance with

Section 11-1518. The provisions of this Section granting exemption to any nonresident shall be operative to the same extent that the laws of the State or country of such nonresident grant like exemption to residents of this State. The Secretary of State may implement the exemption provisions of this Section by inclusion thereof in a reciprocity agreement, arrangement or declaration issued pursuant to this Act.

625 ILCS 5/6-103 — What persons shall not be licensed as drivers or granted permits

Sec. 6-103. What persons shall not be licensed as drivers or granted permits. The Secretary of State shall not issue, renew, or allow the retention of any driver's license nor issue any permit under this Code: 1. To any person, as a driver, who is under the age of 18 years except as provided in Section 6-107, and except that an instruction permit may be issued under Section 6-107.1 to a child who is not less than 15 years of age if the child is enrolled in an approved driver education course as defined in Section 1-103 of this Code and requires an instruction permit to participate therein, except that an instruction permit may be issued under the provisions of Section 6-107.1 to a child who is 17 years and 3 months of age without the child having enrolled in an approved driver education course and except that an instruction permit may be issued to a child who is at least 15 years and 3 months of age, is enrolled in school, meets the educational requirements of the Driver Education Act, and has passed examinations the Secretary of State in his or her discretion may prescribe; 1.5. To any person at least 18 years of age but less than 21 years of age unless the person has, in addition to any other requirements of this Code, successfully completed an adult driver education course as provided in Section 6-107.5 of this Code; 2. To any person who is under the age of 18 as an operator of a motorcycle other than a motor driven cycle unless the person has, in addition to meeting the provisions of Section 6-107 of this Code, successfully completed a motorcycle training course approved by the Illinois Department of Transportation; 3. To any person, as a driver, whose driver's license or permit has been suspended, during the suspension, nor to any person whose driver's license or permit has been revoked, except as provided in Sections 6-205, 6-206, and 6-208; 4. To any person, as a driver, who is a user of alcohol or any other drug to a degree that renders the person incapable of safely driving a motor vehicle; 5. To any person, as a driver, who has previously been adjudged to be afflicted with or suffering from any mental or physical disability or disease and who has not at the time of application been restored to competency by the methods provided by law; 6. To any person, as a driver, who is required by the Secretary of State to submit an alcohol and drug evaluation or take an examination provided for in this Code unless the person has successfully passed the examination and submitted any required evaluation; 7. To any person who is required under the provisions of the laws of this State to deposit security or proof of financial responsibility and who has not deposited the security or proof; 8. To any person when the Secretary of State has good cause to believe that the person by reason of physical or mental disability would not be able to safely operate a motor vehicle upon the highways, unless the person shall furnish to the Secretary of State a verified written statement, acceptable to the Secretary of State, from a competent medical specialist, a licensed physician assistant, or a licensed advanced practice registered nurse, to the effect that the operation of a motor vehicle by the person would not be inimical to the public safety; 9. To any person, as a driver, who is 69 years of age or older, unless the person has successfully complied with the provisions of Section 6-109; 10. To any person convicted, within 12 months of application for a license, of any of the sexual offenses enumerated in paragraph 2 of subsection

(b) of Section 6-205; 11. To any person who is under the age of 21 years with a classification prohibited in paragraph

(b) of Section 6-104 and to any person who is under the age of 18 years with a classification prohibited in paragraph

(c) of Section 6-104; 12. To any person who has been either convicted of or adjudicated under the Juvenile Court Act of 1987 based upon a violation of the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act while that person was in actual physical control of a motor vehicle. For purposes of this Section, any person placed on probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act shall not be considered convicted. Any person found guilty of this offense, while in actual physical control of a motor vehicle, shall have an entry made in the court record by the judge that this offense did occur while the person was in actual physical control of a motor vehicle and order the clerk of the court to report the violation to the Secretary of State as such. The Secretary of State shall not issue a new license or permit for a period of one year; 13. To any person who is under the age of 18 years and who has committed the offense of operating a motor vehicle without a valid license or permit in violation of Section 6-101 or a similar out-of-state offense; 14. To any person who is 90 days or more delinquent in court ordered child support payments or has been adjudicated in arrears in an amount equal to 90 days' obligation or more and who has been found in contempt of court for failure to pay the support, subject to the requirements and procedures of Article VII of Chapter 7 of the Illinois Vehicle Code; 14.5. To any person certified by the Illinois Department of Healthcare and Family

Services as being 90 days or more delinquent in payment of support under an order of support entered by a court or administrative body of this or any other State, subject to the requirements and procedures of Article VII of Chapter 7 of this Code regarding those certifications; 15. To any person released from a term of imprisonment for violating Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, or a similar provision of a law of another state relating to reckless homicide or for violating subparagraph (F) of paragraph

(1) of subsection

(d) of Section 11-501 of this Code relating to aggravated driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof, if the violation was the proximate cause of a death, within 24 months of release from a term of imprisonment; 16. To any person who, with intent to influence any act related to the issuance of any driver's license or permit, by an employee of the Secretary of State's Office, or the owner or employee of any commercial driver training school licensed by the Secretary of State, or any other individual authorized by the laws of this State to give driving instructions or administer all or part of a driver's license examination, promises or tenders to that person any property or personal advantage which that person is not authorized by law to accept. Any persons promising or tendering such property or personal advantage shall be disqualified from holding any class of driver's license or permit for 120 consecutive days. The Secretary of State shall establish by rule the procedures for implementing this period of disqualification and the procedures by which persons so disqualified may obtain administrative review of the decision to disqualify; 17. To any person for whom the Secretary of State cannot verify the accuracy of any information or documentation submitted in application for a driver's license; 18. To any person who has been adjudicated under the Juvenile Court Act of 1987 based upon an offense that is determined by the court to have been committed in furtherance of the criminal activities of an organized gang, as provided in Section 5-710 of that Act, and that involved the operation or use of a motor vehicle or the use of a driver's license or permit. The person shall be denied a license or permit for the period determined by the court; or 19. To any person who holds a REAL ID compliant identification card or REAL ID compliant Person with a Disability Identification Card issued under the Illinois Identification Card Act. Any such person may, at his or her discretion, surrender the REAL ID compliant identification card or REAL ID compliant Person with a Disability Identification Card in order to become eligible to obtain a REAL ID compliant driver's license. The Secretary of State shall retain all conviction information, if the information is required to be held confidential under the Juvenile Court Act of 1987.

625 ILCS 5/6-103.1 — New residents; out-of-state revocation

Sec. 6-103.1. New residents; out-of-state revocation.

(a) The Secretary of State may not issue a driver's license to a nonresident who becomes a resident of this State while the new resident's driving privileges are revoked, under terms similar to those provided in Section 1-176 of this Code, in another state; however, if the person has resided in this State for 10 or more consecutive years prior to submitting an application, that person may apply for licensure under Section 6-208 of this Code if:

(1) the laws of the revoking state would allow the person to apply for licensure in that state;

(2) the person qualifies to apply for licensure under Section 6-208;

(3) the out-of-state revocation is the only revocation of driving privileges for the person;

(4) the person has not had any driving offenses since the revocation, and the revocation is the only loss of the person's driving privileges in any jurisdiction; and

(5) the person complies with the requirements of Title 92, Sections 1001.430 and 1001.440 of the Illinois Administrative Code concerning the General Provisions for Reinstatement of Driving Privileges After Revocation and the Provisions for Alcohol and Drug Related Revocations, Suspensions, and Cancellations.

(b) The Secretary may issue restricted driving permits to new residents whose driving privileges are revoked in another state. These permits must be issued according to the restrictions, and for the purposes, stated in Sections 6-205 and 6-206 of this Code. The Secretary shall adopt rules for the issuance of these permits.

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

625 ILCS 5/6-104 — Classification of Driver - Special Restrictions

Sec. 6-104. Classification of Driver - Special Restrictions.

(a) A driver's license issued under the authority of this Act shall indicate the classification for which the applicant therefor has qualified by examination or by such other means that the Secretary of State shall prescribe. Driver's license classifications shall be prescribed by rule or regulation promulgated by the Secretary of State and such may specify classifications as to operation of motor vehicles of the first division, or of those of the second division, whether operated singly or in lawful combination, and whether for-hire or not-for-hire, and may specify such other classifications as the Secretary deems necessary. No person shall operate a motor vehicle unless such person has a valid license with a proper classification to permit the operation of such vehicle, except that any person may operate a moped if such person has a valid current Illinois driver's license, regardless of classification. Notwithstanding any other provision of this Code or any rule adopted under this Code, a nonresident who is employed as a public safety worker, as defined in Section 6-117.2, may operate in this State an authorized emergency vehicle, as defined in Section 1-105, if the nonresident possesses the license class required by the nonresident's state of residence to operate similar equipment.

(b) No person who is under the age of 21 years or has had less than 1 year of driving experience shall drive:

(1) in connection with the operation of any school, day camp, summer camp, or nursery school, any public or private motor vehicle for transporting children to or from any school, day camp, summer camp, or nursery school, or

(2) any motor vehicle of the second division when in use for the transportation of persons for compensation.

(c) No person who is under the age of 18 years shall be issued a license for the purpose of transporting property for hire, or for the purpose of transporting persons for compensation in a motor vehicle of the first division.

(d) No person shall drive:

(1) a school bus when transporting school children unless such person possesses a valid school bus driver permit or is accompanied and supervised, for the specific purpose of training prior to routine operation of a school bus, by a person who has held a valid school bus driver permit for at least one year; or

(2) any other vehicle owned or operated by or for a public or private school, or a school operated by a religious institution, where such vehicle is being used over a regularly scheduled route for the transportation of persons enrolled as a student in grade 12 or below, in connection with any activity of the entities unless such person possesses a valid school bus driver permit. (d-5) No person may drive a bus that does not meet the special requirements for school buses provided in

Sections 12-801, 12-802, 12-803, and 12-805 of this Code that has been chartered for the sole purpose of transporting students regularly enrolled in grade 12 or below to or from interscholastic athletic or interscholastic or school sponsored activities unless the person has a valid and properly classified commercial driver's license as provided in subsection (c-1) of Section 6-508 of this Code in addition to any other permit or license that is required to operate that bus. This subsection (d-5) does not apply to any bus driver employed by a public transportation provider authorized to conduct local or interurban transportation of passengers when the bus is not traveling a specific school bus route but is on a regularly scheduled route for the transporting of other fare paying passengers. A person may operate a chartered bus described in this subsection (d-5) if he or she is not disqualified from driving a chartered bus of that type and if he or she holds a CDL that is:

(1) issued to him or her by any other state or jurisdiction in accordance with 49 CFR 383;

(2) not suspended, revoked, or canceled; and

(3) valid under 49 CFR 383, subpart F, for the type of vehicle being driven. A person may also operate a chartered bus described in this subsection (d-5) if he or she holds a valid CDL and a valid school bus driver permit that was issued on or before December 31, 2003.

(e) No person shall drive a religious organization bus unless such person has a valid and properly classified drivers license or a valid school bus driver permit.

(f) No person shall drive a motor vehicle for the purpose of providing transportation for the elderly in connection with the activities of any public or private organization unless such person has a valid and properly classified driver's license issued by the Secretary of State.

(g) No person shall drive a bus which meets the special requirements for school buses provided in Section 12-801, 12-802, 12-803 and 12-805 of this Code for the purpose of transporting persons 18 years of age or less in connection with any youth camp licensed under the Youth Camp Act or any child care facility licensed under the Child Care Act of 1969 unless such person possesses a valid school bus driver permit or is accompanied and supervised, for the specific

purpose of training prior to routine operation of a school bus, by a person who has held a valid school bus driver permit for at least one year; however, a person who has a valid and properly classified driver's license issued by the Secretary of State may operate a school bus for the purpose of transporting persons 18 years of age or less in connection with any such youth camp or child care facility if the "SCHOOL BUS" signs are covered or concealed and the stop signal arm and flashing signal systems are not operable through normal controls.

(h) No person shall operate an autocycle unless he or she has a valid Class D driver's license.

625 ILCS 5/6-105 — Instruction permits and temporary licenses for persons 18 years of age or older

Sec. 6-105. Instruction permits and temporary licenses for persons 18 years of age or older.

(a) Except as provided in this Section, the Secretary of State upon receiving proper application and payment of the required fee may issue an instruction permit to any person 18 years of age or older who is not ineligible for a license under paragraphs 1, 3, 4, 5, 7, or 8 of Section 6-103, after the applicant has successfully passed such examination as the Secretary of State in his discretion may prescribe. 1. An instruction permit entitles the holder while having the permit in his immediate possession to drive a motor vehicle, excluding a motor driven cycle or motorcycle, upon the highways for a period of 12 months after the date of its issuance when accompanied by a licensed driver who is 21 years of age or older, who has had a valid driver's license classification to operate such vehicle for at least one year and has had one year of driving experience with such classification and who is occupying a seat beside the driver. 2. A 12 month instruction permit for a motor driven cycle or motorcycle may be issued to a person 18 years of age or more, and entitles the holder to drive upon the highways during daylight under the direct supervision of a licensed motor driven cycle operator or motorcycle operator with the same or greater classification, who is 21 years of age or older and who has at least one year of driving experience. 3. (Blank).

(b) (Blank).

(c) The Secretary of State may issue a temporary driver's license to an applicant for a license permitting the operation of a motor vehicle while the Secretary is completing an investigation and determination of all facts relative to such applicant's eligibility to receive such license, or for any other reason prescribed by rule or regulation promulgated by the Secretary of State. Such permit must be in the applicant's immediate possession while operating a motor vehicle, and it shall be invalid when the applicant's driver's license has been issued or for good cause has been refused. In each case the Secretary of State may issue the temporary driver's license for such period as appropriate but in no event for longer than 90 days. The Secretary may issue such additional temporary driver's licenses to an applicant as are necessary to allow the applicant to drive during the pendency of the investigation, valid for such a period as is appropriate, but in no event for longer than 90 days each.

625 ILCS 5/6-105.1 — Temporary visitor's driver's license

Sec. 6-105.1. Temporary visitor's driver's license.

(a) The Secretary of State may issue a temporary visitor's driver's license to a foreign national who

(i) resides in this State, (ii) is ineligible to obtain a social security number, and (iii) presents to the Secretary documentation, issued by United States Citizenship and Immigration Services, authorizing the person's presence in this country. (a-5) The Secretary of State may issue a temporary visitor's driver's license to an applicant who

(i) has resided in this State for a period in excess of one year, (ii) is ineligible to obtain a social security number, and (iii) is unable to present documentation issued by the United States Citizenship and Immigration Services authorizing the person's presence in this country. The applicant shall submit a valid unexpired passport from the applicant's country of citizenship or a valid unexpired consular identification document issued by a consulate of that country as defined in Section 5 of the Consular Identification Document Act (5 ILCS 230/5). (a-10) Applicants for a temporary visitor's driver's license who are under 18 years of age at the time of application shall be subject to the provisions of Sections 6-107 and 6-108 of this Code.

(b) A temporary visitor's driver's license issued under subsection

(a) is valid for 3 years, or for the period of time the individual is authorized to remain in this country, whichever ends sooner. A temporary visitor's driver's license issued under subsection (a-5) shall be valid for a period of 3 years. (b-5) A temporary visitor's driver's license issued under this Section may not be accepted for proof of the holder's identity. A temporary visitor's driver's license issued under this Section shall contain a notice on its face, in capitalized letters, stating that the temporary visitor's driver's license may not be accepted for proof of identity.

(c) The Secretary shall adopt rules for implementing this Section, including rules:

- (1) regarding the design and content of the temporary visitor's driver's license;
- (2) establishing criteria for proof of identification and residency of an individual applying under subsection (a-5);
- (3) designating acceptable evidence that an applicant is not eligible for a social security number; and
- (4) regarding the issuance of temporary visitor's instruction permits.

(d) Any person to whom the Secretary of State may issue a temporary visitor's driver's license shall be subject to any and all provisions of this Code and any and all implementing regulations issued by the Secretary of State to the same extent as any person issued a driver's license, unless otherwise provided in this Code or by administrative rule, including but not limited to the examination requirements in Section 6-109 as well as the mandatory insurance requirements and penalties set forth in Article VI of Chapter 7 of this Code. (d-5) A temporary visitor's driver's license is invalid if the holder is unable to provide proof of liability insurance as required by Section 7-601 of this Code upon the request of a law enforcement officer, in which case the holder commits a violation of Section 6-101 of this Code.

(e) Temporary visitor's driver's licenses shall be issued from a central location after the Secretary of State has verified the information provided by the applicant.

(f) There is created in the State treasury a special fund to be known as the DMV Transformation Fund. All fees collected for the issuance of temporary visitor's driver's licenses shall be deposited into the Fund. These funds shall, subject to appropriation, be used by the Office of the Secretary of State for operational costs, including, but not limited to, personnel, facilities, computer programming, and data transmission.

(g) No temporary visitor's driver's licenses shall be issued after the effective date of this amendatory Act of the 103rd General Assembly.

625 ILCS 5/6-106 — Application for license or instruction permit

Sec. 6-106. Application for license or instruction permit.

(a) Every application for any permit or license authorized to be issued under this Code shall be made upon a form furnished by the Secretary of State. Every application shall be accompanied by the proper fee and payment of such fee shall entitle the applicant to not more than 3 attempts to pass the examination within a period of one year after the date of application.

(b) Every application shall state the legal name, zip code, date of birth, sex, and residence address of the applicant; briefly describe the applicant; state whether the applicant has theretofore been licensed as a driver, and, if so, when and by what state or country, and whether any such license has ever been canceled, suspended, revoked or refused, and, if so, the date and reason for such cancellation, suspension, revocation or refusal; shall include an affirmation by the applicant that all information set forth is true and correct; and shall bear the applicant's signature. In addition to the residence address, the Secretary may allow the applicant to provide a mailing address. In the case of an applicant who is a judicial officer, public official, or peace officer, the Secretary may allow the applicant to provide an office or work address in lieu of a residence or mailing address. The application form may also require the statement of such additional relevant information as the Secretary of State shall deem necessary to determine the applicant's competency and eligibility. The Secretary of State may, in his discretion, by rule or regulation, provide that an application for a drivers license or permit may include a suitable photograph of the applicant in the form prescribed by the Secretary, and he may further provide that each drivers license shall include a photograph of the driver. The Secretary of State may utilize a photograph process or system most suitable to deter alteration or improper reproduction of a drivers license and to prevent substitution of another photo thereon. For the purposes of this subsection (b): "Peace officer" means any person who by virtue of his or her office or public employment is vested by law with a duty to maintain public order or to make arrests for a violation of any penal statute of this State, whether that duty extends to all violations or is limited to specific violations. "Public official" has the meaning given in Section 10 of the Public Official Safety and Privacy Act. (b-1) Every application shall state the social security number of the applicant; except if the applicant is applying for a standard driver's license and, on the date of application, is ineligible for a social security number, then:

- (1) if the applicant has documentation, issued by the United States Department of Homeland Security, authorizing the applicant's presence in this country, the applicant shall provide such documentation instead of a social security number; and

(2) if the applicant does not have documentation described in paragraph (1), the applicant shall provide, instead of a social security number, the following: (A) documentation establishing that the applicant has resided in this State for a period in excess of one year; (B) a passport validly issued to the applicant from the applicant's country of citizenship or a consular identification document validly issued to the applicant by a consulate of that country as defined in Section 5 of the Consular Identification Document Act, as long as such documents are either unexpired or presented by an applicant within 2 years of its expiration date; and (C) a social security card, if the applicant has a social security number. (b-3) Upon the first issuance of a request for proposals for a digital driver's license and identification card issuance and facial recognition system issued after January 1, 2020 (the effective date of Public Act 101-513), and upon implementation of a new or revised system procured pursuant to that request for proposals, the Secretary shall permit applicants to choose between "male", "female" or "non-binary" when designating the applicant's sex on the driver's license application form. The sex designated by the applicant shall be displayed on the driver's license issued to the applicant. (b-5) Every applicant for a REAL ID compliant driver's license or permit shall provide proof of lawful status in the United States as defined in 6 CFR 37.3, as amended.

(c) The application form shall include a notice to the applicant of the registration obligations of sex offenders under the Sex Offender Registration Act. The notice shall be provided in a form and manner prescribed by the Secretary of State. For purposes of this subsection (c), "sex offender" has the meaning ascribed to it in Section 2 of the Sex Offender Registration Act.

(d) Any male United States citizen or immigrant who applies for any permit or license authorized to be issued under this Code or for a renewal of any permit or license, and who is at least 18 years of age but less than 26 years of age, must be registered in compliance with the requirements of the federal Military Selective Service Act. The Secretary of State must forward in an electronic format the necessary personal information regarding the applicants identified in this subsection

(d) to the Selective Service System. The applicant's signature on the application serves as an indication that the applicant either has already registered with the Selective Service System or that he is authorizing the Secretary to forward to the Selective Service System the necessary information for registration. The Secretary must notify the applicant at the time of application that his signature constitutes consent to registration with the Selective Service System, if he is not already registered.

(e) Beginning on or before July 1, 2015, for each original or renewal driver's license application under this Code, the Secretary shall inquire as to whether the applicant is a veteran for purposes of issuing a driver's license with a veteran designation under subsection (e-5) of Section 6-110 of this Code. The acceptable forms of proof shall include, but are not limited to, Department of Defense form DD-214, Department of Defense form DD-256 for applicants who did not receive a form DD-214 upon the completion of initial basic training, Department of Defense form DD-2 (Retired), an identification card issued under the federal Veterans Identification Card Act of 2015, or a United States Department of Veterans Affairs summary of benefits letter. If the document cannot be stamped, the Illinois Department of Veterans Affairs shall provide a certificate to the veteran to provide to the Secretary of State. The Illinois Department of Veterans Affairs shall advise the Secretary as to what other forms of proof of a person's status as a veteran are acceptable. For each applicant who is issued a driver's license with a veteran designation, the Secretary shall provide the Department of Veterans Affairs with the applicant's name, address, date of birth, gender and such other demographic information as agreed to by the Secretary and the Department. The Department may take steps necessary to confirm the applicant is a veteran. If after due diligence, including writing to the applicant at the address provided by the Secretary, the Department is unable to verify the applicant's veteran status, the Department shall inform the Secretary, who shall notify the applicant that he or she must confirm status as a veteran, or the driver's license will be canceled. For purposes of this subsection (e): "Armed forces" means any of the Armed Forces of the United States, including a member of any reserve component or National Guard unit. "Veteran" means a person who has served in the armed forces and was discharged or separated under honorable conditions.

(f) An applicant who is eligible for Gold Star license plates under Section 3-664 of this Code may apply for an original or renewal driver's license with space for a designation as a Gold Star Family. The Secretary may waive any fee for this application. If the Secretary does not waive the fee, any fee charged to the applicant must be deposited into the Illinois Veterans Assistance Fund. The Secretary is authorized to issue rules to implement this subsection.

625 ILCS 5/6-106.1 — School bus driver permit

Sec. 6-106.1. School bus driver permit.

(a) The Secretary of State shall issue a school bus driver permit for the operation of first or second division vehicles being operated as school buses, a permit valid only for the operation of first division vehicles being operated as school buses, or a school bus permit with a restriction valid for the operation of a first division vehicle being operated as a school bus or a multifunction school activity bus designed to carry up to 15 passengers, including the driver, when being used for curriculum-related activities as set forth in Section 11-1414.1 of this Code, to those applicants who have met all the requirements of the application and screening process under this Section to insure the welfare and safety of children who are transported on school buses throughout the State of Illinois. Applicants shall obtain the proper application required by the Secretary of State from their prospective or current employer and submit the completed application to the prospective or current employer along with the necessary fingerprint submission as required by the Illinois State Police to conduct fingerprint-based criminal background checks on current and future information available in the State system and current information available through the Federal Bureau of Investigation's system. Applicants who have completed the fingerprinting requirements shall not be subjected to the fingerprinting process when applying for subsequent permits or submitting proof of successful completion of the annual refresher course. Individuals who on July 1, 1995 (the effective date of Public Act 88-612) possess a valid school bus driver permit that has been previously issued by the appropriate Regional School Superintendent are not subject to the fingerprinting provisions of this Section as long as the permit remains valid and does not lapse. The applicant shall be required to pay all related application and fingerprinting fees as established by rule, including, but not limited to, the amounts established by the Illinois State Police and the Federal Bureau of Investigation to process fingerprint-based criminal background investigations. All fees paid for fingerprint processing services under this Section shall be deposited into the State Police Services Fund for the cost incurred in processing the fingerprint-based criminal background investigations. All other fees paid under this Section shall be deposited into the Road Fund for the purpose of defraying the costs of the Secretary of State in administering this Section. All applicants must: 1. be 21 years of age or older; 2. possess a valid and properly classified driver's license issued by the Secretary of State; 3. possess a valid driver's license, which has not been revoked, suspended, or canceled for 3 years immediately prior to the date of application, or have not had his or her commercial motor vehicle driving privileges disqualified within the 3 years immediately prior to the date of application; 4. successfully pass a first division or second division written test, administered by the Secretary of State, on school bus operation, school bus safety, and special traffic laws relating to school buses and submit to a review of the applicant's driving habits by the Secretary of State at the time the written test is given; 5. demonstrate ability to exercise reasonable care in the operation of school buses in accordance with rules promulgated by the Secretary of State; 6. demonstrate physical fitness to operate school buses by submitting the results of a medical examination, including tests for drug use for each applicant not subject to such testing pursuant to federal law, conducted by a licensed physician, a licensed advanced practice registered nurse, or a licensed physician assistant within 90 days of the date of application according to standards promulgated by the Secretary of State; 7. affirm under penalties of perjury that he or she has not made a false statement or knowingly concealed a material fact in any application for permit; 8. have completed an initial classroom course, including first aid procedures, in school bus driver safety as promulgated by the Secretary of State and, after satisfactory completion of said initial course, an annual refresher course; such courses and the agency or organization conducting such courses shall be approved by the Secretary of State; failure to complete the annual refresher course shall result in cancellation of the permit until such course is completed; 9. not have been under an order of court supervision for or convicted of 2 or more serious traffic offenses, as defined by rule, within one year prior to the date of application that may endanger the life or safety of any of the driver's passengers within the duration of the permit period; 10. not have been under an order of court supervision for or convicted of reckless driving, aggravated reckless driving, driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, or reckless homicide resulting from the operation of a motor vehicle within 3 years of the date of application; 11. not have been convicted of committing or attempting to commit any one or more of the following offenses:

(i) those offenses defined in Sections 8-1, 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6, 11-9, 11-9.1, 11-9.1A, 11-9.3, 11-9.4, 11-9.4-1, 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-20.1B, 11-20.3, 11-20.4, 11-21, 11-22, 11-23, 11-24, 11-25, 11-26, 11-30, 12-2.6, 12-3.05, 12-3.1, 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-4.9, 12-5.3, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-21.5, 12-21.6, 12-33, 12C-5, 12C-10, 12C-20, 12C-30, 12C-45, 16-16, 16-16.1, 18-1, 18-2, 18-3, 18-4, 18-5, 19-6, 20-1, 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.6, 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8, 24-3.9, 31A-1.1, 33A-2, and 33D-1, in subsection (A),

clauses

(a) and (b), of Section 24-3, and those offenses contained in Article 29D of the Criminal Code of 1961 or the Criminal Code of 2012; (ii) those offenses defined in the Cannabis Control Act except those offenses defined in subsections

(a) and

(b) of Section 4, and subsection

(a) of Section 5 of the Cannabis Control Act; (iii) those offenses defined in the Illinois Controlled Substances Act; (iv) those offenses defined in the Methamphetamine Control and Community Protection Act;

(v) any offense committed or attempted in any other state or against the laws of the United States, which if committed or attempted in this State would be punishable as one or more of the foregoing offenses; (vi) the offenses defined in Section 4.1 and 5.1 of the Wrongs to Children Act or Section 11-9.1A of the Criminal Code of 1961 or the Criminal Code of 2012; (vii) those offenses defined in Section 6-16 of the Liquor Control Act of 1934; and (viii) those offenses defined in the Methamphetamine Precursor Control Act; 12. not have been repeatedly involved as a driver in motor vehicle collisions or been repeatedly convicted of offenses against laws and ordinances regulating the movement of traffic, to a degree which indicates lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle or disrespect for the traffic laws and the safety of other persons upon the highway; 13. not have, through the unlawful operation of a motor vehicle, caused a crash resulting in the death of any person; 14. not have, within the last 5 years, been adjudged to be afflicted with or suffering from any mental disability or disease; 15. consent, in writing, to the release of results of reasonable suspicion drug and alcohol testing under Section 6-106.1c of this Code by the employer of the applicant to the Secretary of State; and 16. not have been convicted of committing or attempting to commit within the last 20 years:

(i) an offense defined in subsection

(c) of Section 4, subsection

(b) of Section 5, and subsection

(a) of Section 8 of the Cannabis Control Act; or (ii) any offenses in any other state or against the laws of the United States that, if committed or attempted in this State, would be punishable as one or more of the foregoing offenses. (a-5) If an applicant's driver's license has been suspended within the 3 years immediately prior to the date of application for the sole reason of failure to pay child support, that suspension shall not bar the applicant from receiving a school bus driver permit. (a-10) By January 1, 2024, the Secretary of State, in conjunction with the Illinois State Board of Education, shall develop a separate classroom course and refresher course for operation of vehicles of the first division being operated as school buses. Regional superintendents of schools, working with the Illinois State Board of Education, shall offer the course.

(b) A school bus driver permit shall be valid for a period specified by the Secretary of State as set forth by rule. It shall be renewable upon compliance with subsection

(a) of this Section.

(c) A school bus driver permit shall contain the holder's driver's license number, legal name, residence address, zip code, and date of birth, a brief description of the holder, and a space for signature. The Secretary of State may require a suitable photograph of the holder.

(d) The employer shall be responsible for conducting a pre-employment interview with prospective school bus driver candidates, distributing school bus driver applications and medical forms to be completed by the applicant, and submitting the applicant's fingerprint cards to the Illinois State Police that are required for the criminal background investigations. The employer shall certify in writing to the Secretary of State that all pre-employment conditions have been successfully completed including the successful completion of an Illinois specific criminal background investigation through the Illinois State Police and the submission of necessary fingerprints to the Federal Bureau of Investigation for criminal history information available through the Federal Bureau of Investigation system. The applicant shall present the certification to the Secretary of State at the time of submitting the school bus driver permit application.

(e) Permits shall initially be provisional upon receiving certification from the employer that all pre-employment conditions have been successfully completed, and upon successful completion of all training and examination requirements for the classification of the vehicle to be operated, the Secretary of State shall provisionally issue a School Bus Driver Permit. The permit shall remain in a provisional status pending the completion of the Federal Bureau of Investigation's criminal background investigation based upon fingerprinting specimens submitted to the Federal Bureau of Investigation by the Illinois State Police. The Federal Bureau of Investigation shall report the findings directly to the Secretary of State. The

Secretary of State shall remove the bus driver permit from provisional status upon the applicant's successful completion of the Federal Bureau of Investigation's criminal background investigation.

(f) A school bus driver permit holder shall notify the employer and the Secretary of State if he or she is issued an order of court supervision for or convicted in another state of an offense that would make him or her ineligible for a permit under subsection

(a) of this Section. The written notification shall be made within 5 days of the entry of the order of court supervision or conviction. Failure of the permit holder to provide the notification is punishable as a petty offense for a first violation and a Class B misdemeanor for a second or subsequent violation.

(g) Cancellation; suspension; notice and procedure.

(1) The Secretary of State shall cancel a school bus driver permit of an applicant whose criminal background investigation discloses that he or she is not in compliance with the provisions of subsection

(a) of this Section.

(2) The Secretary of State shall cancel a school bus driver permit when he or she receives notice that the permit holder fails to comply with any provision of this Section or any rule promulgated for the administration of this Section.

(3) The Secretary of State shall cancel a school bus driver permit if the permit holder's restricted commercial or commercial driving privileges are withdrawn or otherwise invalidated.

(4) The Secretary of State may not issue a school bus driver permit for a period of 3 years to an applicant who fails to obtain a negative result on a drug test as required in item 6 of subsection

(a) of this Section or under federal law.

(5) The Secretary of State shall forthwith suspend a school bus driver permit for a period of 3 years upon receiving notice that the holder has failed to obtain a negative result on a drug test as required in item 6 of subsection

(a) of this Section or under federal law.

(6) The Secretary of State shall suspend a school bus driver permit for a period of 3 years upon receiving notice from the employer that the holder failed to perform the inspection procedure set forth in subsection

(a) or

(b) of Section 12-816 of this Code.

(7) The Secretary of State shall suspend a school bus driver permit for a period of 3 years upon receiving notice from the employer that the holder refused to submit to an alcohol or drug test as required by Section 6-106.1c or has submitted to a test required by that Section which disclosed an alcohol concentration of more than 0.00 or disclosed a positive result on a National Institute on Drug Abuse five-drug panel, utilizing federal standards set forth in 49 CFR 40.87. The Secretary of State shall notify the State Superintendent of Education and the permit holder's prospective or current employer that the applicant

(1) has failed a criminal background investigation or

(2) is no longer eligible for a school bus driver permit; and of the related cancellation of the applicant's provisional school bus driver permit. The cancellation shall remain in effect pending the outcome of a hearing pursuant to Section 2-118 of this Code. The scope of the hearing shall be limited to the issuance criteria contained in subsection

(a) of this Section. A petition requesting a hearing shall be submitted to the Secretary of State and shall contain the reason the individual feels he or she is entitled to a school bus driver permit. The permit holder's employer shall notify in writing to the Secretary of State that the employer has certified the removal of the offending school bus driver from service prior to the start of that school bus driver's next work shift. An employing school board that fails to remove the offending school bus driver from service is subject to the penalties defined in Section 3-14.23 of the School Code. A school bus contractor who violates a provision of this Section is subject to the penalties defined in Section 6-106.11. All valid school bus driver permits issued under this Section prior to January 1, 1995, shall remain effective until their expiration date unless otherwise invalidated.

(h) When a school bus driver permit holder who is a service member is called to active duty, the employer of the permit holder shall notify the Secretary of State, within 30 days of notification from the permit holder, that the permit holder has been called to active duty. Upon notification pursuant to this subsection,

- (i) the Secretary of State shall characterize the permit as inactive until a permit holder renews the permit as provided in subsection
- (i) of this Section, and (ii) if a permit holder fails to comply with the requirements of this Section while called to active duty, the Secretary of State shall not characterize the permit as invalid.
- (i) A school bus driver permit holder who is a service member returning from active duty must, within 90 days, renew a permit characterized as inactive pursuant to subsection
- (h) of this Section by complying with the renewal requirements of subsection
- (b) of this Section.
- (j) For purposes of subsections
- (h) and
- (i) of this Section: "Active duty" means active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor. "Service member" means a member of the Armed Services or reserve forces of the United States or a member of the Illinois National Guard.
- (k) A private carrier employer of a school bus driver permit holder, having satisfied the employer requirements of this Section, shall be held to a standard of ordinary care for intentional acts committed in the course of employment by the bus driver permit holder. This subsection
- (k) shall in no way limit the liability of the private carrier employer for violation of any provision of this Section or for the negligent hiring or retention of a school bus driver permit holder.
- (l) The Secretary may adopt rules to implement this Section. (Text of Section from P.A. 104-260) Sec. 6-106.1. School bus driver permit.
- (a) The Secretary of State shall issue a school bus driver permit for the operation of first or second division vehicles being operated as school buses or a permit valid only for the operation of first division vehicles being operated as school buses to those applicants who have met all the requirements of the application and screening process under this Section to insure the welfare and safety of children who are transported on school buses throughout the State of Illinois. Applicants shall obtain the proper application required by the Secretary of State from their prospective or current employer and submit the completed application to the prospective or current employer along with the necessary fingerprint submission as required by the Illinois State Police to conduct fingerprint-based criminal background checks on current and future information available in the State system and current information available through the Federal Bureau of Investigation's system. Applicants who have completed the fingerprinting requirements shall not be subjected to the fingerprinting process when applying for subsequent permits or submitting proof of successful completion of the annual refresher course. Individuals who on July 1, 1995 (the effective date of Public Act 88-612) possess a valid school bus driver permit that has been previously issued by the appropriate Regional School Superintendent are not subject to the fingerprinting provisions of this Section as long as the permit remains valid and does not lapse. The applicant shall be required to pay all related application and fingerprinting fees as established by rule, including, but not limited to, the amounts established by the Illinois State Police and the Federal Bureau of Investigation to process fingerprint-based criminal background investigations. All fees paid for fingerprint processing services under this Section shall be deposited into the State Police Services Fund for the cost incurred in processing the fingerprint-based criminal background investigations. All other fees paid under this Section shall be deposited into the Road Fund for the purpose of defraying the costs of the Secretary of State in administering this Section. All applicants must: 1. be 21 years of age or older; 2. possess a valid and properly classified driver's license issued by the Secretary of State; 3. possess a valid driver's license, which has not been revoked, suspended, or canceled for 3 years immediately prior to the date of application, or have not had his or her commercial motor vehicle driving privileges disqualified within the 3 years immediately prior to the date of application; 4. unless the applicant holds a valid commercial driver's license or a commercial driver's license that expired in the preceding 30 days issued by another state with a school bus and passenger endorsement, successfully pass a first division or second division written test, administered by the Secretary of State, on school bus operation, school bus safety, and special traffic laws relating to school buses and submit to a review of the applicant's driving habits by the Secretary of State at the time the written test is given. For purposes of this paragraph, "state" means a state of the United States and the District of Columbia; 5. demonstrate ability to exercise reasonable care in the operation of school buses in accordance with rules promulgated by the Secretary of State; 6. demonstrate physical fitness to operate school buses by submitting the results of a medical examination, including tests for drug use for each applicant not subject to such testing

pursuant to federal law, conducted by a licensed physician, a licensed advanced practice registered nurse, or a licensed physician assistant within 90 days of the date of application according to standards promulgated by the Secretary of State; 7. affirm under penalties of perjury that he or she has not made a false statement or knowingly concealed a material fact in any application for permit; 8. have completed an initial classroom course, including first aid procedures, in school bus driver safety as promulgated by the Secretary of State and, after satisfactory completion of said initial course, an annual refresher course; such courses and the agency or organization conducting such courses shall be approved by the Secretary of State; failure to complete the annual refresher course shall result in cancellation of the permit until such course is completed; 9. not have been under an order of court supervision for or convicted of 2 or more serious traffic offenses, as defined by rule, within one year prior to the date of application that may endanger the life or safety of any of the driver's passengers within the duration of the permit period; 10. not have been under an order of court supervision for or convicted of reckless driving, aggravated reckless driving, driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, or reckless homicide resulting from the operation of a motor vehicle within 3 years of the date of application; 11. not have been convicted of committing or attempting to commit any one or more of the following offenses:

(i) those offenses defined in Sections 8-1, 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6, 11-9, 11-9.1, 11-9.1A, 11-9.3, 11-9.4, 11-9.4-1, 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-20.1B, 11-20.3, 11-20.4, 11-21, 11-22, 11-23, 11-24, 11-25, 11-26, 11-30, 12-2.6, 12-3.05, 12-3.1, 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-4.9, 12-5.3, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-21.5, 12-21.6, 12-33, 12C-5, 12C-10, 12C-20, 12C-30, 12C-45, 16-16, 16-16.1, 18-1, 18-2, 18-3, 18-4, 18-5, 19-6, 20-1, 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.6, 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8, 24-3.9, 31A-1.1, 33A-2, and 33D-1, in subsection (A), clauses

(a) and (b), of Section 24-3, and those offenses contained in Article 29D of the Criminal Code of 1961 or the Criminal Code of 2012; (ii) those offenses defined in the Cannabis Control Act except those offenses defined in subsections

(a) and

(b) of Section 4, and subsection

(a) of Section 5 of the Cannabis Control Act; (iii) those offenses defined in the Illinois Controlled Substances Act; (iv) those offenses defined in the Methamphetamine Control and Community Protection Act;

(v) any offense committed or attempted in any other state or against the laws of the United States, which if committed or attempted in this State would be punishable as one or more of the foregoing offenses; (vi) the offenses defined in Section 4.1 and 5.1 of the Wrongs to Children Act or Section 11-9.1A of the Criminal Code of 1961 or the Criminal Code of 2012; (vii) those offenses defined in Section 6-16 of the Liquor Control Act of 1934; and (viii) those offenses defined in the Methamphetamine Precursor Control Act; 12. not have been repeatedly involved as a driver in motor vehicle collisions or been repeatedly convicted of offenses against laws and ordinances regulating the movement of traffic, to a degree which indicates lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle or disrespect for the traffic laws and the safety of other persons upon the highway; 13. not have, through the unlawful operation of a motor vehicle, caused a crash resulting in the death of any person; 14. not have, within the last 5 years, been adjudged to be afflicted with or suffering from any mental disability or disease; 15. consent, in writing, to the release of results of reasonable suspicion drug and alcohol testing under Section 6-106.1c of this Code by the employer of the applicant to the Secretary of State; and 16. not have been convicted of committing or attempting to commit within the last 20 years:

(i) an offense defined in subsection

(c) of Section 4, subsection

(b) of Section 5, and subsection

(a) of Section 8 of the Cannabis Control Act; or (ii) any offenses in any other state or against the laws of the United States that, if committed or attempted in this State, would be punishable as one or more of the foregoing offenses. (a-5) If an applicant's driver's license has been suspended within the 3 years immediately prior to the date of application for the sole reason of failure to pay child support, that suspension shall not bar the applicant from receiving a school bus driver permit. (a-10) By January 1, 2024, the Secretary of State, in conjunction with the Illinois State Board of Education, shall develop a separate classroom course and refresher course for operation of vehicles of the first division being operated as school

buses. Regional superintendents of schools, working with the Illinois State Board of Education, shall offer the course.

(b) A school bus driver permit shall be valid for a period specified by the Secretary of State as set forth by rule. It shall be renewable upon compliance with subsection

(a) of this Section.

(c) A school bus driver permit shall contain the holder's driver's license number, legal name, residence address, zip code, and date of birth, a brief description of the holder, and a space for signature. The Secretary of State may require a suitable photograph of the holder.

(d) The employer shall be responsible for conducting a pre-employment interview with prospective school bus driver candidates, distributing school bus driver applications and medical forms to be completed by the applicant, and submitting the applicant's fingerprint cards to the Illinois State Police that are required for the criminal background investigations. The employer shall certify in writing to the Secretary of State that all pre-employment conditions have been successfully completed including the successful completion of an Illinois specific criminal background investigation through the Illinois State Police and the submission of necessary fingerprints to the Federal Bureau of Investigation for criminal history information available through the Federal Bureau of Investigation system. The applicant shall present the certification to the Secretary of State at the time of submitting the school bus driver permit application.

(e) Permits shall initially be provisional upon receiving certification from the employer that all pre-employment conditions have been successfully completed, and upon successful completion of all training and examination requirements for the classification of the vehicle to be operated, the Secretary of State shall provisionally issue a School Bus Driver Permit. The permit shall remain in a provisional status pending the completion of the Federal Bureau of Investigation's criminal background investigation based upon fingerprinting specimens submitted to the Federal Bureau of Investigation by the Illinois State Police. The Federal Bureau of Investigation shall report the findings directly to the Secretary of State. The Secretary of State shall remove the bus driver permit from provisional status upon the applicant's successful completion of the Federal Bureau of Investigation's criminal background investigation.

(f) A school bus driver permit holder shall notify the employer and the Secretary of State if he or she is issued an order of court supervision for or convicted in another state of an offense that would make him or her ineligible for a permit under subsection

(a) of this Section. The written notification shall be made within 5 days of the entry of the order of court supervision or conviction. Failure of the permit holder to provide the notification is punishable as a petty offense for a first violation and a Class B misdemeanor for a second or subsequent violation.

(g) Cancellation; suspension; notice and procedure.

(1) The Secretary of State shall cancel a school bus driver permit of an applicant whose criminal background investigation discloses that he or she is not in compliance with the provisions of subsection

(a) of this Section.

(2) The Secretary of State shall cancel a school bus driver permit when he or she receives notice that the permit holder fails to comply with any provision of this Section or any rule promulgated for the administration of this Section.

(3) The Secretary of State shall cancel a school bus driver permit if the permit holder's restricted commercial or commercial driving privileges are withdrawn or otherwise invalidated.

(4) The Secretary of State may not issue a school bus driver permit for a period of 3 years to an applicant who fails to obtain a negative result on a drug test as required in item 6 of subsection

(a) of this Section or under federal law.

(5) The Secretary of State shall forthwith suspend a school bus driver permit for a period of 3 years upon receiving notice that the holder has failed to obtain a negative result on a drug test as required in item 6 of subsection

(a) of this Section or under federal law.

(6) The Secretary of State shall suspend a school bus driver permit for a period of 3 years upon receiving notice from the employer that the holder failed to perform the inspection procedure set forth in subsection

(a) or

(b) of Section 12-816 of this Code.

(7) The Secretary of State shall suspend a school bus driver permit for a period of 3 years upon receiving notice from the employer that the holder refused to submit to an alcohol or drug test as required by Section 6-106.1c or has submitted to a test required by that Section which disclosed an alcohol concentration of more than 0.00 or disclosed a positive result on a National Institute on Drug Abuse five-drug panel, utilizing federal standards set forth in 49 CFR 40.87. The Secretary of State shall notify the State Superintendent of Education and the permit holder's prospective or current employer that the applicant

(1) has failed a criminal background investigation or

(2) is no longer eligible for a school bus driver permit; and of the related cancellation of the applicant's provisional school bus driver permit. The cancellation shall remain in effect pending the outcome of a hearing pursuant to Section 2-118 of this Code. The scope of the hearing shall be limited to the issuance criteria contained in subsection

(a) of this Section. A petition requesting a hearing shall be submitted to the Secretary of State and shall contain the reason the individual feels he or she is entitled to a school bus driver permit. The permit holder's employer shall notify in writing to the Secretary of State that the employer has certified the removal of the offending school bus driver from service prior to the start of that school bus driver's next work shift. An employing school board that fails to remove the offending school bus driver from service is subject to the penalties defined in Section 3-14.23 of the School Code. A school bus contractor who violates a provision of this Section is subject to the penalties defined in Section 6-106.11. All valid school bus driver permits issued under this Section prior to January 1, 1995, shall remain effective until their expiration date unless otherwise invalidated.

(h) When a school bus driver permit holder who is a service member is called to active duty, the employer of the permit holder shall notify the Secretary of State, within 30 days of notification from the permit holder, that the permit holder has been called to active duty. Upon notification pursuant to this subsection,

(i) the Secretary of State shall characterize the permit as inactive until a permit holder renews the permit as provided in subsection

(i) of this Section, and (ii) if a permit holder fails to comply with the requirements of this Section while called to active duty, the Secretary of State shall not characterize the permit as invalid.

(i) A school bus driver permit holder who is a service member returning from active duty must, within 90 days, renew a permit characterized as inactive pursuant to subsection

(h) of this Section by complying with the renewal requirements of subsection

(b) of this Section.

(j) For purposes of subsections

(h) and

(i) of this Section: "Active duty" means active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor. "Service member" means a member of the Armed Services or reserve forces of the United States or a member of the Illinois National Guard.

(k) A private carrier employer of a school bus driver permit holder, having satisfied the employer requirements of this Section, shall be held to a standard of ordinary care for intentional acts committed in the course of employment by the bus driver permit holder. This subsection

(k) shall in no way limit the liability of the private carrier employer for violation of any provision of this Section or for the negligent hiring or retention of a school bus driver permit holder.

625 ILCS 5/6-106.1a — Cancellation of school bus driver permit; trace of alcohol

Sec. 6-106.1a. Cancellation of school bus driver permit; trace of alcohol.

(a) A person who has been issued a school bus driver permit by the Secretary of State in accordance with Section 6-106.1 of this Code and who drives or is in actual physical control of a school bus or any other vehicle owned or operated by or for a public or private school, or a school operated by a religious institution, when the vehicle is being used over a regularly scheduled route for the transportation of persons enrolled as students in grade 12 or below, in connection with any activity of the entities listed, upon the public highways of this State shall be deemed to have given consent to a chemical test or tests of blood, breath, other bodily substance, or urine for the purpose of determining the alcohol content of the person's blood if arrested, as evidenced by the issuance of a Uniform Traffic Ticket for any violation of this Code or

a similar provision of a local ordinance, if a police officer has probable cause to believe that the driver has consumed any amount of an alcoholic beverage based upon evidence of the driver's physical condition or other first hand knowledge of the police officer. The test or tests shall be administered at the direction of the arresting officer. The law enforcement agency employing the officer shall designate which of the aforesaid tests shall be administered. A urine or other bodily substance test may be administered even after a blood or breath test or both has been administered.

(b) A person who is dead, unconscious, or who is otherwise in a condition rendering that person incapable of refusal, shall be deemed not to have withdrawn the consent provided by paragraph

(a) of this Section and the test or tests may be administered subject to the following provisions:

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

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

(3) The person tested may have a physician, qualified technician, chemist, registered nurse, or other qualified person of his or her own choosing administer a chemical test or tests in addition to any test or tests administered at the direction of a law enforcement officer. The test administered at the request of the person may be admissible into evidence at a hearing conducted in accordance with Section 2-118 of this Code. The failure or inability to obtain an additional test by a person shall not preclude the consideration of the previously performed chemical test.

(4) Upon a request of the person who submits to a chemical test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to the person or that person's attorney by the requesting law enforcement agency within 72 hours of receipt of the test result.

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

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

(c) A person requested to submit to a test as provided in this Section shall be warned by the law enforcement officer requesting the test that a refusal to submit to the test, or submission to the test resulting in an alcohol concentration of more than 0.00, may result in the loss of that person's privilege to possess a school bus driver permit. The loss of the individual's privilege to possess a school bus driver permit shall be imposed in accordance with Section 6-106.1b of this Code. A person requested to submit to a test under this Section shall also acknowledge, in writing, receipt of the warning required under this subsection (c). If the person refuses to acknowledge receipt of the warning, the law enforcement officer shall make a written notation on the warning that the person refused to sign the warning. A person's refusal to sign the warning shall not be evidence that the person was not read the warning.

(d) If the person refuses testing or submits to a test that discloses an alcohol concentration of more than 0.00, the law enforcement officer shall immediately submit a sworn report to the Secretary of State on a form prescribed by the Secretary of State certifying that the test or tests were requested under subsection

(a) and the person refused to submit to a test or tests or submitted to testing which disclosed an alcohol concentration of more than 0.00. The law enforcement officer shall submit the same sworn report when a person who has been issued a school bus driver permit and who was operating a school bus or any other vehicle owned or operated by or for a public or

private school, or a school operated by a religious institution, when the vehicle is being used over a regularly scheduled route for the transportation of persons enrolled as students in grade 12 or below, in connection with any activity of the entities listed, submits to testing under Section 11-501.1 of this Code and the testing discloses an alcohol concentration of more than 0.00 and less than the alcohol concentration at which driving or being in actual physical control of a motor vehicle is prohibited under paragraph

(1) of subsection

(a) of Section 11-501. Upon receipt of the sworn report of a law enforcement officer, the Secretary of State shall enter the school bus driver permit sanction on the individual's driving record and the sanction shall be effective on the 46th day following the date notice of the sanction was given to the person. The law enforcement officer submitting the sworn report shall serve immediate notice of this school bus driver permit sanction on the person and the sanction shall be effective on the 46th day following the date notice was given. In cases where the blood alcohol concentration of more than 0.00 is established by a subsequent analysis of blood, other bodily substance, or urine, the police officer or arresting agency shall give notice as provided in this Section or by deposit in the United States mail of that notice in an envelope with postage prepaid and addressed to that person at his or her last known address and the loss of the school bus driver permit shall be effective on the 46th day following the date notice was given. Upon receipt of the sworn report of a law enforcement officer, the Secretary of State shall also give notice of the school bus driver permit sanction to the driver and the driver's current employer by mailing a notice of the effective date of the sanction to the individual. However, shall the sworn report be defective by not containing sufficient information or be completed in error, the notice of the school bus driver permit sanction may not be mailed to the person or his current employer or entered to the driving record, but rather the sworn report shall be returned to the issuing law enforcement agency.

(e) A driver may contest this school bus driver permit sanction by requesting an administrative hearing with the Secretary of State in accordance with Section 2-118 of this Code. An individual whose blood alcohol concentration is shown to be more than 0.00 is not subject to this Section if he or she consumed alcohol in the performance of a religious service or ceremony. An individual whose blood alcohol concentration is shown to be more than 0.00 shall not be subject to this Section if the individual's blood alcohol concentration resulted only from ingestion of the prescribed or recommended dosage of medicine that contained alcohol. The petition for that hearing shall not stay or delay the effective date of the impending suspension. The scope of this hearing shall be limited to the issues of:

(1) whether the police officer had probable cause to believe that the person was driving or in actual physical control of a school bus or any other vehicle owned or operated by or for a public or private school, or a school operated by a religious institution, when the vehicle is being used over a regularly scheduled route for the transportation of persons enrolled as students in grade 12 or below, in connection with any activity of the entities listed, upon the public highways of the State and the police officer had reason to believe that the person was in violation of any provision of this Code or a similar provision of a local ordinance; and

(2) whether the person was issued a Uniform Traffic Ticket for any violation of this Code or a similar provision of a local ordinance; and

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

(4) whether the person, after being advised by the officer that the privilege to possess a school bus driver permit would be canceled if the person refused to submit to and complete the test or tests, did refuse to submit to or complete the test or tests to determine the person's alcohol concentration; and

(5) whether the person, after being advised by the officer that the privileges to possess a school bus driver permit would be canceled if the person submits to a chemical test or tests and the test or tests disclose an alcohol concentration of more than 0.00 and the person did submit to and complete the test or tests that determined an alcohol concentration of more than 0.00; and

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

(7) whether the test result of an alcohol concentration of more than 0.00 was based upon the person's consumption of alcohol through ingestion of the prescribed or recommended dosage of medicine. The Secretary of State may adopt administrative rules setting forth circumstances under which the holder of a school bus driver permit is not required to appear in person at the hearing. Provided that the petitioner may subpoena the officer, the hearing may be conducted

upon a review of the law enforcement officer's own official reports. Failure of the officer to answer the subpoena shall be grounds for a continuance if, in the hearing officer's discretion, the continuance is appropriate. At the conclusion of the hearing held under Section 2-118 of this Code, the Secretary of State may rescind, continue, or modify the school bus driver permit sanction.

(f) The results of any chemical testing performed in accordance with subsection

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

(g) This Section applies only to drivers who have been issued a school bus driver permit in accordance with Section 6-106.1 of this Code at the time of the issuance of the Uniform Traffic Ticket for a violation of this Code or a similar provision of a local ordinance, and a chemical test request is made under this Section.

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

625 ILCS 5/6-106.1b — Loss of school bus driver permit privileges; failure or refusal to submit to chemical testing

Sec. 6-106.1b. Loss of school bus driver permit privileges; failure or refusal to submit to chemical testing. Unless the loss of school bus driver permit privileges based upon consumption of alcohol by an individual who has been issued a school bus driver permit in accordance with Section 6-106.1 of this Code or refusal to submit to testing has been rescinded by the Secretary of State in accordance with subsection

(c) of Section 6-206 of this Code, a person whose privilege to possess a school bus driver permit has been canceled under Section 6-106.1a is not eligible for restoration of the privilege until the expiration of 3 years from the effective date of the cancellation for a person who has refused or failed to complete a test or tests to determine blood alcohol concentration or has submitted to testing with a blood alcohol concentration of more than 0.00.

625 ILCS 5/6-106.1c — Reasonable suspicion drug and alcohol testing of school bus driver permit holders

Sec. 6-106.1c. Reasonable suspicion drug and alcohol testing of school bus driver permit holders.

(a) An employer of a school bus driver permit holder who holds a commercial driver's license and who works for the employer as a school bus driver and is therefore subject to 49 CFR 382.307 shall notify the Secretary of State, in a manner and form prescribed by the Secretary, of the result of a reasonable suspicion test when:

(i) the test indicates an alcohol concentration greater than 0.00; (ii) the test indicates a positive result on a National Institute on Drug Abuse five-drug panel utilizing the federal standards set forth in 49 CFR 40.87; or (iii) when a driver refuses testing. The notification to the Secretary must be submitted within 48 hours of the refusal of testing or the employer's receipt of the test results.

(b) Employers of school bus driver permit holders who do not hold commercial driver's licenses and school bus driver permit holders who do not hold commercial driver's licenses are hereby made subject to 49 CFR 382.307 regarding reasonable suspicion testing, which must be done in conformance with 49 CFR Parts 40 and 382, except that the test results shall not be reported to the employer utilizing the Federal Drug Testing Custody and Control Form or the U.S. Department of Transportation Alcohol Testing Form, but shall be reported to the employer in a manner and form approved by the Secretary. The employer shall notify the Secretary, in a manner and form prescribed by the Secretary, of the result of a reasonable suspicion test when:

(i) the test indicates an alcohol concentration greater than 0.00; (ii) the test indicates a positive result on a National Institute on Drug Abuse five-drug panel utilizing the federal standards set forth in 49 CFR 40.87; or (iii) when a driver refuses testing. The notification to the Secretary must be submitted within 48 hours of the refusal of testing or the employer's receipt of the test results.

(c) The Secretary of State may adopt rules to implement this Section.

(d) The cost of a reasonable suspicion test shall be the responsibility of the employer, unless otherwise provided by contract or a collective bargaining agreement.

625 ILCS 5/6-106.2 — Religious organization bus driver

Sec. 6-106.2. Religious organization bus driver. A religious organization bus driver shall meet the following requirements: 1. is 21 years of age or older; 2. has a valid and properly classified driver's license issued by the Secretary of State; 3. has held a valid driver's license, not necessarily of the same classification, for 3 years prior to the date of application. A lapse in the renewal of the driver's license of 30 days or less shall not render the applicant ineligible. The Secretary of State may, in his or her discretion, grant a waiver for a lapse in the renewal of the driver's license in excess of 30 days; 4. has demonstrated an ability to exercise reasonable care in the safe operation of religious organization buses in accordance with such standards as the Secretary of State prescribes including a driving test in a religious organization bus; and 5. has not been convicted of any of the following offenses within 3 years of the date of application: Sections 11-401 (leaving the scene of a traffic crash involving death or personal injury), 11-501 (driving under the influence), 11-503 (reckless driving), 11-504 (drag racing), and 11-506 (street racing) of this Code, or Sections 9-3 (manslaughter or reckless homicide) and 12-5 (reckless conduct arising from the use of a motor vehicle) of the Criminal Code of 1961 or the Criminal Code of 2012.

625 ILCS 5/6-106.3 — Senior citizen transportation - driver

Sec. 6-106.3. Senior citizen transportation - driver. A driver of a vehicle operated solely for the purpose of providing transportation for the elderly in connection with the activities of any public or private organization shall meet the following requirements:

- (1) is 21 years of age or older;
- (2) has a valid and properly classified driver's license issued by the Secretary of State;
- (3) has had a valid driver's license, not necessarily of the same classification, for 3 years prior to the date of application. A lapse in the renewal of the driver's license of 30 days or less shall not render the applicant ineligible. The Secretary of State may, in his or her discretion, grant a waiver for a lapse in the renewal of the driver's license in excess of 30 days;
- (4) has demonstrated his ability to exercise reasonable care in the safe operation of a motor vehicle which will be utilized to transport persons in accordance with such standards as the Secretary of State prescribes including a driving test in such motor vehicle; and
- (5) has not been convicted of any of the following offenses within 3 years of the date of application: Sections 11-401 (leaving the scene of a traffic crash involving death or personal injury), 11-501 (driving under the influence), 11-503 (reckless driving), 11-504 (drag racing), and 11-506 (street racing) of this Code, or Sections 9-3 (manslaughter or reckless homicide) and 12-5 (reckless conduct arising from the use of a motor vehicle) of the Criminal Code of 1961 or the Criminal Code of 2012.

625 ILCS 5/6-106.4 — For-profit ridesharing arrangement - driver

Sec. 6-106.4. For-profit ridesharing arrangement - driver. No person may drive a commuter van while it is being used for a for-profit ridesharing arrangement unless such person:

- (1) is 21 years of age or older;
- (2) has a valid and properly classified driver's license issued by the Secretary of State;
- (3) has held a valid driver's license, not necessarily of the same classification, for 3 years prior to the date of application. A lapse in the renewal of the driver's license of 30 days or less shall not render the applicant ineligible. The Secretary of State may, in his or her discretion, grant a waiver for a lapse in the renewal of the driver's license in excess of 30 days;
- (4) has demonstrated his ability to exercise reasonable care in the safe operation of commuter vans used in for-profit ridesharing arrangements in accordance with such standards as the Secretary of State may prescribe, which standards may require a driving test in a commuter van; and
- (5) has not been convicted of any of the following offenses within 3 years of the date of application: Sections 11-401 (leaving the scene of a traffic crash involving death or personal injury), 11-501 (driving under the influence), 11-503 (reckless driving), 11-504 (drag racing), and 11-506 (street racing) of this Code, or Sections 9-3 (manslaughter or reckless homicide) and 12-5 (reckless conduct arising from the use of a motor vehicle) of the Criminal Code of 1961 or the Criminal Code of 2012.

625 ILCS 5/6-106.11

Sec. 6-106.11.

(a) Any individual, corporation, partnership or association, who through contractual arrangements with a school district transports students, teachers or other personnel of that district for compensation, shall not permit any person to operate a school bus or any first division vehicle including taxi when used for a purpose that requires a school bus driver permit pursuant to that contract if the driver has not complied with the provisions of Sections 6-106.1 of this Code or such other rules or regulations that the Secretary of State may prescribe for the classification, restriction or licensing of school bus driver permit holders. (a-5) Any individual, corporation, partnership, association, or entity that has a contractual arrangement referred to in subsection

(a) of this Section must provide the school district with

(i) the names of all drivers who will be operating a vehicle requiring a school bus driver permit pursuant to the contract with the school district; and (ii) a copy of each driver's school bus driver permit. Upon notification by the Secretary of State to the employer of the school bus driver permit holder that an employee's school bus driver permit has been suspended or cancelled, the employer must notify the school district of the suspension or cancellation within 2 business days. (a-10) An individual, corporation, partnership, association, or entity that has a contractual arrangement referred to in subsection

(a) of this Section may not:

(i) utilize a vehicle in the performance of the contract that has previously been in salvage or junk status; or (ii) allow smoking in a vehicle while the vehicle is in the performance of the contract.

(b) A violation of this Section is a business offense and shall subject the offender to a fine of no less than \$1,000 nor more than \$10,000 for a first offense, no less than \$1,500 nor more than \$15,000 for a second offense, and no less than \$2,000 nor more than \$20,000 for a third or subsequent offense. In addition to any fines imposed under this subsection, any offender who has been convicted three times under the provisions of subsection

(a) shall, upon a fourth or subsequent conviction be prohibited from transporting or contracting to transport students, teachers or other personnel of a school district for a period of five years beginning with the date of conviction of such fourth or subsequent conviction. (Text of Section from P.A. 97-229) Sec. 6-106.11.

(a) Any individual, corporation, partnership or association, who through contractual arrangements with a school district transports students, teachers or other personnel of that district for compensation, shall not permit any person to operate a school bus or any other motor vehicle requiring a school bus driver permit pursuant to that contract if the driver has not complied with the provisions of Sections 6-106.1 of this Code or such other rules or regulations that the Secretary of State may prescribe for the classification, restriction or licensing of the school bus driver permit holder.

(b) A violation of this Section is a business offense and shall subject the offender to a fine of no less than \$1,000 nor more than \$10,000 for a first offense, no less than \$1,500 nor more than \$15,000 for a second offense, and no less than \$2,000 nor more than \$20,000 for a third or subsequent offense. In addition to any fines imposed under this subsection, any offender who has been convicted three times under the provisions of subsection

(a) shall, upon a fourth or subsequent conviction be prohibited from transporting or contracting to transport students, teachers or other personnel of a school district for a period of five years beginning with the date of conviction of such fourth or subsequent conviction.

625 ILCS 5/6-106.12 — Contracts requiring school bus driver permits

Sec. 6-106.12. Contracts requiring school bus driver permits.

(a) No school district that contracts with any individual, corporation, partnership, association, or other entity to transport students, teachers, or other personnel of that district for compensation shall permit any person to operate a vehicle that requires a school bus driver permit pursuant to that contract if the driver has not complied with the provisions of Section 6-106.1 of this Code and other administrative rules governing the classification, restriction, or licensing of persons required to hold a school bus driver permit.

(b) A school district that has a contract of the type described in subsection

(a) of this Section shall maintain a copy of the school bus driver permit of any person operating a vehicle that requires a school bus permit.

625 ILCS 5/6-107 — Graduated license

Sec. 6-107. Graduated license.

(a) The purpose of the Graduated Licensing Program is to develop safe and mature driving habits in young, inexperienced drivers and reduce or prevent motor vehicle crashes, fatalities, and injuries by:

- (1) providing for an increase in the time of practice period before granting permission to obtain a driver's license;
- (2) strengthening driver licensing and testing standards for persons under the age of 21 years;
- (3) sanctioning driving privileges of drivers under age 21 who have committed serious traffic violations or other specified offenses; and
- (4) setting stricter standards to promote the public's health and safety.

(b) The application of any person under the age of 18 years, and not legally emancipated, for a driver's license or permit to operate a motor vehicle issued under the laws of this State, shall be accompanied by the written consent of either parent of the applicant; otherwise by the guardian having custody of the applicant, or in the event there is no parent or guardian, then by another responsible adult. The written consent must accompany any application for a driver's license under this subsection (b), regardless of whether or not the required written consent also accompanied the person's previous application for an instruction permit. No graduated driver's license shall be issued to any applicant under 18 years of age, unless the applicant is at least 16 years of age and has:

- (1) Held a valid instruction permit for a minimum of 9 months.
- (2) Passed an approved driver education course and submits proof of having passed the course as may be required.
- (3) Certification by the parent, legal guardian, or responsible adult that the applicant has had a minimum of 50 hours of behind-the-wheel practice time, at least 10 hours of which have been at night, and is sufficiently prepared and able to safely operate a motor vehicle. (b-1) No graduated driver's license shall be issued to any applicant who is under 18 years of age and not legally emancipated, unless the applicant has graduated from a secondary school of this State or any other state, is enrolled in a course leading to a State of Illinois High School Diploma, has obtained a State of Illinois High School Diploma, is enrolled in an elementary or secondary school or college or university of this State or any other state and is not a chronic or habitual truant as provided in Section 26-2a of the School Code, or is receiving home instruction and submits proof of meeting any of those requirements at the time of application. An applicant under 18 years of age who provides proof acceptable to the Secretary that the applicant has resumed regular school attendance or home instruction or that his or her application was denied in error shall be eligible to receive a graduated license if other requirements are met. The Secretary shall adopt rules for implementing this subsection (b-1).

(c) No graduated driver's license or permit shall be issued to any applicant under 18 years of age who has committed the offense of operating a motor vehicle without a valid license or permit in violation of Section 6-101 of this Code or a similar out of state offense and no graduated driver's license or permit shall be issued to any applicant under 18 years of age who has committed an offense that would otherwise result in a mandatory revocation of a license or permit as provided in Section 6-205 of this Code or who has been either convicted of or adjudicated a delinquent based upon a violation of the Cannabis Control Act, the Illinois Controlled Substances Act, the Use of Intoxicating Compounds Act, or the Methamphetamine Control and Community Protection Act while that individual was in actual physical control of a motor vehicle. For purposes of this Section, any person placed on probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act shall not be considered convicted. Any person found guilty of such an offense, while in actual physical control of a motor vehicle, shall have an entry made in the court record by the judge that the offense did occur while the person was in actual physical control of a motor vehicle and order the clerk of the court to report the violation to the Secretary of State as such.

(d) No graduated driver's license shall be issued for 9 months to any applicant under the age of 18 years who has committed and subsequently been convicted of an offense against traffic regulations governing the movement of vehicles, any violation of this Section or Section 12-603.1 of this Code, or who has received a disposition of court supervision for a violation of Section 6-20 of the Illinois Liquor Control Act of 1934 or a similar provision of a local ordinance.

(e) No graduated driver's license holder under the age of 18 years shall operate any motor vehicle, except a motor driven cycle or motorcycle, with more than one passenger in the front seat of the motor vehicle and no more passengers in the back seats than the number of available seat safety belts as set forth in Section 12-603 of this Code. If a graduated driver's license holder over the age of 18 committed an offense against traffic regulations governing the movement of vehicles or any violation of this Section or Section 12-603.1 of this Code in the 6 months prior to the graduated driver's

license holder's 18th birthday, and was subsequently convicted of the violation, the provisions of this paragraph shall continue to apply until such time as a period of 6 consecutive months has elapsed without an additional violation and subsequent conviction of an offense against traffic regulations governing the movement of vehicles or any violation of this Section or Section 12-603.1 of this Code.

(f) (Blank).

(g) If a graduated driver's license holder is under the age of 18 when he or she receives the license, for the first 12 months he or she holds the license or until he or she reaches the age of 18, whichever occurs sooner, the graduated license holder may not operate a motor vehicle with more than one passenger in the vehicle who is under the age of 20, unless any additional passenger or passengers are siblings, step-siblings, children, or stepchildren of the driver. If a graduated driver's license holder committed an offense against traffic regulations governing the movement of vehicles or any violation of this Section or Section 12-603.1 of this Code during the first 12 months the license is held and subsequently is convicted of the violation, the provisions of this paragraph shall remain in effect until such time as a period of 6 consecutive months has elapsed without an additional violation and subsequent conviction of an offense against traffic regulations governing the movement of vehicles or any violation of this Section or Section 12-603.1 of this Code.

(h) It shall be an offense for a person that is age 15, but under age 20, to be a passenger in a vehicle operated by a driver holding a graduated driver's license during the first 12 months the driver holds the license or until the driver reaches the age of 18, whichever occurs sooner, if another passenger under the age of 20 is present, excluding a sibling, step-sibling, child, or step-child of the driver.

(i) No graduated driver's license shall be issued to any applicant under the age of 18 years if the applicant has been issued a traffic citation for which a disposition has not been rendered at the time of application.

625 ILCS 5/6-107.1 — Instruction permit for a minor

Sec. 6-107.1. Instruction permit for a minor.

(a) The Secretary of State, upon receiving proper application and payment of the required fee, may issue an instruction permit to any person under the age of 18 years who is not ineligible for a license under paragraphs 1, 3, 4, 5, 7, or 8 of Section 6-103, after the applicant has successfully passed such examination as the Secretary of State in his discretion may prescribe.

(1) An instruction permit issued under this Section shall be valid for a period of 24 months after the date of its issuance and shall be restricted, by the Secretary of State, to the operation of a motor vehicle by the minor only when under direct supervision of the adult instructor of a driver education program during enrollment in the program or when practicing under direct supervision of a parent, legal guardian, family member, or a person in loco parentis who is 21 years of age or more, has a license classification to operate such vehicle and at least one year of driving experience, and who is occupying a seat beside the driver.

(2) A 24 month instruction permit for a motor driven cycle may be issued to a person 16 or 17 years of age and entitles the holder to drive upon the highways during daylight under direct supervision of a licensed motor driven cycle operator or motorcycle operator 21 years of age or older who has a license classification to operate such motor driven cycle or motorcycle and at least one year of driving experience.

(3) A 24 month instruction permit for a motorcycle other than a motor driven cycle may be issued to a person 16 or 17 years of age in accordance with the provisions of paragraph 2 of Section 6-103 and entitles a holder to drive upon the highways during daylight under the direct supervision of a licensed motorcycle operator 21 years of age or older who has at least one year of driving experience.

(b) An instruction permit issued under this Section when issued to a person under the age of 18 years shall, as a matter of law, be invalid for the operation of any motor vehicle during the following times:

(1) Between 11:00 p.m. Friday and 6:00 a.m. Saturday;

(2) Between 11:00 p.m. Saturday and 6:00 a.m. on Sunday; and

(3) Between 10:00 p.m. on Sunday to Thursday, inclusive, and 6:00 a.m. on the following day. The instruction permit of a person under the age of 18 shall not be invalid as described in paragraph

(b) of this Section if the instruction permit holder under the age of 18 was:

(1) accompanied by the minor's parent or guardian or other person in custody or control of the minor;

- (2) on an errand at the direction of the minor's parent or guardian, without any detour or stop;
 - (3) in a motor vehicle involved in interstate travel;
 - (4) going to or returning home from an employment activity, without any detour or stop;
 - (5) involved in an emergency;
 - (6) going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by a government or governmental agency, a civic organization, or another similar entity that takes responsibility for the licensee, without any detour or stop;
 - (7) exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
 - (8) married or had been married or is an emancipated minor under the Emancipation of Minors Act. (b-1) No instruction permit shall be issued to any applicant who is under the age of 18 years and who has been certified to be a chronic or habitual truant, as defined in Section 26-2a of the School Code. An applicant under the age of 18 years who provides proof that he or she has resumed regular school attendance or that his or her application was denied in error shall be eligible to receive an instruction permit if other requirements are met. The Secretary shall adopt rules for implementing this subsection (b-1).
- (c) Any person under the age of 16 years who possesses an instruction permit and whose driving privileges have been suspended or revoked under the provisions of this Code shall not be granted a Family Financial Responsibility Driving Permit or a Restricted Driving Permit.

625 ILCS 5/6-107.2 — Rules for graduated licenses

Sec. 6-107.2. Rules for graduated licenses. The Secretary of State, using the authority to license motor vehicle operators, may adopt such rules as may be necessary to establish standards, policies, and procedures for graduated licenses.

625 ILCS 5/6-107.3 — Distinct nature of driver's license dependent on age

Sec. 6-107.3. Distinct nature of driver's license dependent on age. The Secretary of State shall provide that each graduated driver's license and each regular driver's license issued to individuals under 21 years of age shall be of a distinct nature from those driver's licenses issued to individuals 21 years of age and older. The colors designated for the graduated driver's license and regular driver's license shall be at the discretion of the Secretary of State.

625 ILCS 5/6-107.4 — Temporary driver's license; applicant under 18

Sec. 6-107.4. Temporary driver's license; applicant under 18. The Secretary of State may issue a temporary driver's license to an applicant under the age of 18 permitting the operation of a motor vehicle when the Secretary of State is unable to produce a driver's license due to an equipment or computer program failure or lack of necessary equipment, if the applicant is not otherwise ineligible for a driver's license and has met all the requirements of Section 6-107. The temporary driver's license must be in the applicant's immediate possession while he or she is operating a motor vehicle. The temporary license is invalid if the applicant's driver's license has been issued or for good cause has been refused. The Secretary of State may issue this temporary driver's license for any appropriate period not exceeding 30 days.

625 ILCS 5/6-107.5 — Adult Driver Education Course

Sec. 6-107.5. Adult Driver Education Course.

- (a) The Secretary shall establish by rule the curriculum and designate the materials to be used in an adult driver education course. The course shall be at least 6 hours in length and shall include instruction on traffic laws; highway signs, signals, and markings that regulate, warn, or direct traffic; issues commonly associated with motor vehicle crashes including poor decision-making, risk taking, impaired driving, distraction, speed, failure to use a safety belt, driving at night, failure to yield the right-of-way, texting while driving, using wireless communication devices, and alcohol and drug awareness; and instruction on law enforcement procedures during traffic stops, including actions that a motorist should take during a traffic stop and appropriate interactions with law enforcement officers. The curriculum shall not require the operation of a motor vehicle.
- (b) The Secretary shall certify course providers. The requirements to be a certified course provider, the process for applying for certification, and the procedure for decertifying a course provider shall be established by rule. (b-5) In order to qualify for certification as an adult driver education course provider, each applicant must authorize an investigation that

includes a fingerprint-based background check to determine if the applicant has ever been convicted of a criminal offense and, if so, the disposition of any conviction. This authorization shall indicate the scope of the inquiry and the agencies that may be contacted. Upon receiving this authorization, the Secretary of State may request and receive information and assistance from any federal, State, or local governmental agency as part of the authorized investigation. Each applicant shall submit his or her fingerprints to the Illinois State Police in the form and manner prescribed by the Illinois State Police. These fingerprints shall be checked against fingerprint records now and hereafter filed in the Illinois State Police and Federal Bureau of Investigation criminal history record databases. The Illinois State Police shall charge applicants a fee for conducting the criminal history record check, which shall be deposited into the State Police Services Fund and shall not exceed the actual cost of the State and national criminal history record check. The Illinois State Police shall furnish, pursuant to positive identification, records of Illinois criminal convictions to the Secretary and shall forward the national criminal history record information to the Secretary. Applicants shall pay any other fingerprint-related fees. Unless otherwise prohibited by law, the information derived from the investigation, including the source of the information and any conclusions or recommendations derived from the information by the Secretary of State, shall be provided to the applicant upon request to the Secretary of State prior to any final action by the Secretary of State on the application. Any criminal conviction information obtained by the Secretary of State shall be confidential and may not be transmitted outside the Office of the Secretary of State, except as required by this subsection (b-5), and may not be transmitted to anyone within the Office of the Secretary of State except as needed for the purpose of evaluating the applicant. At any administrative hearing held under Section 2-118 of this Code relating to the denial, cancellation, suspension, or revocation of certification of an adult driver education course provider, the Secretary of State may utilize at that hearing any criminal history, criminal conviction, and disposition information obtained under this subsection (b-5). The information obtained from the investigation may be maintained by the Secretary of State or any agency to which the information was transmitted. Only information and standards which bear a reasonable and rational relation to the performance of providing adult driver education shall be used by the Secretary of State. Any employee of the Secretary of State who gives or causes to be given away any confidential information concerning any criminal convictions or disposition of criminal convictions of an applicant shall be guilty of a Class A misdemeanor unless release of the information is authorized by this Section.

(c) The Secretary may permit a course provider to offer the course online, if the Secretary is satisfied the course provider has established adequate procedures for verifying:

- (1) the identity of the person taking the course online; and
- (2) the person completes the entire course.

(d) The Secretary shall establish a method of electronic verification of a student's successful completion of the course.

(e) The fee charged by the course provider must bear a reasonable relationship to the cost of the course. The Secretary shall post on the Secretary of State's website a list of approved course providers, the fees charged by the providers, and contact information for each provider.

(f) In addition to any other fee charged by the course provider, the course provider shall collect a fee of \$5 from each student to offset the costs incurred by the Secretary in administering this program. The \$5 shall be submitted to the Secretary within 14 days of the day on which it was collected. All such fees received by the Secretary shall be deposited in the DMV Transformation Fund.

625 ILCS 5/6-108 — Cancellation of license issued to minor

Sec. 6-108. Cancellation of license issued to minor.

(a) The Secretary of State shall cancel the license or permit of any minor under the age of 18 years in any of the following events: 1. Upon the verified written request of the person who consented to the application of the minor that the license or permit be cancelled; 2. Upon receipt of satisfactory evidence of the death of the person who consented to the application of the minor; 3. Upon receipt of satisfactory evidence that the person who consented to the application of a minor no longer has legal custody of the minor; 4. Upon receipt of information, submitted on a form prescribed by the Secretary of State under Section 26-3a of the School Code and provided voluntarily by nonpublic schools, that a license-holding minor no longer meets the school attendance requirements defined in Section 6-107 of this Code. A minor who provides proof acceptable to the Secretary that the minor has resumed regular school attendance or home instruction or that his or her license or permit was cancelled in error shall have his or her license reinstated. The Secretary shall adopt rules for implementing this subdivision (a)4; 5. Upon determination by the Secretary that at the time of license issuance, the minor

held an instruction permit and had a traffic citation for which a disposition had not been rendered. After cancellation, the Secretary of State shall not issue a new license or permit until the applicant meets the provisions of Section 6-107 of this Code.

(b) The Secretary of State shall cancel the license or permit of any person under the age of 18 years if he or she is convicted of violating the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act while that person was in actual physical control of a motor vehicle. For purposes of this Section, any person placed on probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act shall not be considered convicted. Any person found guilty of this offense, while in actual physical control of a motor vehicle, shall have an entry made in the court record by the judge that this offense did occur while the person was in actual physical control of a motor vehicle and order the clerk of the court to report the violation to the Secretary of State as such. After the cancellation, the Secretary of State shall not issue a new license or permit for a period of one year after the date of cancellation or until the minor attains the age of 18 years, whichever is longer. However, upon application, the Secretary of State may, if satisfied that the person applying will not endanger the public safety, or welfare, issue a restricted driving permit granting the privilege of driving a motor vehicle between the person's residence and person's place of employment or within the scope of the person's employment related duties, or to allow transportation for the person or a household member of the person's family for the receipt of necessary medical care or, if the professional evaluation indicates, provide transportation for the petitioner for alcohol remedial or rehabilitative activity, or for the person to attend classes, as a student, in an accredited educational institution; if the person is able to demonstrate that no alternative means of transportation is reasonably available; provided that the Secretary's discretion shall be limited to cases where undue hardship would result from a failure to issue such restricted driving permit. In each case the Secretary of State may issue a restricted driving permit for a period as he deems appropriate, except that the permit shall expire no later than 2 years from the date of issuance. A restricted driving permit issued hereunder shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued hereunder may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a driver remedial or rehabilitative program. Thereafter, upon reapplication for a license as provided in Section 6-106 of this Code or a permit as provided in Section 6-105 of this Code and upon payment of the appropriate application fee, the Secretary of State shall issue the applicant a license as provided in Section 6-106 of this Code or shall issue the applicant a permit as provided in Section 6-105.

625 ILCS 5/6-108.1 — Notice to Secretary; denial of license; persons under 18

Sec. 6-108.1. Notice to Secretary; denial of license; persons under 18.

(a) The State's Attorney must notify the Secretary of the charges pending against any person younger than 18 years of age who has been charged with a violation of this Code, the Criminal Code of 2012, or the Criminal Code of 1961 arising out of a crash in which the person was involved as a driver and that caused the death of or a type A injury to another person. A "type A injury" includes severely bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene. The State's Attorney must notify the Secretary on a form prescribed by the Secretary.

(b) The Secretary, upon receiving notification from the State's Attorney, may deny any driver's license to any person younger than 18 years of age against whom the charges are pending.

(c) The State's Attorney must notify the Secretary of the final disposition of the case of any person who has been denied a driver's license under subsection (b).

(d) The Secretary must adopt rules for implementing this Section.

625 ILCS 5/6-109 — Examination of applicants

Sec. 6-109. Examination of applicants.

(a) The Secretary of State shall examine every applicant for a driver's license or permit who has not been previously licensed as a driver under the laws of this State or any other state or country, or any applicant for renewal of such driver's license or permit when such license or permit has been expired for more than one year. The Secretary of State shall, subject to the provisions of paragraph (c), examine every licensed driver at least every 8 years, and may examine or

re-examine any other applicant or licensed driver, provided that during the years 1984 through 1991 those drivers issued a license for 3 years may be re-examined not less than every 7 years or more than every 10 years. The Secretary of State shall require the testing of the eyesight of any driver's license or permit applicant who has not been previously licensed as a driver under the laws of this State and shall promulgate rules and regulations to provide for the orderly administration of all the provisions of this Section. The Secretary of State shall include at least one test question that concerns the provisions of the Pedestrians with Disabilities Safety Act in the question pool used for the written portion of the driver's license examination within one year after July 22, 2010 (the effective date of Public Act 96-1167). The Secretary of State shall include, in the question pool used for the written portion of the driver's license examination, test questions concerning safe driving in the presence of bicycles, of which one may be concerning the Dutch Reach method as described in Section 2-112. The Secretary of State shall include, in the question pool used for the written portion of the driver's license examination, at least one test question concerning driver responsibilities when approaching a stationary emergency vehicle as described in Section 11-907. If an applicant gives an incorrect response to a test question concerning subsection

(c) of Section 11-907, Section 11-907.5, or subsection (a-1) of Section 11-908, then the Secretary of State shall provide the applicant with information concerning those Sections.

(b) Except as provided for those applicants in paragraph (c), such examination shall include a test of the applicant's eyesight, his or her ability to read and understand official traffic control devices, his or her knowledge of safe driving practices and the traffic laws of this State, and may include an actual demonstration of the applicant's ability to exercise ordinary and reasonable control of the operation of a motor vehicle, and such further physical and mental examination as the Secretary of State finds necessary to determine the applicant's fitness to operate a motor vehicle safely on the highways, except the examination of an applicant 75 years of age or older or, if the Secretary adopts rules under Section 37 of the Secretary of State Act to raise the age requirement for actual demonstrations, the examination of an applicant who has attained that increased age or is older shall include an actual demonstration of the applicant's ability to exercise ordinary and reasonable control of the operation of a motor vehicle. All portions of written and verbal examinations under this Section, excepting where the English language appears on facsimiles of road signs, may be given in the Spanish language and, at the discretion of the Secretary of State, in any other language as well as in English upon request of the examinee. Deaf persons who are otherwise qualified are not prohibited from being issued a license, other than a commercial driver's license, under this Code.

(c) Re-examination for those applicants who at the time of renewing their driver's license possess a driving record devoid of any convictions of traffic violations or evidence of committing an offense for which mandatory revocation would be required upon conviction pursuant to Section 6-205 at the time of renewal shall be in a manner prescribed by the Secretary in order to determine an applicant's ability to safely operate a motor vehicle, except that every applicant for the renewal of a driver's license who is 79 years of age or older must renew in person, and every applicant for the renewal of a driver's license who is 87 years of age or older or who is 75 years of age or older and holds a commercial driver's license must prove, by an actual demonstration, the applicant's ability to exercise reasonable care in the safe operation of a motor vehicle.

(d) In the event the applicant is not ineligible under the provisions of Section 6-103 to receive a driver's license, the Secretary of State shall make provision for giving an examination, either in the county where the applicant resides or at a place adjacent thereto reasonably convenient to the applicant, within not more than 30 days from the date said application is received.

(e) The Secretary of State may adopt rules regarding the use of foreign language interpreters during the application and examination process. (Text of Section from P.A. 104-260) Sec. 6-109. Examination of applicants.

(a) The Secretary of State shall examine every applicant for a driver's license or permit who has not been previously licensed as a driver under the laws of this State or any other state or country, or any applicant for renewal of such driver's license or permit when such license or permit has been expired for more than one year. The Secretary of State shall, subject to the provisions of paragraph (c), examine every licensed driver at least every 8 years, and may examine or re-examine any other applicant or licensed driver, provided that during the years 1984 through 1991 those drivers issued a license for 3 years may be re-examined not less than every 7 years or more than every 10 years. The Secretary of State shall require the testing of the eyesight of any driver's license or permit applicant who has not been previously licensed as a driver under the laws of this State and shall promulgate rules and regulations to provide for the orderly administration of all the provisions of this Section. The Secretary of State shall include at least one test question that concerns the

provisions of the Pedestrians with Disabilities Safety Act in the question pool used for the written portion of the driver's license examination within one year after July 22, 2010 (the effective date of Public Act 96-1167). The Secretary of State shall include, in the question pool used for the written portion of the driver's license examination, test questions concerning safe driving in the presence of bicycles, of which one may be concerning the Dutch Reach method as described in Section 2-112. The Secretary of State shall include, in the question pool used for the written portion of the driver's license examination, at least one test question concerning driver responsibilities when approaching a stationary emergency vehicle as described in Section 11-907. If an applicant gives an incorrect response to a test question concerning subsection

(c) of Section 11-907, Section 11-907.5, or subsection (a-1) of Section 11-908, then the Secretary of State shall provide the applicant with information concerning those Sections.

(b) Except as provided for those applicants in paragraph (c), such examination shall include a test of the applicant's eyesight, his or her ability to read and understand official traffic control devices, his or her knowledge of safe driving practices and the traffic laws of this State, and may include an actual demonstration of the applicant's ability to exercise ordinary and reasonable control of the operation of a motor vehicle, and such further physical and mental examination as the Secretary of State finds necessary to determine the applicant's fitness to operate a motor vehicle safely on the highways, except the examination of an applicant 75 years of age or older or, if the Secretary adopts rules under Section 37 of the Secretary of State Act to raise the age requirement for actual demonstrations, the examination of an applicant who has attained that increased age or is older shall include an actual demonstration of the applicant's ability to exercise ordinary and reasonable control of the operation of a motor vehicle. All portions of written and verbal examinations under this Section, excepting where the English language appears on facsimiles of road signs, may be given in the Spanish language and, at the discretion of the Secretary of State, in any other language as well as in English upon request of the examinee. Deaf persons who are otherwise qualified are not prohibited from being issued a license, other than a commercial driver's license, under this Code. The examination to test an applicant's ability to read and understand official traffic control devices and knowledge of safe driving practices and the traffic laws of this State may be administered at a Secretary of State facility, remotely via the Internet, or in a manner otherwise specified by the Secretary of State by administrative rule.

(c) Re-examination for those applicants who at the time of renewing their driver's license possess a driving record devoid of any convictions of traffic violations or evidence of committing an offense for which mandatory revocation would be required upon conviction pursuant to Section 6-205 at the time of renewal shall be in a manner prescribed by the Secretary in order to determine an applicant's ability to safely operate a motor vehicle, except that every applicant for the renewal of a driver's license who is 75 years of age or older or, if the Secretary adopts rules under Section 37 of the Secretary of State Act to raise the age requirement for actual demonstrations, every applicant for the renewal of a driver's license who has attained that increased age or is older must prove, by an actual demonstration, the applicant's ability to exercise reasonable care in the safe operation of a motor vehicle.

(d) In the event the applicant is not ineligible under the provisions of Section 6-103 to receive a driver's license, the Secretary of State shall make provision for giving an examination, either in the county where the applicant resides or at a place adjacent thereto reasonably convenient to the applicant, within not more than 30 days from the date said application is received.

(e) The Secretary of State may adopt rules regarding the use of foreign language interpreters during the application and examination process.

625 ILCS 5/6-110 — Licenses issued to drivers

Sec. 6-110. Licenses issued to drivers.

(a) The Secretary of State shall issue to every qualifying applicant a driver's license as applied for, which license shall bear a distinguishing number assigned to the licensee, the legal name, signature, zip code, date of birth, residence address, and a brief description of the licensee. Licenses issued shall also indicate the classification and the restrictions under Section 6-104 of this Code. The Secretary may adopt rules to establish informational restrictions that can be placed on the driver's license regarding specific conditions of the licensee. A driver's license issued may, in the discretion of the Secretary, include a suitable photograph of a type prescribed by the Secretary. (a-1) If the licensee is less than 18 years of age, unless one of the exceptions in subsection (a-2) apply, the license shall, as a matter of law, be invalid for the operation of any motor vehicle during the following times: (A) Between 11:00 p.m. Friday and 6:00 a.m. Saturday; (B)

Between 11:00 p.m. Saturday and 6:00 a.m. on Sunday; and (C) Between 10:00 p.m. on Sunday to Thursday, inclusive, and 6:00 a.m. on the following day. (a-2) The driver's license of a person under the age of 18 shall not be invalid as described in subsection (a-1) of this Section if the licensee under the age of 18 was:

- (1) accompanied by the licensee's parent or guardian or other person in custody or control of the minor;
- (2) on an errand at the direction of the minor's parent or guardian, without any detour or stop;
- (3) in a motor vehicle involved in interstate travel;
- (4) going to or returning home from an employment activity, without any detour or stop;
- (5) involved in an emergency;
- (6) going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by a government or governmental agency, a civic organization, or another similar entity that takes responsibility for the licensee, without any detour or stop;
- (7) exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
- (8) married or had been married or is an emancipated minor under the Emancipation of Minors Act. (a-2.5) The driver's license of a person who is 17 years of age and has been licensed for at least 12 months is not invalid as described in subsection (a-1) of this Section while the licensee is participating as an assigned driver in a Safe Rides program that meets the following criteria:

- (1) the program is sponsored by the Boy Scouts of America or another national public service organization; and
- (2) the sponsoring organization carries liability insurance covering the program. (a-3) If a graduated driver's license holder over the age of 18 committed an offense against traffic regulations governing the movement of vehicles or any violation of Section 6-107 or Section 12-603.1 of this Code in the 6 months prior to the graduated driver's license holder's 18th birthday, and was subsequently convicted of the offense, the provisions of subsection (a-1) shall continue to apply until such time as a period of 6 consecutive months has elapsed without an additional violation and subsequent conviction of an offense against traffic regulations governing the movement of vehicles or Section 6-107 or Section 12-603.1 of this Code. (a-4) If an applicant for a driver's license or instruction permit has a current identification card issued by the Secretary of State, the Secretary may require the applicant to utilize the same residence address and name on the identification card, driver's license, and instruction permit records maintained by the Secretary. The Secretary may promulgate rules to implement this provision. (a-5) If an applicant for a driver's license is an employee of the Department of Children and Family Services with a job title of "Child Protection Specialist Trainee", "Child Protection Specialist", "Child Protection Advanced Specialist", "Child Welfare Specialist Trainee", "Child Welfare Specialist", or "Child Welfare Advanced Specialist" or a judicial officer or a peace officer, the applicant may elect to have his or her office or work address listed on the license instead of the applicant's residence or mailing address. The Secretary of State shall adopt rules to implement this subsection (a-5). For the purposes of this subsection (a-5), "peace officer" means any person who by virtue of his or her office or public employment is vested by law with a duty to maintain public order or to make arrests for a violation of any penal statute of this State, whether that duty extends to all violations or is limited to specific violations.

(b) Until the Secretary of State establishes a First Person Consent organ and tissue donor registry under Section 6-117 of this Code, the Secretary of State shall provide a format on the reverse of each driver's license issued which the licensee may use to execute a document of gift conforming to the provisions of the Illinois Anatomical Gift Act. The format shall allow the licensee to indicate the gift intended, whether specific organs, any organ, or the entire body, and shall accommodate the signatures of the donor and 2 witnesses. The Secretary shall also inform each applicant or licensee of this format, describe the procedure for its execution, and may offer the necessary witnesses; provided that in so doing, the Secretary shall advise the applicant or licensee that he or she is under no compulsion to execute a document of gift. A brochure explaining this method of executing an anatomical gift document shall be given to each applicant or licensee. The brochure shall advise the applicant or licensee that he or she is under no compulsion to execute a document of gift, and that he or she may wish to consult with family, friends, or clergy before doing so. The Secretary of State may undertake additional efforts, including education and awareness activities, to promote organ and tissue donation.

(c) The Secretary of State shall designate on each driver's license issued a space where the licensee may place a sticker or decal of the uniform size as the Secretary may specify, which sticker or decal may indicate in appropriate language that the owner of the license carries an Emergency Medical Information Card. The sticker may be provided by any person,

hospital, school, medical group, or association interested in assisting in implementing the Emergency Medical Information Card, but shall meet the specifications as the Secretary may by rule or regulation require.

(d) (Blank).

(e) The Secretary of State shall provide that each original or renewal driver's license issued to a licensee under 21 years of age shall be of a distinct nature from those driver's licenses issued to individuals 21 years of age and older. The color designated for driver's licenses for licensees under 21 years of age shall be at the discretion of the Secretary of State.

(e-1) The Secretary shall provide that each driver's license issued to a person under the age of 21 displays the date upon which the person becomes 18 years of age and the date upon which the person becomes 21 years of age. (e-3) The General Assembly recognizes the need to identify military veterans living in this State for the purpose of ensuring that they receive all of the services and benefits to which they are legally entitled, including health care, education assistance, and job placement. To assist the State in identifying these veterans and delivering these vital services and benefits, the Secretary of State is authorized to issue drivers' licenses with the word "veteran" appearing on the face of the licenses. This authorization is predicated on the unique status of veterans. The Secretary may not issue any other driver's license which identifies an occupation, status, affiliation, hobby, or other unique characteristics of the license holder which is unrelated to the purpose of the driver's license. (e-5) Beginning on or before July 1, 2015, the Secretary of State shall designate a space on each original or renewal driver's license where, at the request of the applicant, the word "veteran" shall be placed. The veteran designation shall be available to a person identified as a veteran under subsection

(e) of Section 6-106 of this Code who was discharged or separated under honorable conditions. (e-7) Upon providing the required documentation, at the request of the applicant, the driver's license may reflect Gold Star Family designation. The Secretary shall designate a space on each original or renewal driver's license for such designation. This designation shall be available to a person eligible for Gold Star license plates under subsection

(f) of Section 6-106 of this Code.

(f) The Secretary of State shall inform all Illinois licensed commercial motor vehicle operators of the requirements of the Uniform Commercial Driver License Act, Article V of this Chapter, and shall make provisions to insure that all drivers, seeking to obtain a commercial driver's license, be afforded an opportunity prior to April 1, 1992, to obtain the license. The Secretary is authorized to extend driver's license expiration dates, and assign specific times, dates and locations where these commercial driver's tests shall be conducted. Any applicant, regardless of the current expiration date of the applicant's driver's license, may be subject to any assignment by the Secretary. Failure to comply with the Secretary's assignment may result in the applicant's forfeiture of an opportunity to receive a commercial driver's license prior to April 1, 1992.

(g) The Secretary of State shall designate on a driver's license issued, a space where the licensee may indicate that he or she has drafted a living will in accordance with the Illinois Living Will Act or a durable power of attorney for health care in accordance with the Illinois Power of Attorney Act. (g-1) The Secretary of State, in his or her discretion, may designate on each driver's license issued a space where the licensee may place a sticker or decal, issued by the Secretary of State, of uniform size as the Secretary may specify, that shall indicate in appropriate language that the owner of the license has renewed his or her driver's license.

(h) A person who acts in good faith in accordance with the terms of this Section is not liable for damages in any civil action or subject to prosecution in any criminal proceeding for his or her act.

(i) The Secretary shall designate a space on each original or renewal of a driver's license, at the request of the applicant, for a designation as a Gold Star Family. This designation shall be available to a person eligible for Gold Star license plates under subsection

(f) of Section 6-106 of this Code. (Text of Section from P.A. 104-417) Sec. 6-110. Licenses issued to drivers.

(a) The Secretary of State shall issue to every qualifying applicant a driver's license as applied for, which license shall bear a distinguishing number assigned to the licensee, the legal name, signature, zip code, date of birth, residence address, and a brief description of the licensee. Licenses issued shall also indicate the classification and the restrictions under Section 6-104 of this Code. The Secretary may adopt rules to establish informational restrictions that can be placed on the driver's license regarding specific conditions of the licensee. A driver's license issued may, in the discretion of the Secretary, include a suitable photograph of a type prescribed by the Secretary. (a-1) If the licensee is less than 18 years of age, unless one of the exceptions in subsection (a-2) apply, the license shall, as a matter of law, be invalid for the operation of any motor vehicle during the following times: (A) Between 11:00 p.m. Friday and 6:00 a.m. Saturday; (B)

Between 11:00 p.m. Saturday and 6:00 a.m. on Sunday; and (C) Between 10:00 p.m. on Sunday to Thursday, inclusive, and 6:00 a.m. on the following day. (a-2) The driver's license of a person under the age of 18 shall not be invalid as described in subsection (a-1) of this Section if the licensee under the age of 18 was:

- (1) accompanied by the licensee's parent or guardian or other person in custody or control of the minor;
- (2) on an errand at the direction of the minor's parent or guardian, without any detour or stop;
- (3) in a motor vehicle involved in interstate travel;
- (4) going to or returning home from an employment activity, without any detour or stop;
- (5) involved in an emergency;
- (6) going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by a government or governmental agency, a civic organization, or another similar entity that takes responsibility for the licensee, without any detour or stop;
- (7) exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
- (8) married or had been married or is an emancipated minor under the Emancipation of Minors Act. (a-2.5) The driver's license of a person who is 17 years of age and has been licensed for at least 12 months is not invalid as described in subsection (a-1) of this Section while the licensee is participating as an assigned driver in a Safe Rides program that meets the following criteria:

- (1) the program is sponsored by the Boy Scouts of America or another national public service organization; and
- (2) the sponsoring organization carries liability insurance covering the program. (a-3) If a graduated driver's license holder over the age of 18 committed an offense against traffic regulations governing the movement of vehicles or any violation of Section 6-107 or Section 12-603.1 of this Code in the 6 months prior to the graduated driver's license holder's 18th birthday, and was subsequently convicted of the offense, the provisions of subsection (a-1) shall continue to apply until such time as a period of 6 consecutive months has elapsed without an additional violation and subsequent conviction of an offense against traffic regulations governing the movement of vehicles or Section 6-107 or Section 12-603.1 of this Code. (a-4) If an applicant for a driver's license or instruction permit has a current identification card issued by the Secretary of State, the Secretary may require the applicant to utilize the same residence address and name on the identification card, driver's license, and instruction permit records maintained by the Secretary. The Secretary may promulgate rules to implement this provision. (a-5) If an applicant for a driver's license is an employee of the Department of Children and Family Services with a job title of "Child Protection Specialist Trainee", "Child Protection Specialist", "Child Protection Advanced Specialist", "Child Welfare Specialist Trainee", "Child Welfare Specialist", or "Child Welfare Advanced Specialist" or a judicial officer or a peace officer, the applicant may elect to have his or her office or work address listed on the license instead of the applicant's residence or mailing address. The Secretary of State shall adopt rules to implement this subsection (a-5). For the purposes of this subsection (a-5), "peace officer" means any person who by virtue of his or her office or public employment is vested by law with a duty to maintain public order or to make arrests for a violation of any penal statute of this State, whether that duty extends to all violations or is limited to specific violations.

(b) Until the Secretary of State establishes a First Person Consent organ and tissue donor registry under Section 6-117 of this Code, the Secretary of State shall provide a format on the reverse of each driver's license issued which the licensee may use to execute a document of gift conforming to the provisions of the Illinois Anatomical Gift Act. The format shall allow the licensee to indicate the gift intended, whether specific organs, any organ, or the entire body, and shall accommodate the signatures of the donor and 2 witnesses. The Secretary shall also inform each applicant or licensee of this format, describe the procedure for its execution, and may offer the necessary witnesses; provided that in so doing, the Secretary shall advise the applicant or licensee that he or she is under no compulsion to execute a document of gift. A brochure explaining this method of executing an anatomical gift document shall be given to each applicant or licensee. The brochure shall advise the applicant or licensee that he or she is under no compulsion to execute a document of gift, and that he or she may wish to consult with family, friends, or clergy before doing so. The Secretary of State may undertake additional efforts, including education and awareness activities, to promote organ and tissue donation.

(c) The Secretary of State shall designate on each driver's license issued a space where the licensee may place a sticker or decal of the uniform size as the Secretary may specify, which sticker or decal may indicate in appropriate language that the owner of the license carries an Emergency Medical Information Card. The sticker may be provided by any person,

hospital, school, medical group, or association interested in assisting in implementing the Emergency Medical Information Card, but shall meet the specifications as the Secretary may by rule or regulation require.

(d) The Secretary of State shall designate on each driver's license issued a space where the licensee may indicate his blood type and RH factor.

(e) The Secretary of State shall provide that each original or renewal driver's license issued to a licensee under 21 years of age shall be of a distinct nature from those driver's licenses issued to individuals 21 years of age and older. The color designated for driver's licenses for licensees under 21 years of age shall be at the discretion of the Secretary of State.

(e-1) The Secretary shall provide that each driver's license issued to a person under the age of 21 displays the date upon which the person becomes 18 years of age and the date upon which the person becomes 21 years of age. (e-3) The General Assembly recognizes the need to identify military veterans living in this State for the purpose of ensuring that they receive all of the services and benefits to which they are legally entitled, including health care, education assistance, and job placement. To assist the State in identifying these veterans and delivering these vital services and benefits, the Secretary of State is authorized to issue drivers' licenses with the word "veteran" appearing on the face of the licenses. This authorization is predicated on the unique status of veterans. The Secretary may not issue any other driver's license which identifies an occupation, status, affiliation, hobby, or other unique characteristics of the license holder which is unrelated to the purpose of the driver's license. (e-5) Beginning on or before July 1, 2015, the Secretary of State shall designate a space on each original or renewal driver's license where, at the request of the applicant, the word "veteran" shall be placed. The veteran designation shall be available to a person identified as a veteran under subsection

(e) of Section 6-106 of this Code who was discharged or separated under honorable conditions. (e-7) Upon providing the required documentation, at the request of the applicant, the driver's license may reflect Gold Star Family designation. The Secretary shall designate a space on each original or renewal driver's license for such designation. This designation shall be available to a person eligible for Gold Star license plates under subsection

(f) of Section 6-106 of this Code.

(f) The Secretary of State shall inform all Illinois licensed commercial motor vehicle operators of the requirements of the Uniform Commercial Driver License Act, Article V of this Chapter, and shall make provisions to insure that all drivers, seeking to obtain a commercial driver's license, be afforded an opportunity prior to April 1, 1992, to obtain the license. The Secretary is authorized to extend driver's license expiration dates, and assign specific times, dates and locations where these commercial driver's tests shall be conducted. Any applicant, regardless of the current expiration date of the applicant's driver's license, may be subject to any assignment by the Secretary. Failure to comply with the Secretary's assignment may result in the applicant's forfeiture of an opportunity to receive a commercial driver's license prior to April 1, 1992.

(g) The Secretary of State shall designate on a driver's license issued, a space where the licensee may indicate that he or she has drafted a living will in accordance with the Illinois Living Will Act or a durable power of attorney for health care in accordance with the Illinois Power of Attorney Act. (g-1) The Secretary of State, in his or her discretion, may designate on each driver's license issued a space where the licensee may place a sticker or decal, issued by the Secretary of State, of uniform size as the Secretary may specify, that shall indicate in appropriate language that the owner of the license has renewed his or her driver's license.

(h) A person who acts in good faith in accordance with the terms of this Section is not liable for damages in any civil action or subject to prosecution in any criminal proceeding for his or her act.

(i) The Secretary shall designate a space on each original or renewal of a driver's license, at the request of the applicant, for a designation as a Gold Star Family. This designation shall be available to a person eligible for Gold Star license plates under subsection

(f) of Section 6-106 of this Code. (Text of Section from P.A. 104-443) Sec. 6-110. Licenses issued to drivers.

(a) The Secretary of State shall issue to every qualifying applicant a driver's license as applied for, which license shall bear a distinguishing number assigned to the licensee, the legal name, signature, zip code, date of birth, residence address, and a brief description of the licensee. Licenses issued shall also indicate the classification and the restrictions under Section 6-104 of this Code. The Secretary may adopt rules to establish informational restrictions that can be placed on the driver's license regarding specific conditions of the licensee. A driver's license issued may, in the discretion of the Secretary, include a suitable photograph of a type prescribed by the Secretary. (a-1) If the licensee is less than 18 years of age, unless one of the exceptions in subsection (a-2) apply, the license shall, as a matter of law, be invalid for the

operation of any motor vehicle during the following times: (A) Between 11:00 p.m. Friday and 6:00 a.m. Saturday; (B) Between 11:00 p.m. Saturday and 6:00 a.m. on Sunday; and (C) Between 10:00 p.m. on Sunday to Thursday, inclusive, and 6:00 a.m. on the following day. (a-2) The driver's license of a person under the age of 18 shall not be invalid as described in subsection (a-1) of this Section if the licensee under the age of 18 was:

- (1) accompanied by the licensee's parent or guardian or other person in custody or control of the minor;
- (2) on an errand at the direction of the minor's parent or guardian, without any detour or stop;
- (3) in a motor vehicle involved in interstate travel;
- (4) going to or returning home from an employment activity, without any detour or stop;
- (5) involved in an emergency;
- (6) going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by a government or governmental agency, a civic organization, or another similar entity that takes responsibility for the licensee, without any detour or stop;
- (7) exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
- (8) married or had been married or is an emancipated minor under the Emancipation of Minors Act. (a-2.5) The driver's license of a person who is 17 years of age and has been licensed for at least 12 months is not invalid as described in subsection (a-1) of this Section while the licensee is participating as an assigned driver in a Safe Rides program that meets the following criteria:

- (1) the program is sponsored by the Boy Scouts of America or another national public service organization; and
- (2) the sponsoring organization carries liability insurance covering the program. (a-3) If a graduated driver's license holder over the age of 18 committed an offense against traffic regulations governing the movement of vehicles or any violation of Section 6-107 or Section 12-603.1 of this Code in the 6 months prior to the graduated driver's license holder's 18th birthday, and was subsequently convicted of the offense, the provisions of subsection (a-1) shall continue to apply until such time as a period of 6 consecutive months has elapsed without an additional violation and subsequent conviction of an offense against traffic regulations governing the movement of vehicles or Section 6-107 or Section 12-603.1 of this Code. (a-4) If an applicant for a driver's license or instruction permit has a current identification card issued by the Secretary of State, the Secretary may require the applicant to utilize the same residence address and name on the identification card, driver's license, and instruction permit records maintained by the Secretary. The Secretary may promulgate rules to implement this provision. (a-5) If an applicant for a driver's license is an employee of the Department of Children and Family Services with a job title of "Child Protection Specialist Trainee", "Child Protection Specialist", "Child Protection Advanced Specialist", "Child Welfare Specialist Trainee", "Child Welfare Specialist", or "Child Welfare Advanced Specialist" or a judicial officer, public official, or a peace officer, the applicant may elect to have his or her office or work address listed on the license instead of the applicant's residence or mailing address. The Secretary of State shall adopt rules to implement this subsection (a-5). As used in this subsection (a-5): "Peace officer" means any person who by virtue of his or her office or public employment is vested by law with a duty to maintain public order or to make arrests for a violation of any penal statute of this State, whether that duty extends to all violations or is limited to specific violations. "Public official" has the meaning given in Section 10 of the Public Official Safety and Privacy Act.

(b) Until the Secretary of State establishes a First Person Consent organ and tissue donor registry under Section 6-117 of this Code, the Secretary of State shall provide a format on the reverse of each driver's license issued which the licensee may use to execute a document of gift conforming to the provisions of the Illinois Anatomical Gift Act. The format shall allow the licensee to indicate the gift intended, whether specific organs, any organ, or the entire body, and shall accommodate the signatures of the donor and 2 witnesses. The Secretary shall also inform each applicant or licensee of this format, describe the procedure for its execution, and may offer the necessary witnesses; provided that in so doing, the Secretary shall advise the applicant or licensee that he or she is under no compulsion to execute a document of gift. A brochure explaining this method of executing an anatomical gift document shall be given to each applicant or licensee. The brochure shall advise the applicant or licensee that he or she is under no compulsion to execute a document of gift, and that he or she may wish to consult with family, friends, or clergy before doing so. The Secretary of State may undertake additional efforts, including education and awareness activities, to promote organ and tissue donation.

(c) The Secretary of State shall designate on each driver's license issued a space where the licensee may place a sticker or decal of the uniform size as the Secretary may specify, which sticker or decal may indicate in appropriate language that

the owner of the license carries an Emergency Medical Information Card. The sticker may be provided by any person, hospital, school, medical group, or association interested in assisting in implementing the Emergency Medical Information Card, but shall meet the specifications as the Secretary may by rule or regulation require.

(d) The Secretary of State shall designate on each driver's license issued a space where the licensee may indicate his blood type and RH factor.

(e) The Secretary of State shall provide that each original or renewal driver's license issued to a licensee under 21 years of age shall be of a distinct nature from those driver's licenses issued to individuals 21 years of age and older. The color designated for driver's licenses for licensees under 21 years of age shall be at the discretion of the Secretary of State.

(e-1) The Secretary shall provide that each driver's license issued to a person under the age of 21 displays the date upon which the person becomes 18 years of age and the date upon which the person becomes 21 years of age. (e-3) The General Assembly recognizes the need to identify military veterans living in this State for the purpose of ensuring that they receive all of the services and benefits to which they are legally entitled, including health care, education assistance, and job placement. To assist the State in identifying these veterans and delivering these vital services and benefits, the Secretary of State is authorized to issue drivers' licenses with the word "veteran" appearing on the face of the licenses. This authorization is predicated on the unique status of veterans. The Secretary may not issue any other driver's license which identifies an occupation, status, affiliation, hobby, or other unique characteristics of the license holder which is unrelated to the purpose of the driver's license. (e-5) Beginning on or before July 1, 2015, the Secretary of State shall designate a space on each original or renewal driver's license where, at the request of the applicant, the word "veteran" shall be placed. The veteran designation shall be available to a person identified as a veteran under subsection

(e) of Section 6-106 of this Code who was discharged or separated under honorable conditions. (e-7) Upon providing the required documentation, at the request of the applicant, the driver's license may reflect Gold Star Family designation. The Secretary shall designate a space on each original or renewal driver's license for such designation. This designation shall be available to a person eligible for Gold Star license plates under subsection

(f) of Section 6-106 of this Code.

(f) The Secretary of State shall inform all Illinois licensed commercial motor vehicle operators of the requirements of the Uniform Commercial Driver License Act, Article V of this Chapter, and shall make provisions to insure that all drivers, seeking to obtain a commercial driver's license, be afforded an opportunity prior to April 1, 1992, to obtain the license. The Secretary is authorized to extend driver's license expiration dates, and assign specific times, dates and locations where these commercial driver's tests shall be conducted. Any applicant, regardless of the current expiration date of the applicant's driver's license, may be subject to any assignment by the Secretary. Failure to comply with the Secretary's assignment may result in the applicant's forfeiture of an opportunity to receive a commercial driver's license prior to April 1, 1992.

(g) The Secretary of State shall designate on a driver's license issued, a space where the licensee may indicate that he or she has drafted a living will in accordance with the Illinois Living Will Act or a durable power of attorney for health care in accordance with the Illinois Power of Attorney Act. (g-1) The Secretary of State, in his or her discretion, may designate on each driver's license issued a space where the licensee may place a sticker or decal, issued by the Secretary of State, of uniform size as the Secretary may specify, that shall indicate in appropriate language that the owner of the license has renewed his or her driver's license.

(h) A person who acts in good faith in accordance with the terms of this Section is not liable for damages in any civil action or subject to prosecution in any criminal proceeding for his or her act.

(i) The Secretary shall designate a space on each original or renewal of a driver's license, at the request of the applicant, for a designation as a Gold Star Family. This designation shall be available to a person eligible for Gold Star license plates under subsection

(f) of Section 6-106 of this Code.

625 ILCS 5/6-110.1 — Confidentiality of captured photographs or images

Sec. 6-110.1. Confidentiality of captured photographs or images.

(a) The Secretary of State shall maintain a file on or contract to file all photographs and signatures obtained in the process of issuing a driver's license, permit, or identification card. Except as otherwise provided in this Section, the photographs and signatures shall be confidential and shall not be disclosed except to the following persons:

- (1) the individual to whom the driver's license or permit was issued, upon written request;
 - (2) officers and employees of the Secretary of State who have a need to have access to the stored images for purposes of issuing and controlling driver's licenses, permits, or identification cards and investigation of fraud or misconduct;
 - (3) law enforcement officials for a civil or criminal law enforcement investigation, except as restricted by Section 6-110.3;
 - (3-5) the State Board of Elections for the sole purpose of providing the signatures required by a local election authority to register a voter through an online voter registration system;
 - (3-10) officers and employees of the Secretary of State who have a need to have access to the stored images for purposes of issuing and controlling notary public commissions and for the purpose of providing the signatures required to process online applications for appointment and commission as notaries public; or
 - (4) other entities that the Secretary may authorize by rule.
- (b) The Secretary of State shall not provide facial recognition search services or photographs obtained in the process of issuing a driver's license or permit to any federal, State, or local law enforcement agency or other governmental entity for the purpose of enforcing federal immigration laws. This subsection shall not apply to requests from federal, State, or local law enforcement agencies or other governmental entities for facial recognition search services or photographs obtained in the process of issuing a driver's license or permit when the purpose of the request relates to criminal activity other than violations of immigration laws.

625 ILCS 5/6-110.2 — Confidentiality of documents submitted with an application for a driver's license

Sec. 6-110.2. Confidentiality of documents submitted with an application for a driver's license. Documents required to be submitted with an application for a driver's license to prove the applicant's identity (name and date of birth), social security number or lack of a social security number, written signature, residency, and, as applicable, citizenship or immigration status and country of citizenship shall be confidential and shall not be disclosed except to the following persons:

- (1) the individual to whom the driver's license or permit was issued, upon written request;
- (2) officers and employees of the Secretary of State who have a need to have access to the stored images for purposes of issuing and controlling driver's licenses, permits, or identification cards and investigation of fraud or misconduct;
- (3) law enforcement officials for a civil or criminal law enforcement investigation, except as restricted by Section 6-110.3;
- (4) other entities that the Secretary may authorize by rule.

625 ILCS 5/6-110.3 — Restrictions on use of information for certain purposes

Sec. 6-110.3. Restrictions on use of information for certain purposes.

(a) Notwithstanding any other provision of law, the Secretary may not release or make accessible in any manner any highly restricted personal information as defined in Section 1-125.9 or personally identifying information as defined in Section 1-159.2, provide images, photos, or facial recognition services as described in Section 6-110.1, or disclose documents as described in Section 6-110.2 to any immigration agent as defined in Section 10 of the Illinois TRUST Act, unless necessary to comply with the following, to the extent that production of such information or documents is specifically required:

- (1) a lawful court order;
- (2) a judicial warrant signed by a judge appointed pursuant to Article III of the Constitution of the United States; or
- (3) a subpoena for individual records issued by a federal or State court. When responding to such a court order, warrant, or subpoena, the Secretary shall disclose only those documents or information specifically requested. Within 3 business days of receiving such a court order, warrant, or subpoena, the Secretary shall send a notification to the individual about whom such information was requested that a court order, warrant, or subpoena was received and the identity of the entity that presented the court order, warrant, or subpoena.

(b) The Secretary shall not enter into or maintain any agreement regarding the sharing of any highly restricted personal information as defined in Section 1-125.9, personally identifying information as defined in Section 1-159.2, images or photos described in Section 6-110.1, or documents described in Section 6-110.2 unless all other parties to such agreement certify that the information obtained will not be used for civil immigration purposes or knowingly disseminated to any third party for any purpose related to civil immigration enforcement.

625 ILCS 5/6-112 — License and Permits to be carried and exhibited on demand

Sec. 6-112. License and Permits to be carried and exhibited on demand. Every licensee or permittee shall have his drivers license or permit in his immediate possession at all times when operating a motor vehicle and, for the purpose of indicating compliance with this requirement, shall display such license or permit if it is in his possession upon demand made, when in uniform or displaying a badge or other sign of authority, by a member of the Illinois State Police, a sheriff or other police officer or designated agent of the Secretary of State. However, no person charged with violating this Section shall be convicted if he produces in court satisfactory evidence that a drivers license was theretofore issued to him and was valid at the time of his arrest. For the purposes of this Section, "display" means the manual surrender of his license certificate into the hands of the demanding officer for his inspection thereof.

625 ILCS 5/6-113 — Restricted licenses and permits

Sec. 6-113. Restricted licenses and permits.

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

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

(c) The Secretary of State may issue a probationary license to a person whose driving privileges have been suspended pursuant to subsection

(d) of this Section or subsection (a)(2) of Section 6-206 of this Code. This subsection

(c) does not apply to any driver required to possess a CDL for the purpose of operating a commercial motor vehicle. The Secretary of State shall promulgate rules pursuant to the Illinois Administrative Procedure Act, setting forth the conditions and criteria for the issuance and cancellation of probationary licenses.

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

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

(f) Whenever the holder of a restricted driving permit is issued a citation for any of the following offenses including similar local ordinances, the restricted driving permit is immediately invalidated: 1. Reckless homicide resulting from the operation of a motor vehicle; 2. Violation of Section 11-501 of this Act relating to the operation of a motor vehicle while under the influence of intoxicating liquor or narcotic drugs; 3. Violation of Section 11-401 of this Act relating to the offense of leaving the scene of a traffic crash involving death or injury; 4. Violation of Section 11-504 of this Act relating to the offense of drag racing; or 5. Violation of Section 11-506 of this Act relating to the offense of street racing. The police officer issuing the citation shall confiscate the restricted driving permit and forward it, along with the citation, to the Clerk of the Circuit Court of the county in which the citation was issued.

(g) The Secretary of State may issue a special restricted license for a period of 48 months to individuals using vision aid arrangements other than standard eyeglasses or contact lenses, allowing the operation of a motor vehicle during nighttime hours. The Secretary of State shall adopt rules defining the terms and conditions by which the individual may obtain and renew this special restricted license. At a minimum, all drivers must meet the following requirements: 1. Possess a valid driver's license and have operated a motor vehicle during daylight hours for a period of 12 months using vision aid arrangements other than standard eyeglasses or contact lenses. 2. Have a driving record that does not include any traffic crashes that occurred during nighttime hours, for which the driver has been found to be at fault, during the 12 months before he or she applied for the special restricted license. 3. Successfully complete a road test administered during nighttime hours. The special restricted license holder must submit to the Secretary annually a vision specialist report from his or her ophthalmologist or optometrist that the special restricted license holder's vision has not changed. If the special restricted license holder fails to submit this vision specialist report, the special restricted license shall be cancelled under Section 6-201 of this Code. At a minimum, all drivers renewing this license must meet the following requirements: 1. Successfully complete a road test administered during nighttime hours. 2. Have a driving record that does not include any traffic crashes that occurred during nighttime hours, for which the driver has been found to be at

fault, during the 12 months before he or she applied for the special restricted license.

(h) Any driver issued a special restricted license as defined in subsection

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

(i) The Secretary of State may issue a special restricted training permit for a period of 6 months to individuals using vision aid arrangements other than standard eyeglasses or contact lenses, allowing the operation of a motor vehicle between sunset and 10:00 p.m. provided the driver is accompanied by a person holding a valid driver's license without nighttime operation restrictions. The Secretary may adopt rules defining the terms and conditions by which the individual may obtain and renew this special restricted training permit. At a minimum, all persons applying for a special restricted training permit must meet the following requirements: 1. Possess a valid driver's license and have operated a motor vehicle during daylight hours for a period of 6 months using vision aid arrangements other than standard eyeglasses or contact lenses. 2. Have a driving record that does not include any traffic crashes, for which the person has been found to be at fault, during the 6 months before he or she applied for the special restricted training permit.

(j) Whenever the Secretary of State has issued an administrative order requiring an individual to use an ignition interlock device after his or her driver's license has been reinstated, that individual shall be issued a driver's license containing the ignition interlock device restriction. The administrative order shall set forth the duration of the restriction and any other applicable terms and conditions.

625 ILCS 5/6-114 — Duplicate and Corrected Licenses and Permits

Sec. 6-114. Duplicate and Corrected Licenses and Permits. In the event that a drivers license or permit issued under the provisions of this Act is lost or destroyed, the person to whom the same was issued may upon application and payment of the required fee obtain a duplicate or substitute thereof, upon furnishing evidence satisfactory to the Secretary of State that such permit or license has been lost or destroyed and if such applicant is not then ineligible under Section 6-103 of this Act. Any person to whom has been issued a drivers license or permit under the provisions of this Act and who desires to obtain a corrected permit or license to indicate a correction of legal name or residence address or to correct a statement appearing upon the original permit or license may upon application and payment of the required fee obtain a corrected permit or license. The original permit or license must accompany the application for correction or evidence must be furnished satisfactory to the Secretary of State that such permit or license has been lost or destroyed.

625 ILCS 5/6-115 — Expiration of driver's license

Sec. 6-115. Expiration of driver's license.

(a) Except as provided elsewhere in this Section, every driver's license issued under the provisions of this Code shall expire 4 years from the date of its issuance, or at such later date, as the Secretary of State may by proper rule and regulation designate, not to exceed 12 calendar months; in the event that an applicant for renewal of a driver's license fails to apply prior to the expiration date of the previous driver's license, the renewal driver's license shall expire 4 years from the expiration date of the previous driver's license, or at such later date as the Secretary of State may by proper rule and regulation designate, not to exceed 12 calendar months. The Secretary of State may, however, issue to a person not previously licensed as a driver in Illinois a driver's license which will expire not less than 4 years nor more than 5 years from date of issuance, except as provided elsewhere in this Section. (a-3) Beginning no later than July 1, 2027, the Secretary shall offer to qualified applicants the option to be issued an 8-year driver's license. The Secretary shall submit proposed rules to implement this subsection to the Joint Committee on Administrative Rules no later than January 1, 2027. (a-5) Every driver's license issued under this Code to an applicant who is not a United States citizen or permanent resident, or an individual who has an approved application for asylum in the United States or has entered the United States in refugee status, shall expire on whichever is the earlier date of the following:

(1) as provided under subsection (a), (f), (g), or

(i) of this Section;

(2) on the date the applicant's authorized stay in the United States terminates; or

(3) if the applicant's authorized stay is indefinite and the applicant is applying for a Limited Term REAL ID compliant driver's license, one year from the date of issuance of the license. (a-10) Every REAL ID compliant driver's license issued

under this Code to an applicant who is not a United States citizen or permanent resident, or an individual who has an approved application for asylum in the United States or has entered the United States in refugee status, shall be marked "Limited Term".

(b) Before the expiration of a driver's license, except those licenses expiring on the individual's 21st birthday, or 3 months after the individual's 21st birthday, the holder thereof may apply for a renewal thereof, subject to all the provisions of Section 6-103, and the Secretary of State may require an examination of the applicant. A licensee whose driver's license expires on his 21st birthday, or 3 months after his 21st birthday, may not apply for a renewal of his driving privileges until he reaches the age of 21.

(c) The Secretary of State shall, 30 days prior to the expiration of a driver's license, forward to each person whose license is to expire a notification of the expiration of said license which may be presented at the time of renewal of said license. There may be included with such notification information explaining the anatomical gift and Emergency Medical Information Card provisions of Section 6-110. The format and text of such information shall be prescribed by the Secretary. There shall be included with such notification, for a period of 4 years beginning January 1, 2000 information regarding the Illinois Adoption Registry and Medical Information Exchange established in Section 18.1 of the Adoption Act.

(d) The Secretary may defer the expiration of the driver's license of a licensee, spouse, and dependent children who are living with such licensee while on active duty, serving in the Armed Forces of the United States outside of the State of Illinois, and 120 days thereafter, upon such terms and conditions as the Secretary may prescribe. (d-5) The Secretary may defer the expiration of the driver's license of a licensee, or of a spouse or dependent children living with the licensee, serving as a civilian employee of the United States Armed Forces or the United States Department of Defense, outside of the State of Illinois, and 120 days thereafter, upon such terms and conditions as the Secretary may prescribe.

(e) The Secretary of State may decline to process a renewal of a driver's license of any person who has not paid any fee or tax due under this Code and is not paid upon reasonable notice and demand.

(f) The Secretary shall provide that each original or renewal driver's license issued to a licensee under 21 years of age shall expire 3 months after the licensee's 21st birthday. Persons whose current driver's licenses expire on their 21st birthday on or after January 1, 1986 shall not renew their driver's license before their 21st birthday, and their current driver's license will be extended for an additional term of 3 months beyond their 21st birthday. Thereafter, the expiration and term of the driver's license shall be governed by subsection

(a) hereof.

(g) The Secretary shall provide that each original or renewal driver's license issued to a licensee 81 years of age through age 86 shall expire 2 years from the date of issuance, or at such later date as the Secretary may by rule and regulation designate, not to exceed an additional 12 calendar months. The Secretary shall also provide that each original or renewal driver's license issued to a licensee 87 years of age or older shall expire 12 months from the date of issuance, or at such later date as the Secretary may by rule and regulation designate, not to exceed an additional 12 calendar months.

(h) The Secretary of State shall provide that each special restricted driver's license issued under subsection

(g) of Section 6-113 of this Code shall expire 12 months from the date of issuance. The Secretary shall adopt rules defining renewal requirements.

(i) The Secretary of State shall provide that each driver's license issued to a person convicted of a sex offense as defined in Section 2 of the Sex Offender Registration Act shall expire 12 months from the date of issuance or at such date as the Secretary may by rule designate, not to exceed an additional 12 calendar months. The Secretary may adopt rules defining renewal requirements.

625 ILCS 5/6-116 — Notice of Change of Residence Address or Legal Name

Sec. 6-116. Notice of Change of Residence Address or Legal Name.

(a) Whenever any person after applying for or receiving a drivers license or permit moves from the residence address named in such application or on the license or permit issued to him such person shall within 10 days thereafter notify the Drivers Services Department of the Secretary of State's Office in writing of his old and new residence addresses and of the number of any license or permit then held by him. Such person may obtain a corrected license or permit as provided in Section 6-114.

(b) Any person whose legal name has changed from the name on the license or permit that he or she has been previously issued must apply for a corrected card within 30 days after the change.

625 ILCS 5/6-116.5 — Driver's duty to report medical condition

Sec. 6-116.5. Driver's duty to report medical condition. Every driver shall report to the Secretary any medical condition, as defined by the Driver's License Medical Review Law of 1992, that is likely to cause loss of consciousness or any loss of ability to safely operate a motor vehicle within 10 days of the driver becoming aware of the condition. The Secretary, in conjunction with the Driver's License Medical Advisory Board, shall determine by administrative rule the temporary conditions not required to be reported under the provisions of this Section. All information furnished to the Secretary under the provisions of this Section shall be deemed confidential and for the privileged use of the Secretary in accordance with the provisions of subsection

(j) of Section 2-123 of this Code.

625 ILCS 5/6-117 — Records to be kept by the Secretary of State

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

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

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

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

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

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

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

(g) The Secretary of State may establish a First Person Consent organ and tissue donor registry in compliance with subsection (b-1) of Section 5-20 of the Illinois Anatomical Gift Act, as follows:

(1) The Secretary shall offer, to each applicant for issuance or renewal of a driver's license or identification card who is 16 years of age or older, the opportunity to have his or her name included in the First Person Consent organ and tissue donor registry. The Secretary must advise the applicant or licensee that he or she is under no compulsion to have his or her name included in the registry. An individual who agrees to having his or her name included in the First Person Consent organ and tissue donor registry has given full legal consent to the donation of any of his or her organs or tissue upon his or her death. A brochure explaining this method of executing an anatomical gift must be given to each applicant for issuance or renewal of a driver's license or identification card. The brochure must advise the applicant or licensee

(i) that he or she is under no compulsion to have his or her name included in this registry and (ii) that he or she may wish to consult with family, friends, or clergy before doing so.

(2) The Secretary of State may establish additional methods by which an individual may have his or her name included in the First Person Consent organ and tissue donor registry.

(3) When an individual has agreed to have his or her name included in the First Person Consent organ and tissue donor registry, the Secretary of State shall note that agreement in the First Person consent organ and tissue donor registry. Representatives of federally designated organ procurement agencies and tissue banks and the offices of Illinois county coroners and medical examiners may inquire of the Secretary of State whether a potential organ donor's name is included in the First Person Consent organ and tissue donor registry, and the Secretary of State may provide that information to the representative.

(4) An individual may withdraw his or her consent to be listed in the First Person Consent organ and tissue donor registry maintained by the Secretary of State by notifying the Secretary of State in writing, or by any other means approved by the Secretary, of the individual's decision to have his or her name removed from the registry.

(5) The Secretary of State may undertake additional efforts, including education and awareness activities, to promote organ and tissue donation.

(6) In the absence of gross negligence or willful misconduct, the Secretary of State and his or her employees are immune from any civil or criminal liability in connection with an individual's consent to be listed in the organ and tissue donor registry.

(h) The Secretary of State may destroy a driving record created 20 or more years ago for a person who was convicted of an offense and who did not have an Illinois driver's license if the record no longer contains any convictions or withdrawal of driving privileges due to the convictions.

625 ILCS 5/6-117.1 — Prohibited use of driver's license information

Sec. 6-117.1. Prohibited use of driver's license information.

(a) When information is obtained from a driver's license to identify or prove the age of the holder of the license, or in the course of a commercial transaction, that information may be used only for purposes of identification of the individual or for completing the commercial transaction in which the information was obtained, including all subsequent payment, processing, collection, and other related actions. Information obtained from a driver's license may not be used for purposes unrelated to the transaction in which it was obtained, including, but not limited to, commercial solicitations. Information obtained from a driver's license to identify the holder of the license, or in the course of a commercial transaction, may not be sold, leased, or otherwise provided to any third party.

(b) Any individual whose driver's license information has been used in violation of this Section has a cause of action against the person who violated this Section. Upon a finding that a violation did occur, the individual whose information was used in violation of this Section is entitled to recover actual damages, but not less than liquidated damages in the amount of \$250 for each violation, plus attorney's fees and the costs of bringing the action.

(c) Use of information contained on a driver's license is not a violation of this Section if

(i) the individual whose information has been used gave express permission for that use or (ii) the information relating to the individual was obtained from a source other than the individual's driver's license.

(d) This Section does not apply to any agency of the United States, the State of Illinois, or any other state or political subdivision thereof.

(e) This Section does not apply to the transfer of information to a third party if

(i) a federal or State law, rule, or regulation requires that the information be transferred to a third party after being recorded in specified transactions or (ii) the information is transferred to a third party for purposes of the detection or possible prosecution of criminal offenses or fraud. If information is transferred to a third party under this subsection (e), it may be used only for the purposes authorized by this subsection (e).

(f) This Section does not apply to the use of information obtained from a driver's license which has been provided by the holder of the license in the course of a potential or completed employment, commercial, business or professional transaction for the purpose of completing written documents including, but not limited to, contracts, agreements, purchase orders, retail installment contracts, buyer's orders, purchase contracts, repair orders, applications, disclosure forms or waiver forms.

625 ILCS 5/6-117.2 — Emergency contact database

Sec. 6-117.2. Emergency contact database.

(a) The Secretary of State shall establish a database of the emergency contacts of persons who hold a driver's license, instruction permit, or any other type of driving permit issued by the Secretary of State. Information in the database shall be accessible only to employees of the Office of the Secretary and law enforcement officers employed by a law enforcement agency. Law enforcement officers may share information contained in the emergency contact database, including disabilities and special needs information, with other public safety workers on scene, as needed to conduct official law enforcement duties.

(b) Any person holding a driver's license, instruction permit, or any other type of driving permit issued by the Secretary of State shall be afforded the opportunity to provide the Secretary of State, in a manner and form designated by the Secretary of State, the name, address, telephone number, and relationship to the holder of no more than 2 emergency contact persons whom the holder wishes to be contacted by a law enforcement officer if the holder is involved in a motor vehicle crash or other emergency situation and the holder is unable to communicate with the contact person or persons and may designate whether the holder has a disability or is a special needs individual. A contact person need not be the holder's next of kin.

(c) The Secretary shall adopt rules to implement this Section. At a minimum, the rules shall address all of the following:

(1) the method whereby a holder may provide the Secretary of State with emergency contact, disability, and special needs information;

(2) the method whereby a holder may provide the Secretary of State with a change to the emergency contact, disability, and special needs information; and

(3) any other aspect of the database or its operation that the Secretary determines is necessary to implement this Section.

(d) If a person involved in a motor vehicle crash or other emergency situation is unable to communicate with the contact person or persons specified in the database, a law enforcement officer shall make a good faith effort to notify the contact person or persons of the situation. Neither the law enforcement officer nor the law enforcement agency that employs that law enforcement officer incurs any liability, however, if the law enforcement officer is not able to make contact with the contact person. Except for willful or wanton misconduct, neither the law enforcement officer, nor the law enforcement agency that employs the law enforcement officer, shall incur any liability relating to the reporting or use of the database during a motor vehicle crash or other emergency situation.

(e) The Secretary of State shall make a good faith effort to maintain accurate data as provided by the driver's license or instruction permit holder and to provide that information to law enforcement as provided in subsection (a). The Secretary of State is not liable for any damages, costs, or expenses, including, without limitation, consequential damages, arising or resulting from any inaccurate or incomplete data or system unavailability. Except for willful or wanton misconduct, the Secretary of State shall not incur any liability relating to the reporting of disabilities or special needs individuals.

(f) As used in this Section: "Disability" means an individual's physical or mental impairment that substantially limits one or more of the major life activities; a record of such impairment; or when the individual is regarded as having such impairment. "Public safety worker" means a person employed by this State or a political subdivision thereof that provides firefighting, law enforcement, medical or other emergency services. "Special needs individuals" means those individuals who have or are at increased risk for a chronic physical, developmental, behavioral, or emotional condition and who also require health and related services of a type or amount beyond that required by individuals generally.

625 ILCS 5/6-118 — Fees

Sec. 6-118. Fees.

(a) The fees for licenses and permits under this Article are as follows: Original 4-year driver's license \$30 Original 8-year driver's license issued under subsection (a-3) of Section 6-115 \$60 Original driver's license issued to 18, 19, and 20 year olds \$5 All driver's licenses for persons age 69 through age 80 \$5 All driver's licenses for persons age 81 through age 86 \$2 All driver's licenses for persons age 87 or older \$0 Renewal 4-year driver's license (except for applicants age 69 and older) \$30 Renewal 8-year driver's license issued under subsection (a-3) of Section 6-115 (except for applicants age 69 and older) \$60 Original instruction permit issued to persons (except those age 69 and older) who do not hold or have not previously held an Illinois instruction permit or driver's license \$20 Instruction permit issued to any person holding an Illinois driver's license who wishes a change in classifications, other than at the time of renewal \$5 Any instruction permit issued to a person age 69 and older \$5 Instruction permit issued to any person, under age 69, not currently holding a valid Illinois driver's license or instruction permit but who has previously been issued either document in Illinois \$10 Restricted driving permit \$8 Monitoring device driving permit \$8 Duplicate or corrected driver's license or permit \$5 Duplicate or corrected restricted driving permit

... \$5 Duplicate or corrected monitoring device driving permit \$5 Duplicate driver's license or permit issued to an active-duty member of the United States Armed Forces, the member's spouse, or the dependent children living with the member \$0 Original or renewal M or L endorsement \$5

SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE The fees for commercial driver licenses and permits under Article V shall be as follows: Commercial driver's license: \$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund; \$20 for the Motor Carrier Safety Inspection Fund; \$10 for the driver's license; and \$24 for the CDL: \$60

Renewal commercial driver's license: \$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund; \$20 for the Motor Carrier Safety Inspection Fund; \$10 for the driver's license; and \$24 for the CDL: \$60

Commercial learner's permit issued to any person holding a valid Illinois driver's license for the purpose of changing to a CDL classification: \$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund; \$20 for the Motor Carrier Safety Inspection Fund; and \$24 for the CDL classification \$50

Commercial learner's permit issued to any person holding a valid Illinois CDL for the purpose of making a change in a classification, endorsement or restriction \$5

CDL duplicate or corrected license \$5

In order to ensure the proper implementation of the Uniform Commercial Driver License Act, Article V of this Chapter, the Secretary of State is empowered to prorate the \$24 fee for the commercial driver's license proportionate to the expiration date of the applicant's Illinois driver's license. The fee for any duplicate license or permit shall be waived for any person who presents the Secretary of State's office with a police report showing that his license or permit was stolen. The fee for any duplicate license or permit shall be waived for any person age 60 or older whose driver's license or permit has been lost or stolen. No additional fee shall be charged for a driver's license, or for a commercial driver's license, when issued to the holder of an instruction permit for the same classification or type of license who becomes eligible for such license. The fee for a restricted driving permit under this subsection

(a) shall be imposed annually until the expiration of the permit. (a-5) The fee for a driver's record or data contained therein is \$20 and shall be disbursed as set forth in subsection

(k) of Section 2-123 of this Code.

(b) Any person whose license or privilege to operate a motor vehicle in this State has been suspended or revoked under Section 3-707, any provision of Chapter 6, Chapter 11, or Section 7-205, 7-303, or 7-702 of the Illinois Safety and Family Financial Responsibility Law of this Code, shall in addition to any other fees required by this Code, pay a reinstatement fee as follows: Suspension under Section 3-707 \$100

Suspension under Section 11-1431 \$100

Summary suspension under Section 11-501.1 \$250

Suspension under Section 11-501.9 \$250

Summary revocation under Section 11-501.1 \$500

Other suspension \$70

Revocation \$500

However, any person whose license or privilege to operate a motor vehicle in this State has been suspended or revoked for a second or subsequent time for a violation of Section 11-501, 11-501.1, or 11-501.9 of this Code or a similar provision of a local ordinance or a similar out-of-state offense or Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 and each suspension or revocation was for a violation of Section 11-501, 11-501.1, or 11-501.9 of this Code or a similar provision of a local ordinance or a similar out-of-state offense or Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 shall pay, in addition to any other fees required by this Code, a reinstatement fee as follows: Summary suspension under Section 11-501.1 \$500

Suspension under Section 11-501.9 \$500

Summary revocation under Section 11-501.1 \$500

Revocation \$500

(c) All fees collected under the provisions of this Chapter 6 shall be disbursed under subsection

(g) of Section 2-119 of this Code, except as follows: 1. The following amounts shall be paid into the Drivers Education Fund: (A) \$16 of the \$20 fee for an original driver's instruction permit; (B) one-sixth of the fee for an original driver's license; (C) one-sixth of the fee for a renewal driver's license; (D) \$4 of the \$8 fee for a restricted driving permit; and (E) \$4 of the \$8 fee for a monitoring device driving permit. 2. \$30 of the \$250 fee for reinstatement of a license summarily suspended under Section 11-501.1 or suspended under Section 11-501.9 shall be deposited into the Drunk and Drugged Driving Prevention Fund. However, for a person whose license or privilege to operate a motor vehicle in this State has been suspended or revoked for a second or subsequent time for a violation of Section 11-501, 11-501.1, or 11-501.9 of this Code or Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, \$190 of the \$500 fee for reinstatement of a license summarily suspended under Section 11-501.1 or suspended under Section 11-501.9, and \$190 of the \$500 fee for reinstatement of a revoked license shall be deposited into the Drunk and Drugged Driving Prevention

Fund. \$190 of the \$500 fee for reinstatement of a license summarily revoked pursuant to Section 11-501.1 shall be deposited into the Drunk and Drugged Driving Prevention Fund. 3. \$6 of the original or renewal fee for a commercial driver's license and \$6 of the commercial learner's permit fee when the permit is issued to any person holding a valid Illinois driver's license, shall be paid into the CDLIS/AAMVAnet/NMVTIS Trust Fund. 4. \$30 of the \$70 fee for reinstatement of a license suspended under the Illinois Safety and Family Financial Responsibility Law shall be paid into the Family Responsibility Fund. 5. The \$5 fee for each original or renewal M or L endorsement shall be deposited into the Cycle Rider Safety Training Fund. 6. \$20 of any original or renewal fee for a commercial driver's license or commercial learner's permit shall be paid into the Motor Carrier Safety Inspection Fund. 7. The following amounts shall be paid into the General Revenue Fund: (A) \$190 of the \$250 reinstatement fee for a summary suspension under Section 11-501.1 or a suspension under Section 11-501.9; (B) \$40 of the \$70 reinstatement fee for any other suspension provided in subsection

(b) of this Section; and (C) \$440 of the \$500 reinstatement fee for a first offense revocation and \$310 of the \$500 reinstatement fee for a second or subsequent revocation. 8. Fees collected under paragraph

(4) of subsection

(d) and subsection

(h) of Section 6-205 of this Code; subparagraph (C) of paragraph 3 of subsection

(c) of Section 6-206 of this Code; and paragraph

(4) of subsection

(a) of Section 6-206.1 of this Code, shall be paid into the funds set forth in those Sections.

(d) All of the proceeds of the additional fees imposed by Public Act 96-34 shall be deposited into the Capital Projects Fund.

(e) The additional fees imposed by Public Act 96-38 shall become effective 90 days after becoming law. The additional fees imposed by Public Act 103-8 shall become effective July 1, 2023 and shall be paid into the Secretary of State Special Services Fund.

(f) As used in this Section, "active-duty member of the United States Armed Forces" means a member of the Armed Services or Reserve Forces of the United States or a member of the Illinois National Guard who is called to active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the Governor.

625 ILCS 5/6-119 — When fees returnable-drivers license

Sec. 6-119. When fees returnable-drivers license.

(a) Whenever any application to the Secretary of State for a driver's license or permit under this Article is accompanied by any fee as required by law and such application is refused or rejected after a review of eligibility, which may include facial recognition comparison, the applicant shall not be entitled to a refund of any fees paid. (a-5) If the Secretary of State determines that the volume of expedited driver's license requests received on a given day exceeds the ability of the Secretary to process those requests in an expedited manner, the Secretary may decline to provide expedited services, and the additional fee for the expedited service shall be refunded to the applicant.

(b) Whenever the Secretary of State through error collects any fee not required to be paid hereunder, the same shall be refunded to the person paying the same upon application therefor made within 6 months after the date of such payment.

(c) Whenever a person dies after making application for a drivers license or permit under this Article, application for a refund of the drivers license or permit may be made if the person dies prior to the effective date for which application has been made, and if the drivers license or permit has never been used. The Secretary of State shall refund the drivers license or permit fees upon receipt within 3 months after the application for a drivers license or permit of an application for refund accompanied with the drivers license or permit and proof of death of the applicant.

(d) Any application for refund received after the times specified in this Section shall be denied and the applicant in order to receive a refund must apply to the Court of Claims.

625 ILCS 5/6-120 — Inter-agency agreement for information

Sec. 6-120. Inter-agency agreement for information. Notwithstanding any other provision of this Code, the Secretary of State shall enter into an inter-agency agreement with the Department of Children and Family Services to establish a procedure by which employees of the Department of Children and Family Services may have immediate access to driver's license records maintained by the Secretary of State if the Department of Children and Family Services determines the information is necessary to perform its duties under the Abused and Neglected Child Reporting Act, the Child Care Act of 1969, and the Children and Family Services Act.

625 ILCS 5/6-121 — Issuance of confidential drivers' licenses

Sec. 6-121. Issuance of confidential drivers' licenses.

(a) Requirements for use of confidential drivers' licenses. Confidential drivers' licenses may be issued to local, state, and federal government agencies for bona fide law enforcement purposes. The drivers' licenses may be issued with fictitious names and addresses, and may be used only for confidential, investigative, or undercover law enforcement operations. Confidential drivers' licenses may be issued as REAL ID compliant or standard driver's licenses.

(b) Application procedures for confidential drivers' licenses:

(1) Applications by local, state, and federal government agencies for confidential drivers' licenses must be made to the Secretary of State Police Department on a form and in a manner prescribed by the Secretary of State Police Department.

(2) The application form must include information, as specific as possible without compromising investigations or techniques, setting forth the need for the drivers' licenses and the uses to which the licenses will be limited.

(3) The application form must be signed and verified by the local, state, or federal government agency head or designee.

(4) Registration information maintained by the Secretary of State Police Department for confidential drivers' licenses must show the fictitious names and addresses on all records subject to public disclosure. All other information concerning these confidential drivers' licenses are exempt from disclosure unless the disclosure is ordered by a court of competent jurisdiction.

(c) Revocation and cancellation procedures for confidential drivers' licenses:

(1) The Secretary of State Police Department may revoke or refuse to renew confidential drivers' licenses when they have reasonable cause to believe the licenses are being used for purposes other than those set forth in the application form or authorized by this Section. Confidential drivers' licenses may also be revoked where traffic violation citations have been issued to the driver and subsequent investigation reveals that the issuance of the citations was unrelated to the purposes for which the confidential driver's license was issued. In such cases, the citations and any resulting court orders, convictions, supervisions or other sanctions must be treated by the Secretary of State as though they were issued in relation to the true driver's license of the individual to whom the confidential driver's license was issued.

(2) A government agency must request cancellation of confidential drivers' licenses that are no longer required for the purposes for which they were issued.

(3) All revoked confidential drivers' licenses must be promptly returned to the Secretary of State Police Department by the government agency to which they were issued.

625 ILCS 5/6-122 — Expedited driver's license

Sec. 6-122. Expedited driver's license. The Secretary of State may provide for an expedited process for the issuance of a driver's license. The Secretary shall charge an additional fee for the issuance of an expedited driver's license, to be set by rule, not to exceed \$75. All fees collected by the Secretary for expedited driver's license service shall be deposited into the Secretary of State Special Services Fund. The Secretary may adopt rules regarding the eligibility, process, and fee for an expedited driver's license.

625 ILCS 5/6-201 — Authority to cancel licenses and permits

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

(a) The Secretary of State is authorized to cancel any license or permit upon determining that the holder thereof: 1. was not entitled to the issuance thereof hereunder; or 2. failed to give the required or correct information in his application; or 3. failed to pay any fees owed to the Secretary of State under this Code for the license or permit; or 4. committed any fraud in the making of such application; or 5. is ineligible therefor under the provisions of Section 6-103 of this Act, as amended; or 6. has refused or neglected to submit an alcohol, drug, and intoxicating compound evaluation or to submit to

examination or re-examination as required under this Act; or 7. has been convicted of violating the Cannabis Control Act, the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, or the Use of Intoxicating Compounds Act while that individual was in actual physical control of a motor vehicle. For purposes of this Section, any person placed on probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act shall not be considered convicted. Any person found guilty of this offense, while in actual physical control of a motor vehicle, shall have an entry made in the court record by the judge that this offense did occur while the person was in actual physical control of a motor vehicle and order the clerk of the court to report the violation to the Secretary of State as such. After the cancellation, the Secretary of State shall not issue a new license or permit for a period of one year after the date of cancellation. However, upon application, the Secretary of State may, if satisfied that the person applying will not endanger the public safety, or welfare, issue a restricted driving permit granting the privilege of driving a motor vehicle between the petitioner's residence and petitioner's place of employment or within the scope of the petitioner's employment related duties, or to allow transportation for the petitioner or a household member of the petitioner's family for the receipt of necessary medical care, or provide transportation for the petitioner to and from alcohol or drug remedial or rehabilitative activity recommended by a licensed service provider, or for the petitioner to attend classes, as a student, in an accredited educational institution. The petitioner must demonstrate that no alternative means of transportation is reasonably available; provided that the Secretary's discretion shall be limited to cases where undue hardship, as defined by the rules of the Secretary of State, would result from a failure to issue such restricted driving permit. In each case the Secretary of State may issue such restricted driving permit for such period as he deems appropriate, except that such permit shall expire no later than 2 years from the date of issuance. A restricted driving permit issued hereunder shall be subject to cancellation, revocation and suspension by the Secretary of State in like manner and for like cause as a driver's license issued hereunder may be cancelled, revoked or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a driver remedial or rehabilitative program. In accordance with 49 C.F.R. 384, the Secretary of State may not issue a restricted driving permit for the operation of a commercial motor vehicle to a person holding a CDL whose driving privileges have been revoked, suspended, cancelled, or disqualified under this Code; or 8. failed to submit a report as required by Section 6-116.5 of this Code; or 9. has been convicted of a sex offense as defined in the Sex Offender Registration Act. The driver's license shall remain cancelled until the driver registers as a sex offender as required by the Sex Offender Registration Act, proof of the registration is furnished to the Secretary of State and the sex offender provides proof of current address to the Secretary; or 10. is ineligible for a license or permit under Section 6-107, 6-107.1, or 6-108 of this Code; or 11. refused or neglected to appear at a Driver Services facility to have the license or permit corrected and a new license or permit issued or to present documentation for verification of identity; or 12. failed to submit a medical examiner's certificate or medical variance as required by 49 C.F.R. 383.71 or submitted a fraudulent medical examiner's certificate or medical variance; or 13. has had his or her medical examiner's certificate, medical variance, or both removed or rescinded by the Federal Motor Carrier Safety Administration; or 14. failed to self-certify as to the type of driving in which the CDL driver engages or expects to engage; or 15. has submitted acceptable documentation indicating out-of-state residency to the Secretary of State to be released from the requirement of showing proof of financial responsibility in this State; or 16. was convicted of fraud relating to the testing or issuance of a CDL or CLP, in which case only the CDL or CLP shall be cancelled. After cancellation, the Secretary shall not issue a CLP or CDL for a period of one year from the date of cancellation; or 17. has a special restricted license under subsection (g) of Section 6-113 of this Code and failed to submit the required annual vision specialist report that the special restricted license holder's vision has not changed; or 18. has a special restricted license under subsection (g) of Section 6-113 of this Code and was convicted or received court supervision for a violation of this Code that occurred during nighttime hours or was involved in a motor vehicle crash during nighttime hours in which the restricted license holder was at fault; or 19. has assisted an out-of-state resident in acquiring an Illinois driver's license or identification card by providing or allowing the out-of-state resident to use his or her Illinois address of residence and is complicit in distributing and forwarding the Illinois driver's license or identification card to the out-of-state resident.

(b) Upon such cancellation the licensee or permittee must surrender the license or permit so cancelled to the Secretary of State.

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

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

625 ILCS 5/6-202 — Non-residents and Unlicensed Persons-Revocation and Suspension-Reporting Convictions

Sec. 6-202. Non-residents and Unlicensed Persons-Revocation and Suspension-Reporting Convictions.

(a) The privilege of driving a motor vehicle on highways of this State given to a nonresident hereunder and the privilege which an unlicensed person might have to obtain a license under this Act shall be subject to suspension or revocation by the Secretary of State in like manner and for like cause as a drivers license issued hereunder may be suspended or revoked.

(b) The Secretary of State is authorized, upon receiving a report of the conviction in this State of a nonresident driver of a motor vehicle of any offense under the laws of this State relating to operation, custody or ownership of motor vehicles, to forward a copy or abstract of such report to the motor vehicle administrator of the State wherein the person so convicted is a resident.

(c) (Blank.)

(d) This section is subject to the provisions of the Driver License Compact.

625 ILCS 5/6-203 — Suspending or revoking license or privilege upon conviction in another state

Sec. 6-203. Suspending or revoking license or privilege upon conviction in another state. The Secretary of State is authorized to suspend or revoke the license of any resident of this State or the privilege of a nonresident to drive a motor vehicle in this State upon receiving notice of the conviction of such person in another State of an offense therein which, if committed in this State would be grounds for the suspension or revocation of the license of a driver. This Section is subject to the provisions of the Driver License Compact.

625 ILCS 5/6-203.1

Sec. 6-203.1.

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

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

(a) and the person is subsequently convicted of the underlying charge, for the same incident, any period served on suspension shall be credited toward the minimum period of revocation of driving privileges imposed pursuant to Section 6-206.

625 ILCS 5/6-204 — When court to forward license and reports

Sec. 6-204. When court to forward license and reports.

(a) For the purpose of providing to the Secretary of State the records essential to the performance of the Secretary's duties under this Code to cancel, revoke or suspend the driver's license and privilege to drive motor vehicles of certain minors and of persons found guilty of the criminal offenses or traffic violations which this Code recognizes as evidence relating to unfitness to safely operate motor vehicles, the following duties are imposed upon public officials:

(1) Whenever any person is convicted of any offense for which this Code makes mandatory the cancellation or revocation of the driver's license or permit of such person by the Secretary of State, the judge of the court in which such conviction is had shall require the surrender to the clerk of the court of all driver's licenses or permits then held by the person so convicted, and the clerk of the court shall, within 5 days thereafter, forward the same, together with a report of such conviction, to the Secretary.

(2) Whenever any person is convicted of any offense under this Code or similar offenses under a municipal ordinance, other than regulations governing standing, parking or weights of vehicles, and excepting the following enumerated Sections of this Code: Sections 11-1406 (obstruction to driver's view or control), 11-1407 (improper opening of door into traffic), 11-1410 (coasting on downgrade), 11-1411 (following fire apparatus), 11-1419.01 (Motor Fuel Tax I.D. Card), 12-101 (driving vehicle which is in unsafe condition or improperly equipped), 12-201(a) (daytime lights on motorcycles), 12-202 (clearance, identification and side marker lamps), 12-204 (lamp or flag on projecting load), 12-205 (failure to

display the safety lights required), 12-401 (restrictions as to tire equipment), 12-502 (mirrors), 12-503 (windshields must be unobstructed and equipped with wipers), 12-601 (horns and warning devices), 12-602 (mufflers, prevention of noise or smoke), 12-603 (seat safety belts), 12-702 (certain vehicles to carry flares or other warning devices), 12-703 (vehicles for oiling roads operated on highways), 12-710 (splash guards and replacements), 13-101 (safety tests), 15-101 (size, weight and load), 15-102 (width), 15-103 (height), 15-104 (name and address on second division vehicles), 15-107 (length of vehicle), 15-109.1 (cover or tarpaulin), 15-111 (weights), 15-112 (weights), 15-301 (weights), 15-316 (weights), 15-318 (weights), and also excepting the following enumerated Sections of the Chicago Municipal Code: Sections 27-245 (following fire apparatus), 27-254 (obstruction of traffic), 27-258 (driving vehicle which is in unsafe condition), 27-259 (coasting on downgrade), 27-264 (use of horns and signal devices), 27-265 (obstruction to driver's view or driver mechanism), 27-267 (dimming of headlights), 27-268 (unattended motor vehicle), 27-272 (illegal funeral procession), 27-273 (funeral procession on boulevard), 27-275 (driving freight hauling vehicles on boulevard), 27-276 (stopping and standing of buses or taxicabs), 27-277 (cruising of public passenger vehicles), 27-305 (parallel parking), 27-306 (diagonal parking), 27-307 (parking not to obstruct traffic), 27-308 (stopping, standing or parking regulated), 27-311 (parking regulations), 27-312 (parking regulations), 27-313 (parking regulations), 27-314 (parking regulations), 27-315 (parking regulations), 27-316 (parking regulations), 27-317 (parking regulations), 27-318 (parking regulations), 27-319 (parking regulations), 27-320 (parking regulations), 27-321 (parking regulations), 27-322 (parking regulations), 27-324 (loading and unloading at an angle), 27-333 (wheel and axle loads), 27-334 (load restrictions in the downtown district), 27-335 (load restrictions in residential areas), 27-338 (width of vehicles), 27-339 (height of vehicles), 27-340 (length of vehicles), 27-352 (reflectors on trailers), 27-353 (mufflers), 27-354 (display of plates), 27-355 (display of city vehicle tax sticker), 27-357 (identification of vehicles), 27-358 (projecting of loads), and also excepting the following enumerated paragraphs of Section 2-201 of the Rules and Regulations of the Illinois State Toll Highway Authority:

(l) (driving unsafe vehicle on tollway),

(m) (vehicles transporting dangerous cargo not properly indicated), it shall be the duty of the clerk of the court in which such conviction is had within 5 days thereafter to forward to the Secretary of State a report of the conviction and the court may recommend the suspension of the driver's license or permit of the person so convicted. The reporting requirements of this subsection shall apply to all violations stated in paragraphs

(1) and

(2) of this subsection when the individual has been adjudicated under the Juvenile Court Act or the Juvenile Court Act of 1987. Such reporting requirements shall also apply to individuals adjudicated under the Juvenile Court Act or the Juvenile Court Act of 1987 who have committed a violation of Section 11-501 of this Code, or similar provision of a local ordinance, or Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or Section 5-7 of the Snowmobile Registration and Safety Act or Section 5-16 of the Boat Registration and Safety Act, relating to the offense of operating a snowmobile or a watercraft while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or combination thereof. These reporting requirements also apply to individuals adjudicated under the Juvenile Court Act of 1987 based on any offense determined to have been committed in furtherance of the criminal activities of an organized gang, as provided in Section 5-710 of that Act, if those activities involved the operation or use of a motor vehicle. It shall be the duty of the clerk of the court in which adjudication is had within 5 days thereafter to forward to the Secretary of State a report of the adjudication and the court order requiring the Secretary of State to suspend the minor's driver's license and driving privilege for such time as determined by the court, but only until he or she attains the age of 18 years. All juvenile court dispositions reported to the Secretary of State under this provision shall be processed by the Secretary of State as if the cases had been adjudicated in traffic or criminal court. However, information reported relative to the offense of reckless homicide, or Section 11-501 of this Code, or a similar provision of a local ordinance, shall be privileged and available only to the Secretary of State, courts, and police officers. The reporting requirements of this subsection

(a) apply to all violations listed in paragraphs

(1) and

(2) of this subsection (a), excluding parking violations, when the driver holds a CLP or CDL, regardless of the type of vehicle in which the violation occurred, or when any driver committed the violation in a commercial motor vehicle as defined in Section 6-500 of this Code.

(3) Whenever an order is entered revoking pretrial release given to secure appearance for any offense under this Code or similar offenses under municipal ordinance, it shall be the duty of the clerk of the court in which such revocation was had

or the judge of such court if such court has no clerk, within 5 days thereafter to forward to the Secretary of State a report of the revocation.

(4) A report of any disposition of court supervision for a violation of Sections 6-303, 11-401, 11-501 or a similar provision of a local ordinance, 11-503, 11-504, and 11-506 of this Code, Section 5-7 of the Snowmobile Registration and Safety Act, and Section 5-16 of the Boat Registration and Safety Act shall be forwarded to the Secretary of State. A report of any disposition of court supervision for a violation of an offense defined as a serious traffic violation in this Code or a similar provision of a local ordinance committed by a person under the age of 21 years shall be forwarded to the Secretary of State.

(5) Reports of conviction under this Code and sentencing hearings under the Juvenile Court Act of 1987 in an electronic format or a computer processible medium shall be forwarded to the Secretary of State via the Supreme Court in the form and format required by the Illinois Supreme Court and established by a written agreement between the Supreme Court and the Secretary of State. In counties with a population over 300,000, instead of forwarding reports to the Supreme Court, reports of conviction under this Code and sentencing hearings under the Juvenile Court Act of 1987 in an electronic format or a computer processible medium may be forwarded to the Secretary of State by the Circuit Court Clerk in a form and format required by the Secretary of State and established by written agreement between the Circuit Court Clerk and the Secretary of State. Failure to forward the reports of conviction or sentencing hearing under the Juvenile Court Act of 1987 as required by this Section shall be deemed an omission of duty and it shall be the duty of the several State's Attorneys to enforce the requirements of this Section.

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

(c) For the purposes of this Code, a revocation of pretrial release that has not been vacated, or the failure of a defendant to appear for trial after depositing his driver's license, shall be equivalent to a conviction.

(d) For the purpose of providing the Secretary of State with records necessary to properly monitor and assess driver performance and assist the courts in the proper disposition of repeat traffic law offenders, the clerk of the court shall forward to the Secretary of State, on a form prescribed by the Secretary, records of a driver's participation in a driver remedial or rehabilitative program which was required, through a court order or court supervision, in relation to the driver's arrest for a violation of Section 11-501 of this Code or a similar provision of a local ordinance. The clerk of the court shall also forward to the Secretary, either on paper or in an electronic format or a computer processible medium as required under paragraph

(5) of subsection

(a) of this Section, any disposition of court supervision for any traffic violation, excluding those offenses listed in paragraph

(2) of subsection

(a) of this Section. These reports shall be sent within 5 days after disposition, or, if the driver is referred to a driver remedial or rehabilitative program, within 5 days of the driver's referral to that program. These reports received by the Secretary of State, including those required to be forwarded under paragraph (a)(4), shall be privileged information, available only

(i) to the affected driver, (ii) to the parent or guardian of a person under the age of 18 years holding an instruction permit or a graduated driver's license, and (iii) for use by the courts, police officers, prosecuting authorities, the Secretary of State, and the driver licensing administrator of any other state. In accordance with 49 C.F.R. Part 384, all reports of court supervision, except violations related to parking, shall be forwarded to the Secretary of State for all holders of a CLP or CDL or any driver who commits an offense while driving a commercial motor vehicle. These reports shall be recorded to the driver's record as a conviction for use in the disqualification of the driver's commercial motor vehicle privileges and shall not be privileged information.

625 ILCS 5/6-205 — Mandatory revocation of license or permit; hardship cases

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

(a) Except as provided in this Section, the Secretary of State shall immediately revoke the license, permit, or driving privileges of any driver upon receiving a report of the driver's conviction of any of the following offenses: 1. Reckless

homicide resulting from the operation of a motor vehicle; 2. Violation of Section 11-501 of this Code or a similar provision of a local ordinance relating to the offense of operating or being in physical control of a vehicle while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof; 3. Any felony under the laws of any State or the federal government in the commission of which a motor vehicle was used; 4. Violation of Section 11-401 of this Code relating to the offense of leaving the scene of a traffic crash involving death or personal injury; 5. Perjury or the making of a false affidavit or statement under oath to the Secretary of State under this Code or under any other law relating to the ownership or operation of motor vehicles; 6. Conviction upon 3 charges of violation of Section 11-503 of this Code relating to the offense of reckless driving committed within a period of 12 months; 7. Conviction of any offense defined in Section 4-102 of this Code if the person exercised actual physical control over the vehicle during the commission of the offense; 8. Violation of Section 11-504 of this Code relating to the offense of drag racing; 9. Violation of Chapters 8 and 9 of this Code; 10. Violation of Section 12-5 of the Criminal Code of 1961 or the Criminal Code of 2012 arising from the use of a motor vehicle; 11. Violation of Section 11-204.1 of this Code relating to aggravated fleeing or attempting to elude a peace officer; 12. Violation of paragraph

(1) of subsection

(b) of Section 6-507, or a similar law of any other state, relating to the unlawful operation of a commercial motor vehicle; 13. Violation of paragraph

(a) of Section 11-502 of this Code or a similar provision of a local ordinance if the driver has been previously convicted of a violation of that Section or a similar provision of a local ordinance and the driver was less than 21 years of age at the time of the offense; 14. Violation of paragraph

(a) of Section 11-506 of this Code or a similar provision of a local ordinance relating to the offense of street racing; 15. A second or subsequent conviction of driving while the person's driver's license, permit or privileges was revoked for reckless homicide or a similar out-of-state offense; 16. Any offense against any provision in this Code, or any local ordinance, regulating the movement of traffic when that offense was the proximate cause of the death of any person. Any person whose driving privileges have been revoked pursuant to this paragraph may seek to have the revocation terminated or to have the length of revocation reduced by requesting an administrative hearing with the Secretary of State prior to the projected driver's license application eligibility date; 17. Violation of subsection (a-2) of Section 11-1301.3 of this Code or a similar provision of a local ordinance; 18. A second or subsequent conviction of illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the Illinois Controlled Substances Act, any cannabis prohibited under the Cannabis Control Act, or any methamphetamine prohibited under the Methamphetamine Control and Community Protection Act. A defendant found guilty of this offense while operating a motor vehicle shall have an entry made in the court record by the presiding judge that this offense did occur while the defendant was operating a motor vehicle and order the clerk of the court to report the violation to the Secretary of State; 19. Violation of subsection

(a) of Section 11-1414 of this Code, or a similar provision of a local ordinance, relating to the offense of overtaking or passing of a school bus when the driver, in committing the violation, is involved in a motor vehicle crash that results in death to another and the violation is a proximate cause of the death.

(b) The Secretary of State shall also immediately revoke the license or permit of any driver in the following situations: 1. Of any minor upon receiving the notice provided for in Section 5-901 of the Juvenile Court Act of 1987 that the minor has been adjudicated under that Act as having committed an offense relating to motor vehicles prescribed in Section 4-103 of this Code; 2. Of any person when any other law of this State requires either the revocation or suspension of a license or permit; 3. Of any person adjudicated under the Juvenile Court Act of 1987 based on an offense determined to have been committed in furtherance of the criminal activities of an organized gang as provided in Section 5-710 of that Act, and that involved the operation or use of a motor vehicle or the use of a driver's license or permit. The revocation shall remain in effect for the period determined by the court. (c)(1) Whenever a person is convicted of any of the offenses enumerated in this Section, the court may recommend and the Secretary of State in his discretion, without regard to whether the recommendation is made by the court may, upon application, issue to the person a restricted driving permit granting the privilege of driving a motor vehicle between the petitioner's residence and petitioner's place of employment or within the scope of the petitioner's employment related duties, or to allow the petitioner to transport himself or herself or a family member of the petitioner's household to a medical facility for the receipt of necessary medical care or to allow the petitioner to transport himself or herself to and from alcohol or drug remedial or rehabilitative activity recommended by a licensed service provider, or to allow the petitioner to transport himself or herself or a family member of the petitioner's

household to classes, as a student, at an accredited educational institution, or to allow the petitioner to transport children, elderly persons, or persons with disabilities who do not hold driving privileges and are living in the petitioner's household to and from daycare; if the petitioner is able to demonstrate that no alternative means of transportation is reasonably available and that the petitioner will not endanger the public safety or welfare; provided that the Secretary's discretion shall be limited to cases where undue hardship, as defined by the rules of the Secretary of State, would result from a failure to issue the restricted driving permit. (1.5) A person subject to the provisions of paragraph 4 of subsection

(b) of Section 6-208 of this Code may make application for a restricted driving permit at a hearing conducted under Section 2-118 of this Code after the expiration of 5 years from the effective date of the most recent revocation, or after 5 years from the date of release from a period of imprisonment resulting from a conviction of the most recent offense, whichever is later, provided the person, in addition to all other requirements of the Secretary, shows by clear and convincing evidence: (A) a minimum of 3 years of uninterrupted abstinence from alcohol and the unlawful use or consumption of cannabis under the Cannabis Control Act, a controlled substance under the Illinois Controlled Substances Act, an intoxicating compound under the Use of Intoxicating Compounds Act, or methamphetamine under the Methamphetamine Control and Community Protection Act; and (B) the successful completion of any rehabilitative treatment and involvement in any ongoing rehabilitative activity that may be recommended by a properly licensed service provider according to an assessment of the person's alcohol or drug use under Section 11-501.01 of this Code. In determining whether an applicant is eligible for a restricted driving permit under this paragraph (1.5), the Secretary may consider any relevant evidence, including, but not limited to, testimony, affidavits, records, and the results of regular alcohol or drug tests. Persons subject to the provisions of paragraph 4 of subsection

(b) of Section 6-208 of this Code and who have been convicted of more than one violation of paragraph (3), paragraph (4), or paragraph

(5) of subsection

(a) of Section 11-501 of this Code shall not be eligible to apply for a restricted driving permit. A restricted driving permit issued under this paragraph (1.5) shall provide that the holder may only operate motor vehicles equipped with an ignition interlock device as required under paragraph

(2) of subsection

(c) of this Section and subparagraph (A) of paragraph 3 of subsection

(c) of Section 6-206 of this Code. The Secretary may revoke a restricted driving permit or amend the conditions of a restricted driving permit issued under this paragraph (1.5) if the holder operates a vehicle that is not equipped with an ignition interlock device, or for any other reason authorized under this Code. A restricted driving permit issued under this paragraph (1.5) shall be revoked, and the holder barred from applying for or being issued a restricted driving permit in the future, if the holder is subsequently convicted of a violation of Section 11-501 of this Code, a similar provision of a local ordinance, or a similar offense in another state.

(2) If a person's license or permit is revoked or suspended due to 2 or more convictions of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, or Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, where the use of alcohol or other drugs is recited as an element of the offense, or a similar out-of-state offense, or a combination of these offenses, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

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

(i) a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, or Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, where the use of alcohol or other drugs is recited as an element of the offense, or a similar out-of-state offense; or (ii) a statutory summary suspension or revocation under Section 11-501.1; or (iii) a suspension pursuant to Section 6-203.1; arising out of separate occurrences; or (B) a person has been convicted of one violation of subparagraph (C) or (F) of paragraph

(1) of subsection

(d) of Section 11-501 of this Code, Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide where the use of alcohol or other drugs was recited as an element of the offense, or a similar provision of a law of another state; that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

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

(5) If the restricted driving permit is issued for employment purposes, then the prohibition against operating a motor vehicle that is not equipped with an ignition interlock device does not apply to the operation of an occupational vehicle owned or leased by that person's employer when used solely for employment purposes. For any person who, within a 5-year period, is convicted of a second or subsequent offense under Section 11-501 of this Code, or a similar provision of a local ordinance or similar out-of-state offense, this employment exemption does not apply until either a one-year period has elapsed during which that person had his or her driving privileges revoked or a one-year period has elapsed during which that person had a restricted driving permit which required the use of an ignition interlock device on every motor vehicle owned or operated by that person.

(6) In each case the Secretary of State may issue a restricted driving permit for a period he deems appropriate, except that the permit shall expire no later than 2 years from the date of issuance. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the petitioner to participate in a designated driver remedial or rehabilitative program. The Secretary of State is authorized to cancel a restricted driving permit if the permit holder does not successfully complete the program. However, if an individual's driving privileges have been revoked in accordance with paragraph 13 of subsection

(a) of this Section, no restricted driving permit shall be issued until the individual has served 6 months of the revocation period. (c-5) (Blank). (c-6) If a person is convicted of a second violation of operating a motor vehicle while the person's driver's license, permit or privilege was revoked, where the revocation was for a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 relating to the offense of reckless homicide or a similar out-of-state offense, the person's driving privileges shall be revoked pursuant to subdivision (a)(15) of this Section. The person may not make application for a license or permit until the expiration of five years from the effective date of the revocation or the expiration of five years from the date of release from a term of imprisonment, whichever is later. (c-7) If a person is convicted of a third or subsequent violation of operating a motor vehicle while the person's driver's license, permit or privilege was revoked, where the revocation was for a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 relating to the offense of reckless homicide or a similar out-of-state offense, the person may never apply for a license or permit. (d)(1) Whenever a person under the age of 21 is convicted under Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, the Secretary of State shall revoke the driving privileges of that person. One year after the date of revocation, and upon application, the Secretary of State may, if satisfied that the person applying will not endanger the public safety or welfare, issue a restricted driving permit granting the privilege of driving a motor vehicle only between the hours of 5 a.m. and 9 p.m. or as otherwise provided by this Section for a period of one year. After this one-year period, and upon reapplication for a license as provided in Section 6-106, upon payment of the appropriate reinstatement fee provided under paragraph

(b) of Section 6-118, the Secretary of State, in his discretion, may reinstate the petitioner's driver's license and driving privileges, or extend the restricted driving permit as many times as the Secretary of State deems appropriate, by additional periods of not more than 24 months each.

(2) If a person's license or permit is revoked or suspended due to 2 or more convictions of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, or Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, where the use of alcohol or other drugs is recited as an element of the offense, or a similar out-of-state offense, or a combination of these offenses, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

(3) If a person's license or permit is revoked or suspended 2 or more times due to any combination of: (A) a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, or Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, where the use of alcohol or other drugs is recited as an element of the offense, or a similar out-of-state offense; or (B) a statutory summary suspension or

revocation under Section 11-501.1; or (C) a suspension pursuant to Section 6-203.1; arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1. (3.5) If a person's license or permit is revoked or suspended due to a conviction for a violation of subparagraph (C) or (F) of paragraph

(1) of subsection

(d) of Section 11-501 of this Code, or a similar provision of a local ordinance or similar out-of-state offense, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

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

(5) If the restricted driving permit is issued for employment purposes, then the prohibition against driving a vehicle that is not equipped with an ignition interlock device does not apply to the operation of an occupational vehicle owned or leased by that person's employer when used solely for employment purposes. For any person who, within a 5-year period, is convicted of a second or subsequent offense under Section 11-501 of this Code, or a similar provision of a local ordinance or similar out-of-state offense, this employment exemption does not apply until either a one-year period has elapsed during which that person had his or her driving privileges revoked or a one-year period has elapsed during which that person had a restricted driving permit which required the use of an ignition interlock device on every motor vehicle owned or operated by that person.

(6) A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. (d-5) The revocation of the license, permit, or driving privileges of a person convicted of a third or subsequent violation of Section 6-303 of this Code committed while his or her driver's license, permit, or privilege was revoked because of a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a similar provision of a law of another state, is permanent. The Secretary may not, at any time, issue a license or permit to that person.

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

(f) Any revocation imposed upon any person under subsections 2 and 3 of paragraph

(b) that is in effect on December 31, 1988 shall be converted to a suspension for a like period of time.

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

(h) The Secretary of State shall require the use of ignition interlock devices for a period not less than 5 years on all vehicles owned by a person who has been convicted of a second or subsequent offense under Section 11-501 of this Code or a similar provision of a local ordinance. The person must pay to the Secretary of State DUI Administration Fund an amount not to exceed \$30 for each month that he or she uses the device. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system, the amount of the fee, and the procedures, terms, and conditions relating to these fees. During the time period in which a person is required to install an ignition interlock device under this subsection (h), that person shall only operate vehicles in which ignition interlock devices have been installed, except as allowed by subdivision (c)(5) or (d)(5) of this Section. Regardless of whether an exemption under subdivision

(c)

(5) or

(d)

(5) applies, every person subject to this subsection shall not be eligible for reinstatement until the person installs an ignition interlock device and maintains the ignition interlock device for 5 years.

(i) (Blank).

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

(k) The Secretary of State shall notify by mail any person whose driving privileges have been revoked under paragraph 16 of subsection

(a) of this Section that his or her driving privileges and driver's license will be revoked 90 days from the date of the mailing of the notice.

625 ILCS 5/6-205.1

Sec. 6-205.1. (Repealed).

625 ILCS 5/6-205.2

Sec. 6-205.2. (Repealed).

625 ILCS 5/6-206 — Discretionary authority to suspend or revoke license or permit; right to a hearing

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

(a) The Secretary of State is authorized to suspend or revoke the driving privileges of any person without preliminary hearing upon a showing of the person's records or other sufficient evidence that the person: 1. Has committed an offense for which mandatory revocation of a driver's license or permit is required upon conviction; 2. Has been convicted of not less than 3 offenses against traffic regulations governing the movement of vehicles committed within any 12-month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction; 3. Has been repeatedly involved as a driver in motor vehicle collisions or has been repeatedly convicted of offenses against laws and ordinances regulating the movement of traffic, to a degree that indicates lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle or disrespect for the traffic laws and the safety of other persons upon the highway; 4. Has by the unlawful operation of a motor vehicle caused or contributed to a crash resulting in injury requiring immediate professional treatment in a medical facility or doctor's office to any person, except that any suspension or revocation imposed by the Secretary of State under the provisions of this subsection shall start no later than 6 months after being convicted of violating a law or ordinance regulating the movement of traffic, which violation is related to the crash, or shall start not more than one year after the date of the crash, whichever date occurs later; 5. Has permitted an unlawful or fraudulent use of a driver's license, identification card, or permit; 6. Has been lawfully convicted of an offense or offenses in another state, including the authorization contained in Section 6-203.1, which if committed within this State would be grounds for suspension or revocation; 7. Has refused or failed to submit to an examination provided for by Section 6-207 or has failed to pass the examination; 8. Is ineligible for a driver's license or permit under the provisions of Section 6-103; 9. Has made a false statement or knowingly concealed a material fact or has used false information or identification in any application for a license, identification card, or permit; 10. Has possessed, displayed, or attempted to fraudulently use any license, identification card, or permit not issued to the person; 11. Has operated a motor vehicle upon a highway of this State when the person's driving privilege or privilege to obtain a driver's license or permit was revoked or suspended unless the operation was authorized by a monitoring device driving permit, judicial driving permit issued prior to January 1, 2009, probationary license to drive, or restricted driving permit issued under this Code; 12. Has submitted to any portion of the application process for another person or has obtained the services of another person to submit to any portion of the application process for the purpose of obtaining a license, identification card, or permit for some other person; 13. Has operated a motor vehicle upon a highway of this State when the person's driver's license or permit was invalid under the provisions of Sections 6-107.1 and 6-110; 14. Has committed a violation of Section 6-301, 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or 14B of the Illinois Identification Card Act or a similar offense in another state if, at the time of the offense, the person held an Illinois driver's license or identification card; 15. Has been convicted of violating Section 21-2 of the Criminal Code of 1961 or the Criminal Code of 2012 relating to criminal trespass to vehicles if the person exercised actual physical control over the vehicle during the commission of the offense, in which case the suspension shall be for one year; 16. Has been convicted of violating Section 11-204 of this Code relating to fleeing from a peace officer; 17. Has refused to submit to a test, or tests, as required under Section 11-501.1 of this Code and the person has not sought a hearing as provided for in Section 11-501.1; 18. (Blank); 19. Has committed a violation of paragraph

(a) or

(b) of Section 6-101 relating to driving without a driver's license; 20. Has been convicted of violating Section 6-104 relating to classification of driver's license; 21. Has been convicted of violating Section 11-402 of this Code relating to leaving the scene of a crash resulting in damage to a vehicle in excess of \$1,000, in which case the suspension shall be for one year; 22. Has used a motor vehicle in violating paragraph (3), (4), (7), or

(9) of subsection

(a) of Section 24-1 of the Criminal Code of 1961 or the Criminal Code of 2012 relating to unlawful use of weapons, in which case the suspension shall be for one year; 23. Has, as a driver, been convicted of committing a violation of paragraph

(a) of Section 11-502 of this Code for a second or subsequent time within one year of a similar violation; 24. Has been convicted by a court-martial or punished by non-judicial punishment by military authorities of the United States at a military installation in Illinois or in another state of or for a traffic-related offense that is the same as or similar to an offense specified under Section 6-205 or 6-206 of this Code; 25. Has permitted any form of identification to be used by another in the application process in order to obtain or attempt to obtain a license, identification card, or permit; 26. Has altered or attempted to alter a license or has possessed an altered license, identification card, or permit; 27. (Blank); 28. Has been convicted for a first time of the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the Illinois Controlled Substances Act, any cannabis prohibited under the Cannabis Control Act, or any methamphetamine prohibited under the Methamphetamine Control and Community Protection Act, in which case the person's driving privileges shall be suspended for one year. Any defendant found guilty of this offense while operating a motor vehicle shall have an entry made in the court record by the presiding judge that this offense did occur while the defendant was operating a motor vehicle and order the clerk of the court to report the violation to the Secretary of State; 29. Has been convicted of the following offenses that were committed while the person was operating or in actual physical control, as a driver, of a motor vehicle: criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, juvenile pimping, soliciting for a sexually exploited child, promoting commercial sexual exploitation of a child as described in subdivision (a)(1), (a)(2), or (a)(3) of Section 11-14.4 of the Criminal Code of 1961 or the Criminal Code of 2012, and the manufacture, sale or delivery of controlled substances or instruments used for illegal drug use or abuse in which case the driver's driving privileges shall be suspended for one year; 30. Has been convicted a second or subsequent time for any combination of the offenses named in paragraph 29 of this subsection, in which case the person's driving privileges shall be suspended for 5 years; 31. Has refused to submit to a test as required by Section 11-501.6 of this Code or Section 5-16c of the Boat Registration and Safety Act or has submitted to a test resulting in an alcohol concentration of 0.08 or more or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act, a controlled substance as listed in the Illinois Controlled Substances Act, an intoxicating compound as listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, in which case the penalty shall be as prescribed in Section 6-208.1; 32. Has been convicted of Section 24-1.2 of the Criminal Code of 1961 or the Criminal Code of 2012 relating to the aggravated discharge of a firearm if the offender was located in a motor vehicle at the time the firearm was discharged, in which case the suspension shall be for 3 years; 33. Has as a driver, who was less than 21 years of age on the date of the offense, been convicted a first time of a violation of paragraph

(a) of Section 11-502 of this Code or a similar provision of a local ordinance; 34. Has committed a violation of Section 11-1301.5 of this Code or a similar provision of a local ordinance; 35. Has committed a violation of Section 11-1301.6 of this Code or a similar provision of a local ordinance; 36. Is under the age of 21 years at the time of arrest and has been convicted of not less than 2 offenses against traffic regulations governing the movement of vehicles committed within any 24-month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction; 37. Has committed a violation of subsection

(c) of Section 11-907 of this Code that resulted in damage to the property of another or the death or injury of another; 38. Has been convicted of a violation of Section 6-20 of the Liquor Control Act of 1934 or a similar provision of a local ordinance and the person was an occupant of a motor vehicle at the time of the violation; 39. Has committed a second or subsequent violation of Section 11-1201 of this Code; 40. Has committed a violation of subsection (a-1) of Section 11-908 of this Code; 41. Has committed a second or subsequent violation of Section 11-605.1 of this Code, a similar provision of a local ordinance, or a similar violation in any other state within 2 years of the date of the previous violation, in which case the suspension shall be for 90 days; 42. Has committed a violation of subsection (a-1) of Section 11-1301.3 of this Code

or a similar provision of a local ordinance; 43. Has received a disposition of court supervision for a violation of subsection (a), (d), or

(e) of Section 6-20 of the Liquor Control Act of 1934 or a similar provision of a local ordinance and the person was an occupant of a motor vehicle at the time of the violation, in which case the suspension shall be for a period of 3 months; 44. Is under the age of 21 years at the time of arrest and has been convicted of an offense against traffic regulations governing the movement of vehicles after having previously had his or her driving privileges suspended or revoked pursuant to subparagraph 36 of this Section; 45. Has, in connection with or during the course of a formal hearing conducted under Section 2-118 of this Code:

(i) committed perjury; (ii) submitted fraudulent or falsified documents; (iii) submitted documents that have been materially altered; or (iv) submitted, as his or her own, documents that were in fact prepared or composed for another person; 46. Has committed a violation of subsection

(j) of Section 3-413 of this Code; 47. Has committed a violation of subsection

(a) of Section 11-502.1 of this Code; 48. Has submitted a falsified or altered medical examiner's certificate to the Secretary of State or provided false information to obtain a medical examiner's certificate; 49. Has been convicted of a violation of Section 11-1002 or 11-1002.5 that resulted in a Type A injury to another, in which case the driving privileges of the person shall be suspended for 12 months; 50. Has committed a violation of subsection (b-5) of Section 12-610.2 that resulted in great bodily harm, permanent disability, or disfigurement, in which case the driving privileges of the person shall be suspended for 12 months; 51. Has committed a violation of Section 10-15 Of the Cannabis Regulation and Tax Act or a similar provision of a local ordinance while in a motor vehicle; or 52. Has committed a violation of subsection

(b) of Section 10-20 of the Cannabis Regulation and Tax Act or a similar provision of a local ordinance. For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26, and 27 of this subsection, license means any driver's license, any traffic ticket issued when the person's driver's license is deposited in lieu of bail, a suspension notice issued by the Secretary of State, a duplicate or corrected driver's license, a probationary driver's license, or a temporary driver's license.

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

(c) 1. Upon suspending or revoking the driver's license or permit of any person as authorized in this Section, the Secretary of State shall immediately notify the person in writing of the revocation or suspension. The notice to be deposited in the United States mail, postage prepaid, to the last known address of the person. 2. If the Secretary of State suspends the driver's license of a person under subsection 2 of paragraph

(a) of this Section, a person's privilege to operate a vehicle as an occupation shall not be suspended, provided an affidavit is properly completed, the appropriate fee received, and a permit issued prior to the effective date of the suspension, unless 5 offenses were committed, at least 2 of which occurred while operating a commercial vehicle in connection with the driver's regular occupation. All other driving privileges shall be suspended by the Secretary of State. Any driver prior to operating a vehicle for occupational purposes only must submit the affidavit on forms to be provided by the Secretary of State setting forth the facts of the person's occupation. The affidavit shall also state the number of offenses committed while operating a vehicle in connection with the driver's regular occupation. The affidavit shall be accompanied by the driver's license. Upon receipt of a properly completed affidavit, the Secretary of State shall issue the driver a permit to operate a vehicle in connection with the driver's regular occupation only. Unless the permit is issued by the Secretary of State prior to the date of suspension, the privilege to drive any motor vehicle shall be suspended as set forth in the notice that was mailed under this Section. If an affidavit is received subsequent to the effective date of this suspension, a permit may be issued for the remainder of the suspension period. The provisions of this subparagraph shall not apply to any driver required to possess a CDL for the purpose of operating a commercial motor vehicle. Any person who falsely states any fact in the affidavit required herein shall be guilty of perjury under Section 6-302 and upon conviction thereof shall have all driving privileges revoked without further rights. 3. At the conclusion of a hearing under Section 2-118 of this Code, the Secretary of State shall either rescind or continue an order of revocation or shall substitute an order of suspension; or, good cause appearing therefor, rescind, continue, change, or extend the order of suspension. If the Secretary of State does not rescind the order, the Secretary may upon application, to relieve undue hardship (as defined by the rules of the Secretary of State), issue a restricted driving permit granting the privilege of driving a motor vehicle

between the petitioner's residence and petitioner's place of employment or within the scope of the petitioner's employment-related duties, or to allow the petitioner to transport himself or herself, or a family member of the petitioner's household to a medical facility, to receive necessary medical care, to allow the petitioner to transport himself or herself to and from alcohol or drug remedial or rehabilitative activity recommended by a licensed service provider, or to allow the petitioner to transport himself or herself or a family member of the petitioner's household to classes, as a student, at an accredited educational institution, or to allow the petitioner to transport children, elderly persons, or persons with disabilities who do not hold driving privileges and are living in the petitioner's household to and from daycare. The petitioner must demonstrate that no alternative means of transportation is reasonably available and that the petitioner will not endanger the public safety or welfare. (A) If a person's license or permit is revoked or suspended due to 2 or more convictions of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, or Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, where the use of alcohol or other drugs is recited as an element of the offense, or a similar out-of-state offense, or a combination of these offenses, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1. (B) If a person's license or permit is revoked or suspended 2 or more times due to any combination of:

(i) a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense or Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, where the use of alcohol or other drugs is recited as an element of the offense, or a similar out-of-state offense; or (ii) a statutory summary suspension or revocation under Section 11-501.1; or (iii) a suspension under Section 6-203.1; arising out of separate occurrences; that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1. (B-5) If a person's license or permit is revoked or suspended due to a conviction for a violation of subparagraph (C) or (F) of paragraph

(1) of subsection

(d) of Section 11-501 of this Code, or a similar provision of a local ordinance or similar out-of-state offense, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1. (C) The person issued a permit conditioned upon the use of an ignition interlock device must pay to the Secretary of State DUI Administration Fund an amount not to exceed \$30 per month. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees. (D) If the restricted driving permit is issued for employment purposes, then the prohibition against operating a motor vehicle that is not equipped with an ignition interlock device does not apply to the operation of an occupational vehicle owned or leased by that person's employer when used solely for employment purposes. For any person who, within a 5-year period, is convicted of a second or subsequent offense under Section 11-501 of this Code, or a similar provision of a local ordinance or similar out-of-state offense, this employment exemption does not apply until either a one-year period has elapsed during which that person had his or her driving privileges revoked or a one-year period has elapsed during which that person had a restricted driving permit which required the use of an ignition interlock device on every motor vehicle owned or operated by that person. (E) In each case the Secretary may issue a restricted driving permit for a period deemed appropriate, except that all permits shall expire no later than 2 years from the date of issuance. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a designated driver remedial or rehabilitative program. The Secretary of State is authorized to cancel a restricted driving permit if the permit holder does not successfully complete the program. (F) A person subject to the provisions of paragraph 4 of subsection

(b) of Section 6-208 of this Code may make application for a restricted driving permit at a hearing conducted under Section 2-118 of this Code after the expiration of 5 years from the effective date of the most recent revocation or after 5 years from the date of release from a period of imprisonment resulting from a conviction of the most recent offense, whichever is later, provided the person, in addition to all other requirements of the Secretary, shows by clear and convincing evidence:

(i) a minimum of 3 years of uninterrupted abstinence from alcohol and the unlawful use or consumption of cannabis under the Cannabis Control Act, a controlled substance under the Illinois Controlled Substances Act, an intoxicating compound

under the Use of Intoxicating Compounds Act, or methamphetamine under the Methamphetamine Control and Community Protection Act; and (ii) the successful completion of any rehabilitative treatment and involvement in any ongoing rehabilitative activity that may be recommended by a properly licensed service provider according to an assessment of the person's alcohol or drug use under Section 11-501.01 of this Code. In determining whether an applicant is eligible for a restricted driving permit under this subparagraph (F), the Secretary may consider any relevant evidence, including, but not limited to, testimony, affidavits, records, and the results of regular alcohol or drug tests. Persons subject to the provisions of paragraph 4 of subsection

(b) of Section 6-208 of this Code and who have been convicted of more than one violation of paragraph (3), paragraph (4), or paragraph

(5) of subsection

(a) of Section 11-501 of this Code shall not be eligible to apply for a restricted driving permit under this subparagraph (F). A restricted driving permit issued under this subparagraph (F) shall provide that the holder may only operate motor vehicles equipped with an ignition interlock device as required under paragraph

(2) of subsection

(c) of Section 6-205 of this Code and subparagraph (A) of paragraph 3 of subsection

(c) of this Section. The Secretary may revoke a restricted driving permit or amend the conditions of a restricted driving permit issued under this subparagraph (F) if the holder operates a vehicle that is not equipped with an ignition interlock device, or for any other reason authorized under this Code. A restricted driving permit issued under this subparagraph (F) shall be revoked, and the holder barred from applying for or being issued a restricted driving permit in the future, if the holder is convicted of a violation of Section 11-501 of this Code, a similar provision of a local ordinance, or a similar offense in another state. (c-3) In the case of a suspension under paragraph 43 of subsection (a), reports received by the Secretary of State under this Section shall, except during the actual time the suspension is in effect, be privileged information and for use only by the courts, police officers, prosecuting authorities, the driver licensing administrator of any other state, the Secretary of State, or the parent or legal guardian of a driver under the age of 18. However, beginning January 1, 2008, if the person is a CDL holder, the suspension shall also be made available to the driver licensing administrator of any other state, the U.S. Department of Transportation, and the affected driver or motor carrier or prospective motor carrier upon request. (c-4) In the case of a suspension under paragraph 43 of subsection (a), the Secretary of State shall notify the person by mail that his or her driving privileges and driver's license will be suspended one month after the date of the mailing of the notice. (c-5) The Secretary of State may, as a condition of the reissuance of a driver's license or permit to an applicant whose driver's license or permit has been suspended before he or she reached the age of 21 years pursuant to any of the provisions of this Section, require the applicant to participate in a driver remedial education course and be retested under Section 6-109 of this Code.

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

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

(f) In accordance with 49 CFR 384, the Secretary of State may not issue a restricted driving permit for the operation of a commercial motor vehicle to a person holding a CDL whose driving privileges have been suspended, revoked, cancelled, or disqualified under any provisions of this Code. (Text of Section from P.A. 104-400) Sec. 6-206. Discretionary authority to suspend or revoke license or permit; right to a hearing.

(a) The Secretary of State is authorized to suspend or revoke the driving privileges of any person without preliminary hearing upon a showing of the person's records or other sufficient evidence that the person: 1. Has committed an offense for which mandatory revocation of a driver's license or permit is required upon conviction; 2. Has been convicted of not less than 3 offenses against traffic regulations governing the movement of vehicles committed within any 12-month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction; 3. Has been repeatedly involved as a driver in motor vehicle collisions or has been repeatedly convicted of offenses against laws and ordinances regulating the movement of traffic, to a degree that indicates lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle or disrespect for the traffic laws and the safety of other persons upon the highway; 4. Has by the unlawful operation of a motor vehicle caused or contributed to a crash resulting in injury requiring immediate professional treatment in a medical facility or doctor's office to any person, except that any suspension or revocation imposed by the Secretary of State under the provisions of this subsection shall start no later

than 6 months after being convicted of violating a law or ordinance regulating the movement of traffic, which violation is related to the crash, or shall start not more than one year after the date of the crash, whichever date occurs later; 5. Has permitted an unlawful or fraudulent use of a driver's license, identification card, or permit; 6. Has been lawfully convicted of an offense or offenses in another state, including the authorization contained in Section 6-203.1, which if committed within this State would be grounds for suspension or revocation; 7. Has refused or failed to submit to an examination provided for by Section 6-207 or has failed to pass the examination; 8. Is ineligible for a driver's license or permit under the provisions of Section 6-103; 9. Has made a false statement or knowingly concealed a material fact or has used false information or identification in any application for a license, identification card, or permit; 10. Has possessed, displayed, or attempted to fraudulently use any license, identification card, or permit not issued to the person; 11. Has operated a motor vehicle upon a highway of this State when the person's driving privilege or privilege to obtain a driver's license or permit was revoked or suspended unless the operation was authorized by a monitoring device driving permit, judicial driving permit issued prior to January 1, 2009, probationary license to drive, or restricted driving permit issued under this Code; 12. Has submitted to any portion of the application process for another person or has obtained the services of another person to submit to any portion of the application process for the purpose of obtaining a license, identification card, or permit for some other person; 13. Has operated a motor vehicle upon a highway of this State when the person's driver's license or permit was invalid under the provisions of Sections 6-107.1 and 6-110; 14. Has committed a violation of Section 6-301, 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or 14B of the Illinois Identification Card Act or a similar offense in another state if, at the time of the offense, the person held an Illinois driver's license or identification card; 15. Has been convicted of violating Section 21-2 of the Criminal Code of 1961 or the Criminal Code of 2012 relating to criminal trespass to vehicles if the person exercised actual physical control over the vehicle during the commission of the offense, in which case the suspension shall be for one year; 16. Has been convicted of violating Section 11-204 of this Code relating to fleeing from a peace officer; 17. Has refused to submit to a test, or tests, as required under Section 11-501.1 of this Code and the person has not sought a hearing as provided for in Section 11-501.1; 18. (Blank); 19. Has committed a violation of paragraph

(a) or

(b) of Section 6-101 relating to driving without a driver's license; 20. Has been convicted of violating Section 6-104 relating to classification of driver's license; 21. Has been convicted of violating Section 11-402 of this Code relating to leaving the scene of a crash resulting in damage to a vehicle in excess of \$1,000, in which case the suspension shall be for one year; 22. Has used a motor vehicle in violating paragraph (3), (4), (7), or

(9) of subsection

(a) of Section 24-1 of the Criminal Code of 1961 or the Criminal Code of 2012 relating to unlawful possession of weapons, in which case the suspension shall be for one year; 23. Has, as a driver, been convicted of committing a violation of paragraph

(a) of Section 11-502 of this Code for a second or subsequent time within one year of a similar violation; 24. Has been convicted by a court-martial or punished by non-judicial punishment by military authorities of the United States at a military installation in Illinois or in another state of or for a traffic-related offense that is the same as or similar to an offense specified under Section 6-205 or 6-206 of this Code; 25. Has permitted any form of identification to be used by another in the application process in order to obtain or attempt to obtain a license, identification card, or permit; 26. Has altered or attempted to alter a license or has possessed an altered license, identification card, or permit; 27. (Blank); 28. Has been convicted for a first time of the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the Illinois Controlled Substances Act, any cannabis prohibited under the Cannabis Control Act, or any methamphetamine prohibited under the Methamphetamine Control and Community Protection Act, in which case the person's driving privileges shall be suspended for one year. Any defendant found guilty of this offense while operating a motor vehicle shall have an entry made in the court record by the presiding judge that this offense did occur while the defendant was operating a motor vehicle and order the clerk of the court to report the violation to the Secretary of State; 29. Has been convicted of the following offenses that were committed while the person was operating or in actual physical control, as a driver, of a motor vehicle: criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, juvenile pimping, soliciting for a juvenile prostitute, promoting juvenile prostitution as described in subdivision (a)(1), (a)(2), or (a)(3) of Section 11-14.4 of the Criminal Code of 1961 or the Criminal Code of 2012, and the manufacture, sale or delivery of controlled substances or instruments used for illegal drug use or abuse in which case the

driver's driving privileges shall be suspended for one year; 30. Has been convicted a second or subsequent time for any combination of the offenses named in paragraph 29 of this subsection, in which case the person's driving privileges shall be suspended for 5 years; 31. Has refused to submit to a test as required by Section 11-501.6 of this Code or Section 5-16c of the Boat Registration and Safety Act or has submitted to a test resulting in an alcohol concentration of 0.08 or more or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act, a controlled substance as listed in the Illinois Controlled Substances Act, an intoxicating compound as listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, in which case the penalty shall be as prescribed in Section 6-208.1; 32. Has been convicted of Section 24-1.2 of the Criminal Code of 1961 or the Criminal Code of 2012 relating to the aggravated discharge of a firearm if the offender was located in a motor vehicle at the time the firearm was discharged, in which case the suspension shall be for 3 years; 33. Has as a driver, who was less than 21 years of age on the date of the offense, been convicted a first time of a violation of paragraph

(a) of Section 11-502 of this Code or a similar provision of a local ordinance; 34. Has committed a violation of Section 11-1301.5 of this Code or a similar provision of a local ordinance; 35. Has committed a violation of Section 11-1301.6 of this Code or a similar provision of a local ordinance; 36. Is under the age of 21 years at the time of arrest and has been convicted of not less than 2 offenses against traffic regulations governing the movement of vehicles committed within any 24-month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction; 37. Has committed a violation of subsection (c), (c-5), or (c-10) of Section 11-907 of this Code that resulted in damage to the property of another or the death or injury of another; 38. Has been convicted of a violation of Section 6-20 of the Liquor Control Act of 1934 or a similar provision of a local ordinance and the person was an occupant of a motor vehicle at the time of the violation; 39. Has committed a second or subsequent violation of Section 11-1201 of this Code; 40. Has committed a violation of subsection (a-1) of Section 11-908 of this Code; 41. Has committed a second or subsequent violation of Section 11-605.1 of this Code, a similar provision of a local ordinance, or a similar violation in any other state within 2 years of the date of the previous violation, in which case the suspension shall be for 90 days; 42. Has committed a violation of subsection (a-1) of Section 11-1301.3 of this Code or a similar provision of a local ordinance; 43. Has received a disposition of court supervision for a violation of subsection (a), (d), or

(e) of Section 6-20 of the Liquor Control Act of 1934 or a similar provision of a local ordinance and the person was an occupant of a motor vehicle at the time of the violation, in which case the suspension shall be for a period of 3 months; 44. Is under the age of 21 years at the time of arrest and has been convicted of an offense against traffic regulations governing the movement of vehicles after having previously had his or her driving privileges suspended or revoked pursuant to subparagraph 36 of this Section; 45. Has, in connection with or during the course of a formal hearing conducted under Section 2-118 of this Code:

(i) committed perjury; (ii) submitted fraudulent or falsified documents; (iii) submitted documents that have been materially altered; or (iv) submitted, as his or her own, documents that were in fact prepared or composed for another person; 46. Has committed a violation of subsection

(j) of Section 3-413 of this Code; 47. Has committed a violation of subsection

(a) of Section 11-502.1 of this Code; 48. Has submitted a falsified or altered medical examiner's certificate to the Secretary of State or provided false information to obtain a medical examiner's certificate; 49. Has been convicted of a violation of Section 11-1002 or 11-1002.5 that resulted in a Type A injury to another, in which case the driving privileges of the person shall be suspended for 12 months; 50. Has committed a violation of subsection (b-5) of Section 12-610.2 that resulted in great bodily harm, permanent disability, or disfigurement, in which case the driving privileges of the person shall be suspended for 12 months; 51. Has committed a violation of Section 10-15 Of the Cannabis Regulation and Tax Act or a similar provision of a local ordinance while in a motor vehicle; or 52. Has committed a violation of subsection

(b) of Section 10-20 of the Cannabis Regulation and Tax Act or a similar provision of a local ordinance. For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26, and 27 of this subsection, license means any driver's license, any traffic ticket issued when the person's driver's license is deposited in lieu of bail, a suspension notice issued by the Secretary of State, a duplicate or corrected driver's license, a probationary driver's license, or a temporary driver's license.

(b) If any conviction forming the basis of a suspension or revocation authorized under this Section is appealed, the Secretary of State may rescind or withhold the entry of the order of suspension or revocation, as the case may be, provided that a certified copy of a stay order of a court is filed with the Secretary of State. If the conviction is affirmed on appeal, the date of the conviction shall relate back to the time the original judgment of conviction was entered and the

6-month limitation prescribed shall not apply.

(c) 1. Upon suspending or revoking the driver's license or permit of any person as authorized in this Section, the Secretary of State shall immediately notify the person in writing of the revocation or suspension. The notice to be deposited in the United States mail, postage prepaid, to the last known address of the person. 2. If the Secretary of State suspends the driver's license of a person under subsection 2 of paragraph

(a) of this Section, a person's privilege to operate a vehicle as an occupation shall not be suspended, provided an affidavit is properly completed, the appropriate fee received, and a permit issued prior to the effective date of the suspension, unless 5 offenses were committed, at least 2 of which occurred while operating a commercial vehicle in connection with the driver's regular occupation. All other driving privileges shall be suspended by the Secretary of State. Any driver prior to operating a vehicle for occupational purposes only must submit the affidavit on forms to be provided by the Secretary of State setting forth the facts of the person's occupation. The affidavit shall also state the number of offenses committed while operating a vehicle in connection with the driver's regular occupation. The affidavit shall be accompanied by the driver's license. Upon receipt of a properly completed affidavit, the Secretary of State shall issue the driver a permit to operate a vehicle in connection with the driver's regular occupation only. Unless the permit is issued by the Secretary of State prior to the date of suspension, the privilege to drive any motor vehicle shall be suspended as set forth in the notice that was mailed under this Section. If an affidavit is received subsequent to the effective date of this suspension, a permit may be issued for the remainder of the suspension period. The provisions of this subparagraph shall not apply to any driver required to possess a CDL for the purpose of operating a commercial motor vehicle. Any person who falsely states any fact in the affidavit required herein shall be guilty of perjury under Section 6-302 and upon conviction thereof shall have all driving privileges revoked without further rights. 3. At the conclusion of a hearing under Section 2-118 of this Code, the Secretary of State shall either rescind or continue an order of revocation or shall substitute an order of suspension; or, good cause appearing therefor, rescind, continue, change, or extend the order of suspension. If the Secretary of State does not rescind the order, the Secretary may upon application, to relieve undue hardship (as defined by the rules of the Secretary of State), issue a restricted driving permit granting the privilege of driving a motor vehicle between the petitioner's residence and petitioner's place of employment or within the scope of the petitioner's employment-related duties, or to allow the petitioner to transport himself or herself, or a family member of the petitioner's household to a medical facility, to receive necessary medical care, to allow the petitioner to transport himself or herself to and from alcohol or drug remedial or rehabilitative activity recommended by a licensed service provider, or to allow the petitioner to transport himself or herself or a family member of the petitioner's household to classes, as a student, at an accredited educational institution, or to allow the petitioner to transport children, elderly persons, or persons with disabilities who do not hold driving privileges and are living in the petitioner's household to and from daycare. The petitioner must demonstrate that no alternative means of transportation is reasonably available and that the petitioner will not endanger the public safety or welfare. (A) If a person's license or permit is revoked or suspended due to 2 or more convictions of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, or Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, where the use of alcohol or other drugs is recited as an element of the offense, or a similar out-of-state offense, or a combination of these offenses, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1. (B) If a person's license or permit is revoked or suspended 2 or more times due to any combination of:

(i) a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense or Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, where the use of alcohol or other drugs is recited as an element of the offense, or a similar out-of-state offense; or (ii) a statutory summary suspension or revocation under Section 11-501.1; or (iii) a suspension under Section 6-203.1; arising out of separate occurrences; that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1. (B-5) If a person's license or permit is revoked or suspended due to a conviction for a violation of subparagraph (C) or (F) of paragraph

(1) of subsection

(d) of Section 11-501 of this Code, or a similar provision of a local ordinance or similar out-of-state offense, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1. (C) The person issued a permit conditioned upon the use of an ignition interlock device must pay to the Secretary of State DUI Administration Fund an amount not to exceed \$30 per month. The Secretary shall

establish by rule the amount and the procedures, terms, and conditions relating to these fees. (D) If the restricted driving permit is issued for employment purposes, then the prohibition against operating a motor vehicle that is not equipped with an ignition interlock device does not apply to the operation of an occupational vehicle owned or leased by that person's employer when used solely for employment purposes. For any person who, within a 5-year period, is convicted of a second or subsequent offense under Section 11-501 of this Code, or a similar provision of a local ordinance or similar out-of-state offense, this employment exemption does not apply until either a one-year period has elapsed during which that person had his or her driving privileges revoked or a one-year period has elapsed during which that person had a restricted driving permit which required the use of an ignition interlock device on every motor vehicle owned or operated by that person. (E) In each case the Secretary may issue a restricted driving permit for a period deemed appropriate, except that all permits shall expire no later than 2 years from the date of issuance. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a designated driver remedial or rehabilitative program. The Secretary of State is authorized to cancel a restricted driving permit if the permit holder does not successfully complete the program. (F) A person subject to the provisions of paragraph 4 of subsection

(b) of Section 6-208 of this Code may make application for a restricted driving permit at a hearing conducted under Section 2-118 of this Code after the expiration of 5 years from the effective date of the most recent revocation or after 5 years from the date of release from a period of imprisonment resulting from a conviction of the most recent offense, whichever is later, provided the person, in addition to all other requirements of the Secretary, shows by clear and convincing evidence:

(i) a minimum of 3 years of uninterrupted abstinence from alcohol and the unlawful use or consumption of cannabis under the Cannabis Control Act, a controlled substance under the Illinois Controlled Substances Act, an intoxicating compound under the Use of Intoxicating Compounds Act, or methamphetamine under the Methamphetamine Control and Community Protection Act; and (ii) the successful completion of any rehabilitative treatment and involvement in any ongoing rehabilitative activity that may be recommended by a properly licensed service provider according to an assessment of the person's alcohol or drug use under Section 11-501.01 of this Code. In determining whether an applicant is eligible for a restricted driving permit under this subparagraph (F), the Secretary may consider any relevant evidence, including, but not limited to, testimony, affidavits, records, and the results of regular alcohol or drug tests. Persons subject to the provisions of paragraph 4 of subsection

(b) of Section 6-208 of this Code and who have been convicted of more than one violation of paragraph (3), paragraph (4), or paragraph

(5) of subsection

(a) of Section 11-501 of this Code shall not be eligible to apply for a restricted driving permit under this subparagraph (F). A restricted driving permit issued under this subparagraph (F) shall provide that the holder may only operate motor vehicles equipped with an ignition interlock device as required under paragraph

(2) of subsection

(c) of Section 6-205 of this Code and subparagraph (A) of paragraph 3 of subsection

(c) of this Section. The Secretary may revoke a restricted driving permit or amend the conditions of a restricted driving permit issued under this subparagraph (F) if the holder operates a vehicle that is not equipped with an ignition interlock device, or for any other reason authorized under this Code. A restricted driving permit issued under this subparagraph (F) shall be revoked, and the holder barred from applying for or being issued a restricted driving permit in the future, if the holder is convicted of a violation of Section 11-501 of this Code, a similar provision of a local ordinance, or a similar offense in another state. (c-3) In the case of a suspension under paragraph 43 of subsection (a), reports received by the Secretary of State under this Section shall, except during the actual time the suspension is in effect, be privileged information and for use only by the courts, police officers, prosecuting authorities, the driver licensing administrator of any other state, the Secretary of State, or the parent or legal guardian of a driver under the age of 18. However, beginning January 1, 2008, if the person is a CDL holder, the suspension shall also be made available to the driver licensing administrator of any other state, the U.S. Department of Transportation, and the affected driver or motor carrier or prospective motor carrier upon request. (c-4) In the case of a suspension under paragraph 43 of subsection (a), the

Secretary of State shall notify the person by mail that his or her driving privileges and driver's license will be suspended one month after the date of the mailing of the notice. (c-5) The Secretary of State may, as a condition of the reissuance of a driver's license or permit to an applicant whose driver's license or permit has been suspended before he or she reached the age of 21 years pursuant to any of the provisions of this Section, require the applicant to participate in a driver remedial education course and be retested under Section 6-109 of this Code.

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

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

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

625 ILCS 5/6-206.1 — Monitoring Device Driving Permit

Sec. 6-206.1. Monitoring Device Driving Permit. Declaration of Policy. It is hereby declared a policy of the State of Illinois that the driver who is impaired by alcohol, other drug or drugs, or intoxicating compound or compounds is a threat to the public safety and welfare. Therefore, to provide a deterrent to such practice, a statutory summary driver's license suspension is appropriate. It is also recognized that driving is a privilege and therefore, that the granting of driving privileges, in a manner consistent with public safety, is warranted during the period of suspension in the form of a monitoring device driving permit. A person who drives and fails to comply with the requirements of the monitoring device driving permit commits a violation of Section 6-303 of this Code. The following procedures shall apply whenever a first offender, as defined in Section 11-500 of this Code, is arrested for any offense as defined in Section 11-501 or a similar provision of a local ordinance and is subject to the provisions of Section 11-501.1:

(a) Upon mailing of the notice of suspension of driving privileges as provided in subsection

(h) of Section 11-501.1 of this Code, the Secretary shall also send written notice informing the person that he or she will be issued a monitoring device driving permit (MDDP). The notice shall include, at minimum, information summarizing the procedure to be followed for issuance of the MDDP, installation of the breath alcohol ignition installation device (BAIID), as provided in this Section, exemption from BAIID installation requirements, and procedures to be followed by those seeking indigent status, as provided in this Section. The notice shall also include information summarizing the procedure to be followed if the person wishes to decline issuance of the MDDP. A copy of the notice shall also be sent to the court of venue together with the notice of suspension of driving privileges, as provided in subsection

(h) of Section 11-501. However, a MDDP shall not be issued if the Secretary finds that:

(1) the offender's driver's license is otherwise invalid;

(2) death or great bodily harm to another resulted from the arrest for Section 11-501;

(3) the offender has been previously convicted of reckless homicide or aggravated driving under the influence involving death; or

(4) the offender is less than 18 years of age. Any offender participating in the MDDP program must pay the Secretary a MDDP Administration Fee in an amount not to exceed \$30 per month, to be deposited into the Monitoring Device Driving Permit Administration Fee Fund. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees. The offender must have an ignition interlock device installed within 14 days of the date the Secretary issues the MDDP. The ignition interlock device provider must notify the Secretary, in a manner and form prescribed by the Secretary, of the installation. If the Secretary does not receive notice of installation, the Secretary shall cancel the MDDP. Upon receipt of the notice, as provided in paragraph

(a) of this Section, the person may file a petition to decline issuance of the MDDP with the court of venue. The court shall admonish the offender of all consequences of declining issuance of the MDDP including, but not limited to, the enhanced penalties for driving while suspended. After being so admonished, the offender shall be permitted, in writing, to execute a notice declining issuance of the MDDP. This notice shall be filed with the court and forwarded by the clerk of the court to the Secretary. The offender may, at any time thereafter, apply to the Secretary for issuance of a MDDP. (a-1) A person issued a MDDP may drive for any purpose and at any time, subject to the rules adopted by the Secretary under subsection (g). The person must, at his or her own expense, drive only vehicles equipped with an ignition interlock device as defined in Section 1-129.1, but in no event shall such person drive a commercial motor vehicle. (a-2) Persons who are

issued a MDDP and must drive employer-owned vehicles in the course of their employment duties may seek permission to drive an employer-owned vehicle that does not have an ignition interlock device. The employer shall provide to the Secretary a form, as prescribed by the Secretary, completed by the employer verifying that the employee must drive an employer-owned vehicle in the course of employment. If approved by the Secretary, the form must be in the driver's possession while operating an employer-owned vehicle not equipped with an ignition interlock device. No person may use this exemption to drive a school bus, school vehicle, or a vehicle designed to transport more than 15 passengers. No person may use this exemption to drive an employer-owned motor vehicle that is owned by an entity that is wholly or partially owned by the person holding the MDDP, or by a family member of the person holding the MDDP. No person may use this exemption to drive an employer-owned vehicle that is made available to the employee for personal use. No person may drive the exempted vehicle more than 12 hours per day, 6 days per week. (a-3) Persons who are issued a MDDP and who must drive a farm tractor to and from a farm, within 50 air miles from the originating farm are exempt from installation of a BAIID on the farm tractor, so long as the farm tractor is being used for the exclusive purpose of conducting farm operations.

(b) (Blank).

(c) (Blank). (c-1) If the holder of the MDDP is convicted of or receives court supervision for a violation of Section 6-206.2, 6-303, 11-204, 11-204.1, 11-401, 11-501, 11-503, 11-506 or a similar provision of a local ordinance or a similar out-of-state offense or is convicted of or receives court supervision for any offense for which alcohol or drugs is an element of the offense and in which a motor vehicle was involved (for an arrest other than the one for which the MDDP is issued), or de-installs the BAIID without prior authorization from the Secretary, the MDDP shall be cancelled. (c-5) If the Secretary determines that the person seeking the MDDP is indigent, the Secretary shall provide the person with a written document as evidence of that determination, and the person shall provide that written document to an ignition interlock device provider. The provider shall install an ignition interlock device on that person's vehicle without charge to the person, and seek reimbursement from the Indigent BAIID Fund. If the Secretary has deemed an offender indigent, the BAIID provider shall also provide the normal monthly monitoring services and the de-installation without charge to the offender and seek reimbursement from the Indigent BAIID Fund. Any other monetary charges, such as a lockout fee or reset fee, shall be the responsibility of the MDDP holder. A BAIID provider may not seek a security deposit from the Indigent BAIID Fund.

(d) MDDP information shall be available only to the courts, police officers, and the Secretary, except during the actual period the MDDP is valid, during which time it shall be a public record.

(e) (Blank).

(f) (Blank).

(g) The Secretary shall adopt rules for implementing this Section. The rules adopted shall address issues including, but not limited to: compliance with the requirements of the MDDP; methods for determining compliance with those requirements; the consequences of noncompliance with those requirements; what constitutes a violation of the MDDP; methods for determining indigency; and the duties of a person or entity that supplies the ignition interlock device.

(h) The rules adopted under subsection

(g) shall provide, at a minimum, that the person is not in compliance with the requirements of the MDDP if he or she:

- (1) tampers or attempts to tamper with or circumvent the proper operation of the ignition interlock device;
- (2) provides valid breath samples that register blood alcohol levels in excess of the number of times allowed under the rules;
- (3) fails to provide evidence sufficient to satisfy the Secretary that the ignition interlock device has been installed in the designated vehicle or vehicles; or
- (4) fails to follow any other applicable rules adopted by the Secretary.

(i) Any person or entity that supplies an ignition interlock device as provided under this Section shall, in addition to supplying only those devices which fully comply with all the rules adopted under subsection (g), provide the Secretary, within 7 days of inspection, all monitoring reports of each person who has had an ignition interlock device installed. These reports shall be furnished in a manner or form as prescribed by the Secretary.

(j) Upon making a determination that a violation of the requirements of the MDDP has occurred, the Secretary shall extend the summary suspension period for an additional 3 months beyond the originally imposed summary suspension

period, during which time the person shall only be allowed to drive vehicles equipped with an ignition interlock device; provided further there are no limitations on the total number of times the summary suspension may be extended. The Secretary may, however, limit the number of extensions imposed for violations occurring during any one monitoring period, as set forth by rule. Any person whose summary suspension is extended pursuant to this Section shall have the right to contest the extension through a hearing with the Secretary, pursuant to Section 2-118 of this Code. If the summary suspension has already terminated prior to the Secretary receiving the monitoring report that shows a violation, the Secretary shall be authorized to suspend the person's driving privileges for 3 months, provided that the Secretary may, by rule, limit the number of suspensions to be entered pursuant to this paragraph for violations occurring during any one monitoring period. Any person whose license is suspended pursuant to this paragraph, after the summary suspension had already terminated, shall have the right to contest the suspension through a hearing with the Secretary, pursuant to Section 2-118 of this Code. The only permit the person shall be eligible for during this new suspension period is a MDDP.

(k) A person who has had his or her summary suspension extended for the third time, or has any combination of 3 extensions and new suspensions, entered as a result of a violation that occurred while holding the MDDP, so long as the extensions and new suspensions relate to the same summary suspension, shall have his or her vehicle impounded for a period of 30 days, at the person's own expense. A person who has his or her summary suspension extended for the fourth time, or has any combination of 4 extensions and new suspensions, entered as a result of a violation that occurred while holding the MDDP, so long as the extensions and new suspensions relate to the same summary suspension, shall have his or her vehicle subject to seizure and forfeiture. The Secretary shall notify the prosecuting authority of any third or fourth extensions or new suspension entered as a result of a violation that occurred while the person held a MDDP. Upon receipt of the notification, the prosecuting authority shall impound or forfeit the vehicle. The impoundment or forfeiture of a vehicle shall be conducted pursuant to the procedure specified in Article 36 of the Criminal Code of 2012.

(l) A person whose driving privileges have been suspended under Section 11-501.1 of this Code and who had a MDDP that was cancelled, or would have been cancelled had notification of a violation been received prior to expiration of the MDDP, pursuant to subsection (c-1) of this Section, shall not be eligible for reinstatement when the summary suspension is scheduled to terminate. Instead, the person's driving privileges shall be suspended for a period of not less than twice the original summary suspension period, or for the length of any extensions entered under subsection (j), whichever is longer. During the period of suspension, the person shall be eligible only to apply for a restricted driving permit. If a restricted driving permit is granted, the offender may only operate vehicles equipped with a BAID in accordance with this Section.

(m) Any person or entity that supplies an ignition interlock device under this Section shall, for each ignition interlock device installed, pay 5% of the total gross revenue received for the device, including monthly monitoring fees, into the Indigent BAID Fund. This 5% shall be clearly indicated as a separate surcharge on each invoice that is issued. The Secretary shall conduct an annual review of the fund to determine whether the surcharge is sufficient to provide for indigent users. The Secretary may increase or decrease this surcharge requirement as needed.

(n) Any person or entity that supplies an ignition interlock device under this Section that is requested to provide an ignition interlock device to a person who presents written documentation of indigency from the Secretary, as provided in subsection (c-5) of this Section, shall install the device on the person's vehicle without charge to the person and shall seek reimbursement from the Indigent BAID Fund.

(o) The Indigent BAID Fund is created as a special fund in the State treasury. The Secretary shall, subject to appropriation by the General Assembly, use all money in the Indigent BAID Fund to reimburse ignition interlock device providers who have installed devices in vehicles of indigent persons. The Secretary shall make payments to such providers every 3 months. If the amount of money in the fund at the time payments are made is not sufficient to pay all requests for reimbursement submitted during that 3 month period, the Secretary shall make payments on a pro-rata basis, and those payments shall be considered payment in full for the requests submitted. If the amount of money in the fund exceeds the amount necessary to pay all requests for reimbursement during that 3-month period, the Secretary shall disburse the excess to the providers on a pro rata basis.

(p) The Monitoring Device Driving Permit Administration Fee Fund is created as a special fund in the State treasury. The Secretary shall, subject to appropriation by the General Assembly, use the money paid into this fund to offset its administrative costs for administering MDDPs.

(q) The Secretary is authorized to prescribe such forms as it deems necessary to carry out the provisions of this Section.

625 ILCS 5/6-206.2 — Violations relating to an ignition interlock device

Sec. 6-206.2. Violations relating to an ignition interlock device.

(a) It is unlawful for any person whose driving privilege is restricted by being prohibited from operating a motor vehicle not equipped with an ignition interlock device to operate a motor vehicle not equipped with an ignition interlock device. (a-5) It is unlawful for any person whose driving privilege is restricted by being prohibited from operating a motor vehicle not equipped with an ignition interlock device to request or solicit any other person to blow into an ignition interlock device or to start a motor vehicle equipped with the device for the purpose of providing the person so restricted with an operable motor vehicle.

(b) It is unlawful to blow into an ignition interlock device or to start a motor vehicle equipped with the device for the purpose of providing an operable motor vehicle to a person whose driving privilege is restricted by being prohibited from operating a motor vehicle not equipped with an ignition interlock device.

(c) It is unlawful to tamper with, or circumvent the operation of, an ignition interlock device.

(d) Except as provided in subsection (c)(17) of Section 5-6-3.1 of the Unified Code of Corrections or by rule, no person shall knowingly rent, lease, or lend a motor vehicle to a person known to have his or her driving privilege restricted by being prohibited from operating a vehicle not equipped with an ignition interlock device, unless the vehicle is equipped with a functioning ignition interlock device. Any person whose driving privilege is so restricted shall notify any person intending to rent, lease, or loan a motor vehicle to the restricted person of the driving restriction imposed upon him or her. (d-5) A person convicted of a violation of this Section is guilty of a Class A misdemeanor.

(e) (Blank).

625 ILCS 5/6-207 — Secretary of State may require reexamination or reissuance of a license

Sec. 6-207. Secretary of State may require reexamination or reissuance of a license.

(a) The Secretary of State, having good cause to believe that a licensed driver or person holding a permit or applying for a license or license renewal is incompetent or otherwise not qualified to hold a license or permit, may upon written notice of at least 5 days to the person require the person to submit to an examination as prescribed by the Secretary. Refusal or neglect of the person to submit an alcohol, drug, or intoxicating compound evaluation or submit to or failure to successfully complete the examination is grounds for suspension of the person's license or permit under Section 6-206 of this Act or cancellation of his license or permit under Section 6-201 of this Act.

(b) The Secretary of State, having issued a driver's license or permit in error, may upon written notice of at least 5 days to the person, require the person to appear at a Driver Services facility to have the license or permit error corrected and a new license or permit issued. Refusal or neglect of the person to appear is grounds for cancellation of the person's license or permit under Section 6-201 of this Act.

(c) The Secretary of State, having issued a driver's license or permit to a person who subsequently becomes ineligible to retain that license or permit as currently issued, may, upon written notice of at least 5 days to the person, require the person to appear at a Driver Services facility to have the license or permit corrected and a new license or permit issued.

(d) The Secretary of State, having good cause to believe that a driver's license or permit was issued based on invalid, fictitious, or fraudulent documents, may upon written notice of at least 5 days require the person to appear at a Driver Services facility to present valid documents for verification of identity. Refusal or neglect of the person to appear shall result in cancellation of the person's license or permit.

(e) Under 49 C.F.R. 383.73, if the Secretary of State receives credible information that a CLP or CDL was issued and fraud was committed relating to the issuance of the CLP or CDL, the Secretary shall require the CLP or CDL holder to re-submit to all testing required for the issuance of the CLP or CDL (written, pre-trip, skills, and road exams). Upon written notification by the Secretary, the holder shall have 5 days to submit to re-examination. Failure to appear or successfully complete the examination shall result in the cancellation of the CLP or CDL under Section 6-201 of this Act.) (Text of Section after amendment by P.A. 104-169) Sec. 6-207. Secretary of State may require reexamination or reissuance of a license.

(a) The Secretary of State, having good cause to believe that a licensed driver or person holding a permit or applying for a license or license renewal is incompetent or otherwise not qualified to hold a license or permit, may upon written notice of at least 5 days to the person require the person to submit to an examination, including, but not limited to, a physical, mental, or driving examination, as prescribed by the Secretary. Refusal or neglect of the person to submit an alcohol,

drug, or intoxicating compound evaluation or submit to or failure to successfully complete the examination is grounds for suspension of the person's license or permit under Section 6-206 of this Act or cancellation of his license or permit under Section 6-201 of this Act.

(b) The Secretary of State, having issued a driver's license or permit in error, may upon written notice of at least 5 days to the person, require the person to appear at a Driver Services facility to have the license or permit error corrected and a new license or permit issued. Refusal or neglect of the person to appear is grounds for cancellation of the person's license or permit under Section 6-201 of this Act.

(c) The Secretary of State, having issued a driver's license or permit to a person who subsequently becomes ineligible to retain that license or permit as currently issued, may, upon written notice of at least 5 days to the person, require the person to appear at a Driver Services facility to have the license or permit corrected and a new license or permit issued.

(d) The Secretary of State, having good cause to believe that a driver's license or permit was issued based on invalid, fictitious, or fraudulent documents, may upon written notice of at least 5 days require the person to appear at a Driver Services facility to present valid documents for verification of identity. Refusal or neglect of the person to appear shall result in cancellation of the person's license or permit.

(e) Under 49 C.F.R. 383.73, if the Secretary of State receives credible information that a CLP or CDL was issued and fraud was committed relating to the issuance of the CLP or CDL, the Secretary shall require the CLP or CDL holder to re-submit to all testing required for the issuance of the CLP or CDL (written, pre-trip, skills, and road exams). Upon written notification by the Secretary, the holder shall have 5 days to submit to re-examination. Failure to appear or successfully complete the examination shall result in the cancellation of the CLP or CDL under Section 6-201 of this Act.

(f) The Secretary of State may adopt rules to implement this Section.

625 ILCS 5/6-208 — Period of suspension - application after revocation

Sec. 6-208. Period of suspension - application after revocation.

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

(b) Any person whose license, permit, or privilege to drive a motor vehicle on the highways has been revoked shall not be entitled to have such license, permit, or privilege renewed or restored. However, such person may, except as provided under subsections

(d) and (d-5) of Section 6-205, make application for a license pursuant to Section 6-106

(i) if the revocation was for a cause that has been removed or (ii) as provided in the following subparagraphs: 1. Except as provided in subparagraphs 1.3, 1.5, 2, 3, 4, and 5, the person may make application for a license (A) after the expiration of one year from the effective date of the revocation, (B) in the case of a violation of paragraph

(b) of Section 11-401 of this Code or a similar provision of a local ordinance, after the expiration of 3 years from the effective date of the revocation, or (C) in the case of a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 or a similar provision of a law of another state relating to the offense of reckless homicide or a violation of subparagraph (F) of paragraph 1 of subsection

(d) of Section 11-501 of this Code relating to aggravated driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof, if the violation was the proximate cause of a death, after the expiration of 2 years from the effective date of the revocation or after the expiration of 24 months from the date of release from a period of imprisonment as provided in Section 6-103 of this Code, whichever is later. 1.3. If the person is convicted of a second or subsequent violation of Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, or Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, in which the use of alcohol or other drugs is recited as an element of the offense, or a similar out-of-state offense, or a combination of these offenses, arising out of separate occurrences, that person may not make application for a driver's license until: (A) the person has first been issued a restricted driving permit by the Secretary of State; and (B) the expiration of a continuous period of not less than 5 years following the issuance of the restricted driving permit during which the person's restricted driving permit is not suspended, cancelled, or revoked for a violation of any provision of law, or any rule or regulation of the Secretary of State relating to the required use of an ignition interlock device. 1.5. If the person is convicted of a violation of Section 6-303 of this Code committed while his or her driver's license, permit, or privilege was revoked because of a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the

offense of reckless homicide, or a similar provision of a law of another state, the person may not make application for a license or permit until the expiration of 3 years from the date of the conviction. 2. If such person is convicted of committing a second violation within a 20-year period of: (A) Section 11-501 of this Code or a similar provision of a local ordinance; (B) Paragraph

(b) of Section 11-401 of this Code or a similar provision of a local ordinance; (C) Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide; or (D) any combination of the above offenses committed at different instances; then such person may not make application for a license until after the expiration of 5 years from the effective date of the most recent revocation. The 20-year period shall be computed by using the dates the offenses were committed and shall also include similar out-of-state offenses and similar offenses committed on a military installation. 2.5. If a person is convicted of a second violation of Section 6-303 of this Code committed while the person's driver's license, permit, or privilege was revoked because of a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a similar provision of a law of another state, the person may not make application for a license or permit until the expiration of 5 years from the date of release from a term of imprisonment. 3. However, except as provided in subparagraph 4, if such person is convicted of committing a third violation or any combination of the above offenses, including similar out-of-state offenses and similar offenses committed on a military installation, contained in subparagraph 2, then such person may not make application for a license until after the expiration of 10 years from the effective date of the most recent revocation. 4. Except as provided in paragraph (1.5) of subsection

(c) of Section 6-205 and subparagraph (F) of paragraph 3 of subsection

(c) of Section 6-206 of this Code, the person may not make application for a license if the person is convicted of committing a fourth or subsequent violation of Section 11-501 of this Code or a similar provision of a local ordinance, Section 11-401 of this Code, Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, or a combination of these offenses, similar provisions of local ordinances, similar out-of-state offenses, or similar offenses committed on a military installation. 4.5. A bona fide resident of a foreign jurisdiction who is subject to the provisions of subparagraph 4 of this subsection

(b) may make application for termination of the revocation after a period of 10 years from the effective date of the most recent revocation. However, if a person who has been granted a termination of revocation under this subparagraph 4.5 subsequently becomes a resident of this State, the revocation shall be reinstated and the person shall be subject to the provisions of subparagraph 4. 5. The person may not make application for a license or permit if the person is convicted of a third or subsequent violation of Section 6-303 of this Code committed while his or her driver's license, permit, or privilege was revoked because of a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a similar provision of a law of another state. Notwithstanding any other provision of this Code, all persons referred to in this paragraph

(b) may not have their privileges restored until the Secretary receives payment of the required reinstatement fee pursuant to subsection

(b) of Section 6-118. In no event shall the Secretary issue such license unless and until such person has had a hearing pursuant to this Code and the appropriate administrative rules and the Secretary is satisfied, after a review or investigation of such person, that to grant the privilege of driving a motor vehicle on the highways will not endanger the public safety or welfare.

(c) (Blank).

625 ILCS 5/6-208.1 — Period of statutory summary alcohol, other drug, or intoxicating compound related suspension or revocation

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

(a) Unless the statutory summary suspension has been rescinded, any person whose privilege to drive a motor vehicle on the public highways has been summarily suspended, pursuant to Section 11-501.1, shall not be eligible for restoration of the privilege until the expiration of: 1. twelve months from the effective date of the statutory summary suspension for a refusal or failure to complete a test or tests to determine the alcohol, other drug, or intoxicating compound concentration under Section 11-501.1, if the person was not involved in a motor vehicle crash that caused personal injury or death to another; or 2. six months from the effective date of the statutory summary suspension imposed following the person's

submission to a chemical test which disclosed an alcohol concentration of 0.08 or more, the presence of cannabis as listed in the Cannabis Control Act with a tetrahydrocannabinol concentration as defined in paragraph 6 of subsection

(a) of Section 11-501.2 of this Code, or any amount of a drug, substance, or intoxicating compound in such person's breath, blood, other bodily substance, or urine resulting from the unlawful use or consumption of a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, pursuant to Section 11-501.1; or 3. three years from the effective date of the statutory summary suspension for any person other than a first offender who refuses or fails to complete a test or tests to determine the alcohol, drug, or intoxicating compound concentration pursuant to Section 11-501.1; or 4. one year from the effective date of the summary suspension imposed for any person other than a first offender following submission to a chemical test which disclosed an alcohol concentration of 0.08 or more pursuant to Section 11-501.1, the presence of cannabis as listed in the Cannabis Control Act with a tetrahydrocannabinol concentration as defined in paragraph 6 of subsection

(a) of Section 11-501.2 of this Code, or any amount of a drug, substance or compound in such person's blood, other bodily substance, or urine resulting from the unlawful use or consumption of a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act; or 5. (Blank).

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

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

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

(e) A first offender who refused chemical testing and whose driving privileges were summarily revoked pursuant to Section 11-501.1 shall not be eligible for a monitoring device driving permit, but may make application for reinstatement or for a restricted driving permit after a period of one year has elapsed from the effective date of the revocation.

(f) (Blank).

(g) (Blank).

(h) (Blank).

625 ILCS 5/6-208.2 — Restoration of driving privileges; persons under age 21

Sec. 6-208.2. Restoration of driving privileges; persons under age 21.

(a) Unless the suspension based upon consumption of alcohol by a minor or refusal to submit to testing has been rescinded by the Secretary of State in accordance with item (c)(3) of Section 6-206 of this Code, a person whose privilege to drive a motor vehicle on the public highways has been suspended under Section 11-501.8 is not eligible for restoration of the privilege until the expiration of: 1. Six months from the effective date of the suspension for a refusal or failure to complete a test or tests to determine the alcohol concentration under Section 11-501.8; 2. Three months from the effective date of the suspension imposed following the person's submission to a chemical test which disclosed an alcohol concentration greater than 0.00 under Section 11-501.8; 3. Two years from the effective date of the suspension for a person who has been previously suspended under Section 11-501.8 and who refuses or fails to complete a test or tests to determine the alcohol concentration under Section 11-501.8; or 4. One year from the effective date of the suspension imposed for a person who has been previously suspended under Section 11-501.8 following submission to a chemical test that disclosed an alcohol concentration greater than 0.00 under Section 11-501.8.

(b) Following a suspension of the privilege to drive a motor vehicle under Section 11-501.8, full driving privileges shall be restored unless the person is otherwise disqualified by this Code.

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

condition of the reissuance of a driver's license or permit to an individual under the age of 18 years whose driving privileges have been suspended pursuant to Section 11-501.8, require the applicant to participate in a driver remedial education course and be retested under Section 6-109.

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

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

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

(g) (Blank).

(h) Any restricted driving permit considered under this Section is subject to the provisions of item

(e) of Section 11-501.8.

625 ILCS 5/6-209 — Notice of Cancellation, Suspension or Revocation - Surrender and Return of License

Sec. 6-209. Notice of Cancellation, Suspension or Revocation - Surrender and Return of License. The Secretary of State upon cancelling, suspending or revoking a license or permit shall immediately notify the holder thereof in writing and shall require that such license or permit shall be surrendered to the Secretary of State. However, upon payment of the reinstatement fee set out in subsection

(g) of Section 6-118 at the end of any period of suspension of a license the licensee, if not ineligible for some other reason, shall be entitled to reinstatement of driving privileges and may apply for a duplicate driver's license if it has not then expired; or, in case it has expired, to apply for a new license.

625 ILCS 5/6-209.1 — Restoration of driving privileges; revocation; suspension; cancellation

Sec. 6-209.1. Restoration of driving privileges; revocation; suspension; cancellation.

(a) The Secretary shall rescind the suspension or cancellation of a person's driver's license that has been suspended or canceled before July 1, 2020 (the effective date of Public Act 101-623) due to:

(1) the person being convicted of theft of motor fuel under Section 16-25 or 16K-15 of the Criminal Code of 1961 or the Criminal Code of 2012;

(2) the person, since the issuance of the driver's license, being adjudged to be afflicted with or suffering from any mental disability or disease;

(3) a violation of Section 6-16 of the Liquor Control Act of 1934 or a similar provision of a local ordinance;

(4) the person being convicted of a violation of Section 6-20 of the Liquor Control Act of 1934 or a similar provision of a local ordinance, if the person presents a certified copy of a court order that includes a finding that the person was not an occupant of a motor vehicle at the time of the violation;

(5) the person receiving a disposition of court supervision for a violation of subsection (a), (d), or

(e) of Section 6-20 of the Liquor Control Act of 1934 or a similar provision of a local ordinance, if the person presents a certified copy of a court order that includes a finding that the person was not an occupant of a motor vehicle at the time of the violation;

(6) the person failing to pay any fine or penalty due or owing as a result of 10 or more violations of a municipality's or county's vehicular standing, parking, or compliance regulations established by ordinance under Section 11-208.3 of this Code;

(7) the person failing to satisfy any fine or penalty resulting from a final order issued by the Illinois State Toll Highway Authority relating directly or indirectly to 5 or more toll violations, toll evasions, or both;

(8) the person being convicted of a violation of Section 4-102 of this Code, if the person presents a certified copy of a court order that includes a finding that the person did not exercise actual physical control of the vehicle at the time of the violation; or

(9) the person being convicted of criminal trespass to vehicles under Section 21-2 of the Criminal Code of 2012, if the person presents a certified copy of a court order that includes a finding that the person did not exercise actual physical control of the vehicle at the time of the violation.

(b) As soon as practicable and no later than July 1, 2021, the Secretary shall rescind the suspension, cancellation, or prohibition of renewal of a person's driver's license that has been suspended, canceled, or whose renewal has been prohibited before July 1, 2021 (the effective date of Public Act 101-652) due to the person having failed to pay any fine or penalty for traffic violations, automated traffic law enforcement system violations as defined in Sections 11-208.6, 11-208.8, 11-208.9, and 11-1201.1, or abandoned vehicle fees.

625 ILCS 5/6-210 — No operation under foreign license during suspension or revocation in this State

Sec. 6-210. No operation under foreign license during suspension or revocation in this State. Any resident or nonresident whose driver's license or permit or privilege to operate a motor vehicle in this State has been suspended or revoked as provided in this Act shall not operate a motor vehicle in this State:

(1) during the period of such suspension, except as permitted by a restricted driving permit issued under the provisions of Section 6-206 of this Act; or

(2) after such revocation until a license is obtained when and as permitted under this Act, except as permitted by a restricted driving permit issued under the provisions of Section 6-205 of this Act.

625 ILCS 5/6-211 — Secretary of State to Administer Act-Notices Required

Sec. 6-211. Secretary of State to Administer Act-Notices Required.

(a) The Secretary of State shall administer the provisions of this Chapter and may make and enforce rules and regulations relating to its administration.

(b) The Secretary of State shall either provide or prescribe suitable forms requisite or deemed necessary by him for the purposes of this Chapter.

(c) Whenever under the provisions of this Chapter the Secretary of State is required to give notice to any person such notice shall be deemed to have been served either when personally delivered or when deposited in the United States mail, in a sealed envelope, with postage prepaid, addressed to the party affected thereby at his last known residence or place of business.

625 ILCS 5/6-212 — Court Review

Sec. 6-212. Court Review. The provisions of the Administrative Review Law, and all amendments and modifications thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final administrative decisions of the Secretary of State hereunder.

625 ILCS 5/6-301 — Unlawful use of license or permit

Sec. 6-301. Unlawful use of license or permit.

(a) It is a violation of this Section for any person: 1. To display or cause to be displayed or have in his possession any cancelled, revoked or suspended license or permit; 2. To lend his license or permit to any other person or knowingly allow the use thereof by another; 3. To display or represent as his own any license or permit issued to another; 4. To fail or refuse to surrender to the Secretary of State or his agent or any peace officer upon his lawful demand, any license or permit, which has been suspended, revoked, or cancelled; 5. To allow any unlawful use of a license or permit issued to him; 6. To submit to an examination or to obtain the services of another person to submit to an examination for the purpose of obtaining a driver's license or permit for some other person. For purposes of this subsection, "submit to an examination" includes providing answers to the person taking the examination, whether those answers are provided in-person or remotely, via any electronic device, including, but not limited to, microphones and cell phones.

(b) Sentence. 1. Any person convicted of a violation of this Section shall be guilty of a Class A misdemeanor and shall be sentenced to a minimum fine of \$500 or 50 hours of community service, preferably at an alcohol abuse prevention program, if available. 2. Any person convicted of a second or subsequent violation of this Section shall be guilty of a Class 4 felony. 3. In addition to any other sentence imposed under paragraph 1 or 2 of this subsection (b), a person convicted of a violation of paragraph 6 of subsection

(a) shall be imprisoned for not less than 7 days.

(c) This Section does not prohibit any lawfully authorized investigative, protective, law enforcement or other activity of any agency of the United States, State of Illinois or any other state or political subdivision thereof.

(d) This Section does not apply to licenses and permits invalidated under Section 6-301.3 of this Code.

625 ILCS 5/6-301.1 — Fictitious or unlawfully altered driver's license or permit

Sec. 6-301.1. Fictitious or unlawfully altered driver's license or permit.

(a) As used in this Section: 1. "A fictitious driver's license or permit" means any issued license or permit for which a computerized number and file have been created by the Secretary of State or other official driver's license agency in another jurisdiction which contains false information concerning the identity of the individual issued the license or permit. 2. "False information" means: (A) Any information concerning an individual's legal name, address, sex, date of birth, or social security number that

(i) falsifies all or in part the actual identity of the individual issued the license or permit, (ii) in the case of information concerning an address, is information concerning a non-existent address that is used to obtain the license or permit, or (iii) is any combination of items

(i) and (ii) of this subparagraph (A). (B) Any photograph that falsifies all or in part the actual identity of the individual issued the license or permit. 3. "An unlawfully altered driver's license or permit" means any issued license or permit for which a computerized number and file have been created by the Secretary of State or other official driver's license agency in another jurisdiction which has been physically altered or changed in such a manner that false information appears upon the license or permit. 4. "A document capable of defrauding another" includes, but is not limited to, any document by which any right, obligation, or power with reference to any person or property may be created, transferred, altered, or terminated. 5. "An identification document" means any document made or issued by or under the authority of the United States Government, the State of Illinois, or any other state or political subdivision thereof, or any other governmental or quasi-governmental organization which, when completed with information concerning the individual, is of a type intended or commonly accepted for the purpose of identification of an individual. 6. "Common carrier" means any public or private provider of transportation, whether by land, air, or water.

(b) It is a violation of this Section for any person: 1. To knowingly possess any fictitious or unlawfully altered driver's license or permit; 2. To knowingly possess, display, or cause to be displayed any fictitious or unlawfully altered driver's license or permit for the purpose of obtaining any account, credit, credit card, or debit card from a bank, financial institution, or retail mercantile establishment; 3. To knowingly possess any fictitious or unlawfully altered driver's license or permit with the intent to commit a theft, deception, or credit or debit card fraud in violation of any law of this State or any law of any other jurisdiction; 4. To knowingly possess any fictitious or unlawfully altered driver's license or permit with the intent to commit any other violation of any law of this State or any law of any other jurisdiction for which a sentence to a term of imprisonment in a penitentiary for one year or more is provided; 5. To knowingly possess any fictitious or unlawfully altered driver's license or permit while in possession without authority of any document, instrument, or device capable of defrauding another; 6. To knowingly possess any fictitious or unlawfully altered driver's license or permit with the intent to use the license or permit to acquire any other identification document; 7. To knowingly issue or assist in the issuance of any fictitious driver's license or permit; 8. To knowingly alter or attempt to alter any driver's license or permit; 9. To knowingly manufacture, possess, transfer, or provide any identification document whether real or fictitious for the purpose of obtaining a fictitious driver's license or permit; 10. To knowingly use any fictitious or unlawfully altered driver's license or permit to purchase or attempt to purchase any ticket for a common carrier or to board or attempt to board any common carrier; 11. To knowingly possess any fictitious or unlawfully altered driver's license or permit if the person has at the time a different driver's license issued by the Illinois Secretary of State or other official driver's license agency in another jurisdiction that is suspended or revoked.

(c) Sentence. 1. Any person convicted of a violation of paragraph 1 of subsection

(b) of this Section shall be guilty of a Class A misdemeanor and shall be sentenced to minimum fine of \$500 or 50 hours of community service, preferably at an alcohol abuse prevention program, if available. A person convicted of a second or subsequent violation shall be guilty of a Class 4 felony. 2. Any person convicted of a violation of paragraph 3 of subsection

(b) of this Section who at the time of arrest had in his possession two or more fictitious or unlawfully altered driver's licenses or permits shall be guilty of a Class 4 felony. 3. Any person convicted of a violation of any of paragraphs 2 through 11 of subsection

(b) of this Section shall be guilty of a Class 4 felony. A person convicted of a second or subsequent violation shall be guilty of a Class 3 felony.

(d) This Section does not prohibit any lawfully authorized investigative, protective, law enforcement, or other activity of any agency of the United States, State of Illinois, or any other state or political subdivision thereof.

625 ILCS 5/6-301.2 — Fraudulent driver's license or permit

Sec. 6-301.2. Fraudulent driver's license or permit.

(a) (Blank).

(b) It is a violation of this Section for any person: 1. To knowingly possess any fraudulent driver's license or permit; 2. To knowingly possess, display or cause to be displayed any fraudulent driver's license or permit for the purpose of obtaining any account, credit, credit card or debit card from a bank, financial institution or retail mercantile establishment; 3. To knowingly possess any fraudulent driver's license or permit with the intent to commit a theft, deception or credit or debit card fraud in violation of any law of this State or any law of any other jurisdiction; 4. To knowingly possess any fraudulent driver's license or permit with the intent to commit any other violation of any laws of this State or any law of any other jurisdiction for which a sentence to a term of imprisonment in a penitentiary for one year or more is provided; 5. To knowingly possess any fraudulent driver's license or permit while in unauthorized possession of any document, instrument or device capable of defrauding another; 6. To knowingly possess any fraudulent driver's license or permit with the intent to use the license or permit to acquire any other identification document; 7. To knowingly possess without authority any driver's license-making or permit-making implement; 8. To knowingly possess any stolen driver's license-making or permit-making implement or to possess, use, or allow to be used any materials, hardware, or software specifically designed for or primarily used in the manufacture, assembly, issuance, or authentication of an official driver's license or permit issued by the Secretary of State; 9. To knowingly duplicate, manufacture, sell or transfer any fraudulent driver's license or permit; 10. To advertise or distribute any information or materials that promote the selling, giving, or furnishing of a fraudulent driver's license or permit; 11. To knowingly use any fraudulent driver's license or permit to purchase or attempt to purchase any ticket for a common carrier or to board or attempt to board any common carrier. As used in this Section, "common carrier" means any public or private provider of transportation, whether by land, air, or water; 12. To knowingly possess any fraudulent driver's license or permit if the person has at the time a different driver's license issued by the Secretary of State or another official driver's license agency in another jurisdiction that is suspended or revoked. (b-1) It is a violation of this Section for any person to possess, use, or allow to be used any materials, hardware, or software specifically designed for or primarily used in the reading of encrypted language from the bar code or magnetic strip of an official Illinois driver's license issued by the Secretary of State. This subsection (b-1) does not apply if a federal or State law, rule, or regulation requires that the card holder's address be recorded in specified transactions or if the encrypted information is obtained for the detection or possible prosecution of criminal offenses or fraud. If the address information is obtained under this subsection (b-1), it may be used only for the purposes authorized by this subsection (b-1).

(c) Sentence. 1. Any person convicted of a violation of paragraph 1 of subsection

(b) of this Section shall be guilty of a Class 4 felony and shall be sentenced to a minimum fine of \$500 or 50 hours of community service, preferably at an alcohol abuse prevention program, if available. 2. Any person convicted of a violation of any of paragraphs 2 through 9 or paragraph 11 or 12 of subsection

(b) of this Section or a violation of subsection (b-1) of this Section shall be guilty of a Class 4 felony. A person convicted of a second or subsequent violation shall be guilty of a Class 3 felony. 3. Any person convicted of a violation of paragraph 10 of subsection

(b) of this Section shall be guilty of a Class B misdemeanor.

(d) This Section does not prohibit any lawfully authorized investigative, protective, law enforcement or other activity of any agency of the United States, State of Illinois or any other state or political subdivision thereof.

(e) The Secretary may request the Attorney General to seek a restraining order in the circuit court against any person who violates this Section by advertising fraudulent driver's licenses or permits.

625 ILCS 5/6-301.3 — Invalidation of a driver's license or permit

Sec. 6-301.3. Invalidation of a driver's license or permit.

(a) The Secretary of State may invalidate a driver's license or permit:

(1) when the holder voluntarily surrenders the license or permit and declares his or her intention to do so in writing to the Secretary;

(2) when the Secretary receives a certified court order indicating the holder is to refrain from driving;

(3) upon the death of the holder; or

(4) as the Secretary deems appropriate by administrative rule.

(b) A driver's license or permit invalidated under this Section shall nullify the holder's driving privileges. If a license is invalidated under subdivision (a)(3) of this Section, the actual license or permit may be released to a relative of the decedent; provided, the actual license or permit bears a readily identifiable designation evidencing invalidation as prescribed by the Secretary.

(c) If a driver is issued a citation for any violation of this Code or a similar local ordinance and the violation is the proximate cause of the death or Type A injury of another, the prosecuting authority may ask the court to enter an order invalidating the driver's license or permit under paragraph

(2) of subsection

(a) of this Section. For purposes of this Section, Type A injury has the meaning ascribed in Section 6-108.1 of this Code.

625 ILCS 5/6-302 — Making false application or affidavit - perjury

Sec. 6-302. Making false application or affidavit - perjury.

(a) It is a violation of this Section for any person: 1. To display or present any document for the purpose of making application for a driver's license or permit knowing that such document contains false information concerning the identity of the applicant; 2. To accept or allow to be accepted any document displayed or presented for the purpose of making application for a driver's license or permit knowing that such document contains false information concerning the identity of the applicant; 3. To knowingly make any false affidavit or swear or affirm falsely to any matter or thing required by the terms of this Act to be sworn to or affirmed.

(b) Sentence. 1. Any person convicted of a violation of this Section shall be guilty of a Class 4 felony. 2. Any person convicted of a second or subsequent violation of this Section shall be guilty of a Class 3 felony.

(c) This Section does not prohibit any lawfully authorized investigative, protective, law enforcement or other activity of any agency of the United States, State of Illinois or any other state or political subdivision thereof.

625 ILCS 5/6-303 — Driving while driver's license, permit, or privilege to operate a motor vehicle is suspended or revoked

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

(a) Except as otherwise provided in subsection (a-5) or (a-7), any person who drives or is in actual physical control of a motor vehicle on any highway of this State at a time when such person's driver's license, permit, or privilege to do so or the privilege to obtain a driver's license or permit is revoked or suspended as provided by this Code or the law of another state, except as may be specifically allowed by a judicial driving permit issued prior to January 1, 2009, monitoring device driving permit, family financial responsibility driving permit, probationary license to drive, or a restricted driving permit issued pursuant to this Code or under the law of another state, shall be guilty of a Class A misdemeanor. (a-3) A second or subsequent violation of subsection

(a) of this Section is a Class 4 felony if committed by a person whose driving or operation of a motor vehicle is the proximate cause of a motor vehicle crash that causes personal injury or death to another. For purposes of this subsection, a personal injury includes any Type A injury as indicated on the traffic crash report completed by a law enforcement officer that requires immediate professional attention in either a doctor's office or a medical facility. A Type A injury includes severe bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene. (a-5) Any person who violates this Section as provided in subsection

(a) while his or her driver's license, permit, or privilege is revoked because of a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a violation of subparagraph (F) of paragraph

(1) of subsection

(d) of Section 11-501 of this Code, relating to the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof when the violation was a proximate cause of a death, or a similar provision of a law of another state, is guilty of a Class 4 felony. The person shall be required to undergo a professional evaluation, as provided in Section 11-501 of this Code, to determine if an alcohol, drug, or intoxicating compound problem exists and the extent of the problem, and to undergo the imposition of treatment as appropriate. (a-7) Any person who violates this Section as provided in subsection

(a) while his or her driver's license or privilege to drive is suspended under Section 6-306.5 or 7-702 of this Code shall receive a Uniform Traffic Citation from the law enforcement officer. A person who receives 3 or more Uniform Traffic Citations under this subsection (a-7) without paying any fees associated with the citations shall be guilty of a Class A misdemeanor. (a-10) A person's driver's license, permit, or privilege to obtain a driver's license or permit may be subject to multiple revocations, multiple suspensions, or any combination of both simultaneously. No revocation or suspension shall serve to negate, invalidate, cancel, postpone, or in any way lessen the effect of any other revocation or suspension entered prior or subsequent to any other revocation or suspension.

(b) (Blank). (b-1) Except for a person under subsection (a-7) of this Section, upon receiving a report of the conviction of any violation indicating a person was operating a motor vehicle during the time when the person's driver's license, permit, or privilege was suspended by the Secretary of State or the driver's licensing administrator of another state, except as specifically allowed by a probationary license, judicial driving permit, restricted driving permit, or monitoring device driving permit, the Secretary shall extend the suspension for the same period of time as the originally imposed suspension unless the suspension has already expired, in which case the Secretary shall be authorized to suspend the person's driving privileges for the same period of time as the originally imposed suspension. (b-2) Except as provided in subsection (b-6) or (a-7), upon receiving a report of the conviction of any violation indicating a person was operating a motor vehicle when the person's driver's license, permit, or privilege was revoked by the Secretary of State or the driver's license administrator of any other state, except as specifically allowed by a restricted driving permit issued pursuant to this Code or the law of another state, the Secretary shall not issue a driver's license for an additional period of one year from the date of such conviction indicating such person was operating a vehicle during such period of revocation. (b-3) (Blank). (b-4) When the Secretary of State receives a report of a conviction of any violation indicating a person was operating a motor vehicle that was not equipped with an ignition interlock device during a time when the person was prohibited from operating a motor vehicle not equipped with such a device, the Secretary shall not issue a driver's license to that person for an additional period of one year from the date of the conviction. (b-5) Any person convicted of violating this Section shall serve a minimum term of imprisonment of 30 consecutive days or 300 hours of community service when the person's driving privilege was revoked or suspended as a result of a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a violation of subparagraph (F) of paragraph (1) of subsection

(d) of Section 11-501 of this Code, relating to the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof when the violation was a proximate cause of a death, or a similar provision of a law of another state. The court may give credit toward the fulfillment of community service hours for participation in activities and treatment as determined by court services. (b-6) Upon receiving a report of a first conviction of operating a motor vehicle while the person's driver's license, permit, or privilege was revoked where the revocation was for a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 relating to the offense of reckless homicide, or a violation of subparagraph (F) of paragraph

(1) of subsection

(d) of Section 11-501 of this Code, relating to the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof when the violation was a proximate cause of a death, or a similar out-of-state offense, the Secretary shall not issue a driver's license for an additional period of 3 years from the date of such conviction.

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

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

(2) a violation of paragraph

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

(3) a statutory summary suspension or revocation under Section 11-501.1 of this Code. Such sentence of imprisonment or community service shall not be subject to suspension in order to reduce such sentence. (c-1) Except as provided in subsections (a-7), (c-5), and (d), any person convicted of a second violation of this Section shall be ordered by the court to serve a minimum of 100 hours of community service. The court may give credit toward the fulfillment of community service hours for participation in activities and treatment as determined by court services. (c-2) In addition to other penalties imposed under this Section, the court may impose on any person convicted a fourth time of violating this Section any of the following:

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

(2) Immobilization of the person's vehicle for a period of time to be determined by the court. (c-3) Any person convicted of a violation of this Section during a period of summary suspension imposed pursuant to Section 11-501.1 when the person was eligible for a monitoring device driving permit shall be guilty of a Class 4 felony and shall serve a minimum term of imprisonment of 30 days. (c-4) Any person who has been issued a monitoring device driving permit or a restricted driving permit which requires the person to operate only motor vehicles equipped with an ignition interlock device and who is convicted of a violation of this Section as a result of operating or being in actual physical control of a motor vehicle not equipped with an ignition interlock device at the time of the offense shall be guilty of a Class 4 felony and shall serve a minimum term of imprisonment of 30 days. (c-5) Any person convicted of a second violation of this Section is guilty of a Class 2 felony, is not eligible for probation or conditional discharge, and shall serve a mandatory term of imprisonment, if:

(1) the current violation occurred when the person's driver's license was suspended or revoked for a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a violation of subparagraph (F) of paragraph

(1) of subsection

(d) of Section 11-501 of this Code, relating to the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof when the violation was a proximate cause of a death, or a similar out-of-state offense; and

(2) the prior conviction under this Section occurred while the person's driver's license was suspended or revoked for a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 relating to the offense of reckless homicide, or a violation of subparagraph (F) of paragraph

(1) of subsection

(d) of Section 11-501 of this Code, relating to the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof when the violation was a proximate cause of a death, or a similar out-of-state offense, or was suspended or revoked for a violation of Section 11-401 or 11-501 of this Code, a similar out-of-state offense, a similar provision of a local ordinance, or a statutory summary suspension or revocation under Section 11-501.1 of this Code.

(d) Any person convicted of a second violation of this Section shall be guilty of a Class 4 felony and shall serve a minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, if:

(1) the current violation occurred when the person's driver's license was suspended or revoked for a violation of Section 11-401 or 11-501 of this Code, a similar out-of-state offense, a similar provision of a local ordinance, or a statutory summary suspension or revocation under Section 11-501.1 of this Code; and

(2) the prior conviction under this Section occurred while the person's driver's license was suspended or revoked for a violation of Section 11-401 or 11-501 of this Code, a similar out-of-state offense, a similar provision of a local ordinance, or a statutory summary suspension or revocation under Section 11-501.1 of this Code, or for a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a violation of subparagraph (F) of paragraph

(1) of subsection

(d) of Section 11-501 of this Code, relating to the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof when the violation was a proximate cause

of a death, or a similar out-of-state offense. The court may give credit toward the fulfillment of community service hours for participation in activities and treatment as determined by court services. (d-1) Except as provided in subsections (a-7), (d-2), (d-2.5), and (d-3), any person convicted of a third or subsequent violation of this Section shall serve a minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court. The court may give credit toward the fulfillment of community service hours for participation in activities and treatment as determined by court services. (d-2) Any person convicted of a third violation of this Section is guilty of a Class 4 felony and must serve a minimum term of imprisonment of 30 days, if:

(1) the current violation occurred when the person's driver's license was suspended or revoked for a violation of Section 11-401 or 11-501 of this Code, or a similar out-of-state offense, or a similar provision of a local ordinance, or a statutory summary suspension or revocation under Section 11-501.1 of this Code; and

(2) the prior convictions under this Section occurred while the person's driver's license was suspended or revoked for a violation of Section 11-401 or 11-501 of this Code, a similar out-of-state offense, a similar provision of a local ordinance, or a statutory summary suspension or revocation under Section 11-501.1 of this Code, or for a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a violation of subparagraph (F) of paragraph

(1) of subsection

(d) of Section 11-501 of this Code, relating to the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof when the violation was a proximate cause of a death, or a similar out-of-state offense. (d-2.5) Any person convicted of a third violation of this Section is guilty of a Class 1 felony, is not eligible for probation or conditional discharge, and must serve a mandatory term of imprisonment, if:

(1) the current violation occurred while the person's driver's license was suspended or revoked for a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a violation of subparagraph (F) of paragraph

(1) of subsection

(d) of Section 11-501 of this Code, relating to the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof when the violation was a proximate cause of a death, or a similar out-of-state offense. The person's driving privileges shall be revoked for the remainder of the person's life; and

(2) the prior convictions under this Section occurred while the person's driver's license was suspended or revoked for a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a violation of subparagraph (F) of paragraph

(1) of subsection

(d) of Section 11-501 of this Code, relating to the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof when the violation was a proximate cause of a death, or a similar out-of-state offense, or was suspended or revoked for a violation of Section 11-401 or 11-501 of this Code, a similar out-of-state offense, a similar provision of a local ordinance, or a statutory summary suspension or revocation under Section 11-501.1 of this Code. (d-3) Any person convicted of a fourth, fifth, sixth, seventh, eighth, or ninth violation of this Section is guilty of a Class 4 felony and must serve a minimum term of imprisonment of 180 days, if:

(1) the current violation occurred when the person's driver's license was suspended or revoked for a violation of Section 11-401 or 11-501 of this Code, a similar out-of-state offense, a similar provision of a local ordinance, or a statutory summary suspension or revocation under Section 11-501.1 of this Code; and

(2) the prior convictions under this Section occurred while the person's driver's license was suspended or revoked for a violation of Section 11-401 or 11-501 of this Code, a similar out-of-state offense, a similar provision of a local ordinance, or a statutory summary suspension or revocation under Section 11-501.1 of this Code, or for a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a violation of subparagraph (F) of paragraph

(1) of subsection

(d) of Section 11-501 of this Code, relating to the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof when the violation was a proximate cause

of a death, or a similar out-of-state offense. (d-3.5) Any person convicted of a fourth or subsequent violation of this Section is guilty of a Class 1 felony, is not eligible for probation or conditional discharge, must serve a mandatory term of imprisonment, and is eligible for an extended term, if:

(1) the current violation occurred when the person's driver's license was suspended or revoked for a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a violation of subparagraph (F) of paragraph

(1) of subsection

(d) of Section 11-501 of this Code, relating to the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof when the violation was a proximate cause of a death, or a similar out-of-state offense; and

(2) the prior convictions under this Section occurred while the person's driver's license was suspended or revoked for a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a violation of subparagraph (F) of paragraph

(1) of subsection

(d) of Section 11-501 of this Code, relating to the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof when the violation was a proximate cause of a death, or a similar out-of-state offense, or was suspended or revoked for a violation of Section 11-401 or 11-501 of this Code, a similar out-of-state offense, a similar provision of a local ordinance, or a statutory summary suspension or revocation under Section 11-501.1 of this Code. (d-4) Any person convicted of a tenth, eleventh, twelfth, thirteenth, or fourteenth violation of this Section is guilty of a Class 3 felony, and is not eligible for probation or conditional discharge, if:

(1) the current violation occurred when the person's driver's license was suspended or revoked for a violation of Section 11-401 or 11-501 of this Code, or a similar out-of-state offense, or a similar provision of a local ordinance, or a statutory summary suspension or revocation under Section 11-501.1 of this Code; and

(2) the prior convictions under this Section occurred while the person's driver's license was suspended or revoked for a violation of Section 11-401 or 11-501 of this Code, a similar out-of-state offense, a similar provision of a local ordinance, or a statutory suspension or revocation under Section 11-501.1 of this Code, or for a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a violation of subparagraph (F) of paragraph

(1) of subsection

(d) of Section 11-501 of this Code, relating to the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof when the violation was a proximate cause of a death, or a similar out-of-state offense. (d-5) Any person convicted of a fifteenth or subsequent violation of this Section is guilty of a Class 2 felony, and is not eligible for probation or conditional discharge, if:

(1) the current violation occurred when the person's driver's license was suspended or revoked for a violation of Section 11-401 or 11-501 of this Code, or a similar out-of-state offense, or a similar provision of a local ordinance, or a statutory summary suspension or revocation under Section 11-501.1 of this Code; and

(2) the prior convictions under this Section occurred while the person's driver's license was suspended or revoked for a violation of Section 11-401 or 11-501 of this Code, a similar out-of-state offense, a similar provision of a local ordinance, or a statutory summary suspension or revocation under Section 11-501.1 of this Code, or for a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a violation of subparagraph (F) of paragraph

(1) of subsection

(d) of Section 11-501 of this Code, relating to the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof when the violation was a proximate cause of a death, or a similar out-of-state offense.

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

release by the vehicle owner.

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

(g) The motor vehicle used in a violation of this Section is subject to seizure and forfeiture as provided in Sections 36-1 and 36-2 of the Criminal Code of 2012 if the person's driving privilege was revoked or suspended as a result of:

(1) a violation of Section 11-501 of this Code, a similar provision of a local ordinance, or a similar provision of a law of another state;

(2) a violation of paragraph

(b) of Section 11-401 of this Code, a similar provision of a local ordinance, or a similar provision of a law of another state;

(3) a statutory summary suspension or revocation under Section 11-501.1 of this Code or a similar provision of a law of another state; or

(4) a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 relating to the offense of reckless homicide, or a violation of subparagraph (F) of paragraph

(1) of subsection

(d) of Section 11-501 of this Code, relating to the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof when the violation was a proximate cause of a death, or a similar provision of a law of another state.

625 ILCS 5/6-304 — Permitting unauthorized person to drive

Sec. 6-304. Permitting unauthorized person to drive. No person shall cause, authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized hereunder or in violation of any of the provisions of this Act.

625 ILCS 5/6-304.1 — Permitting a driver under the influence to operate a motor vehicle

Sec. 6-304.1. Permitting a driver under the influence to operate a motor vehicle. No person shall knowingly cause, authorize, or permit a motor vehicle owned by, or under the control of, such person to be driven or operated upon a highway by anyone who is under the influence of alcohol, other drugs, or combination thereof. This provision shall not apply to a spouse of the person who owns or has control of, or a co-owner of, a motor vehicle or to a bailee for hire. Any person convicted of violating this Section shall be guilty of a Class A misdemeanor.

625 ILCS 5/6-305 — Renting motor vehicle to another

Sec. 6-305. Renting motor vehicle to another.

(a) No person shall rent a motor vehicle to any other person unless the latter person, or a driver designated by a nondriver with disabilities and meeting any minimum age and driver's record requirements that are uniformly applied by the person renting a motor vehicle, is then duly licensed hereunder or, in the case of a nonresident, then duly licensed under the laws of the State or country of his residence unless the State or country of his residence does not require that a driver be licensed.

(b) No person shall rent a motor vehicle to another until he has inspected, including through electronic or digital means, the driver's license of the person to whom the vehicle is to be rented, or by whom it is to be driven, and verified the license is unexpired unless, in the case of a nonresident, the State or country wherein the nonresident resides does not require that a driver be licensed.

(c) No person shall rent a motorcycle to another unless the latter person is then duly licensed hereunder as a motorcycle operator, and in the case of a nonresident, then duly licensed under the laws of the State or country of his residence, unless the State or country of his residence does not require that a driver be licensed. (c-1) A rental car company that rents a motor vehicle shall ensure that the renter is provided with an emergency telephone number to personnel capable of fielding roadside assistance and other customer service inquiries, including the ability to provide the caller with the telephone number of the location from which the vehicle was rented, if requested by the caller. If an owner's manual is not available in the vehicle at the time of the rental, an owner's manual for that vehicle or a similar model shall be accessible by the personnel answering the emergency telephone number for assistance with inquiries about the operation of the vehicle.

(d) (Blank).

(e) (Blank).

(f) Subject to subsection (l), any person who rents a motor vehicle to another shall only advertise, quote, and charge a rental rate that includes the entire amount except taxes, a mileage charge, and airport concession charge, if any, which a renter must pay to hire or lease the vehicle for the period of time to which the rental rate applies. The person must provide, on the request of the renter, based on the available information, an estimated total of the daily rental rate, including all applicable taxes, fees, and other charges, or an estimated total rental charge, based on the return date of the vehicle noted on the rental agreement. Further, if the rental agreement does not already provide an estimated total rental charge, the following statement must be included in the rental agreement: "NOTICE: UNDER ILLINOIS LAW, YOU MAY REQUEST, BASED ON AVAILABLE INFORMATION, AN ESTIMATED TOTAL DAILY RENTAL RATE, INCLUDING TAXES, FEES, AND OTHER CHARGES, OR AN ESTIMATED TOTAL RENTAL CHARGE, BASED ON THE VEHICLE RETURN DATE NOTED ON THIS AGREEMENT." Such person shall not charge in addition to the rental rate, taxes, mileage charge, and airport concession charge, if any, any fee which must be paid by the renter as a condition of hiring or leasing the vehicle, such as, but not limited to, required fuel or airport surcharges, nor any fee for transporting the renter to the location where the rented vehicle will be delivered to the renter. In addition to the rental rate, taxes, mileage charge, and airport concession charge, if any, such person may charge for an item or service provided in connection with a particular rental transaction if the renter can avoid incurring the charge by choosing not to obtain or utilize the optional item or service. Items and services for which such person may impose an additional charge include, but are not limited to, optional insurance and accessories requested by the renter, service charges incident to the renter's optional return of the vehicle to a location other than the location where the vehicle was hired or leased, and charges for refueling the vehicle at the conclusion of the rental transaction in the event the renter did not return the vehicle with as much fuel as was in the fuel tank at the beginning of the rental. "Airport concession charge" means a charge or fee imposed and collected from a renter to reimburse the motor vehicle rental company for the concession fee it is required to pay to a local government corporate authority or airport authority to rent motor vehicles at the airport facility. The airport concession charge is in addition to any customer facility charge or any other charge. (f-5) A rental car company that offers a renter the opportunity to use a transponder or other electronic tolling device shall notify the renter of the opportunity to use the device at or before the beginning of the rental agreement. If a vehicle offered by a rental car company is equipped with a transponder or other electronic tolling device and the company fails to notify the renter of the option to use the device, the rental car company shall not:

(1) charge a renter a fee of more than \$2 each day for the use of a transponder or other electronic tolling device; however, the company may recoup the actual cost incurred for any toll; and

(2) charge a renter a daily fee on any day the renter does not drive through an electronic toll or only drives through an electronic toll collection system for which no alternative payment option exists.

(g) Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle so rented, the name and address of the person to whom the vehicle is rented, the number of the license, if any, of said latter person, and the place where the license, if any, was issued. Such record may be maintained in an electronic or digital format, and shall be open to inspection by any police officer or designated agent of the Secretary of State.

(h) A person licensed as a new car dealer under Section 5-101 of this Code shall not be subject to the provisions of this Section regarding the rental of private passenger motor vehicles when providing, free of charge, temporary substitute vehicles for customers to operate during a period when a customer's vehicle, which is either leased or owned by that customer, is being repaired, serviced, replaced or otherwise made unavailable to the customer in accordance with an agreement with the licensed new car dealer or vehicle manufacturer, so long as the customer orally or in writing is made aware that the temporary substitute vehicle will be covered by his or her insurance policy and the customer shall only be liable to the extent of any amount deductible from such insurance coverage in accordance with the terms of the policy.

(i) This Section, except the requirements of subsection (g), also applies to rental agreements of 30 continuous days or less involving a motor vehicle that was delivered by an out of State person or business to a renter in this State.

(j) A public airport may, if approved by its local government corporate authorities or its airport authority, impose a customer facility charge upon customers of rental car companies for the purposes of financing, designing, constructing, operating, and maintaining consolidated car rental facilities and common use transportation equipment and facilities, which are used to transport the customer, connecting consolidated car rental facilities with other airport facilities.

Notwithstanding subsection

(f) of this Section, the customer facility charge shall be collected by the rental car company as a separate charge, and clearly indicated as a separate charge on the rental agreement and invoice. Facility charges shall be immediately deposited into a trust account for the benefit of the airport and remitted at the direction of the airport, but not more often than once per month. The charge shall be uniformly calculated on a per-contract or per-day basis. Facility charges imposed by the airport may not exceed the reasonable costs of financing, designing, constructing, operating, and maintaining the consolidated car rental facilities and common use transportation equipment and facilities and may not be used for any other purpose. Notwithstanding any other provision of law, the charges collected under this Section are not subject to retailer occupation, sales, use, or transaction taxes.

(k) When a rental car company states a rental rate in any of its rate advertisements, its proprietary computer reservation systems, or its in-person quotations intended to apply to an airport rental, a company that collects from its customers a customer facility charge for that rental under subsection

(j) shall do all of the following:

(1) Clearly and conspicuously disclose in any radio, television, or other electronic media advertisements the existence and amount of the charge if the advertisement is intended for rentals at an airport imposing the charge or, if the advertisement covers an area with multiple airports with different charges, a range of amounts of customer facility charges if the advertisement is intended for rentals at an airport imposing the charge.

(2) Clearly and conspicuously disclose in any print rate advertising the existence and amount of the charge if the advertisement is intended for rentals at an airport imposing the charge or, if the print rate advertisement covers an area with multiple airports with different charges, a range of amounts of customer facility charges if the advertisement is intended for rentals at an airport imposing the charge.

(3) Clearly and conspicuously disclose the existence and amount of the charge in any telephonic, in-person, or computer-transmitted quotation from the rental car company's proprietary computer reservation system at the time of making an initial quotation of a rental rate if the quotation is made by a rental car company location at an airport imposing the charge and at the time of making a reservation of a rental car if the reservation is made by a rental car company location at an airport imposing the charge.

(4) Clearly and conspicuously display the charge in any proprietary computer-assisted reservation or transaction directly between the rental car company and the customer, shown or referenced on the same page on the computer screen viewed by the customer as the displayed rental rate and in a print size not smaller than the print size of the rental rate.

(5) Clearly and conspicuously disclose and separately identify the existence and amount of the charge on its rental agreement.

(6) A rental car company that collects from its customers a customer facility charge under subsection

(j) and engages in a practice which does not comply with subsections (f), (j), and

(k) commits an unlawful practice within the meaning of the Consumer Fraud and Deceptive Business Practices Act.

(l) Notwithstanding subsection (f), any person who rents a motor vehicle to another may, in connection with the rental of a motor vehicle to

(i) a business renter or (ii) a business program sponsor under the sponsor's business program, do the following:

(1) separately quote, by telephone, in person, or by computer transmission, additional charges for the rental; and

(2) separately impose additional charges for the rental. (l-5) A person licensed under Section 5-101, 5-101.2, or 5-102 of this Code shall not participate in a rental-purchase agreement vehicle program unless the licensee retains the vehicle in his or her name and retains proof of proper vehicle registration under Chapter 3 of this Code and liability insurance under Section 7-601 of this Code. The licensee shall transfer ownership of the vehicle to the renter within 20 calendar days of the agreed-upon date of completion of the rental-purchase agreement. If the licensee fails to transfer ownership of the vehicle to the renter within the 20 calendar days, then the renter may apply for the vehicle's title to the Secretary of State by providing the Secretary the rental-purchase agreement, an application for title, the required title fee, and any other documentation the Secretary deems necessary to determine ownership of the vehicle. For purposes of this subsection (l-5), "rental-purchase agreement" has the meaning set forth in Section 1 of the Rental-Purchase Agreement Act.

(m) As used in this Section:

(1) "Additional charges" means charges other than:

(i) a per period base rental rate; (ii) a mileage charge; (iii) taxes; or (iv) a customer facility charge.

(2) "Business program" means: (A) a contract between a person who rents motor vehicles and a business program sponsor that establishes rental rates at which the person will rent motor vehicles to persons authorized by the sponsor; or (B) a plan, program, or other arrangement established by a person who rents motor vehicles at the request of, or with the consent of, a business program sponsor under which the person offers to rent motor vehicles to persons authorized by the sponsor on terms that are not the same as those generally offered by the rental company to the public.

(3) "Business program sponsor" means any legal entity other than a natural person, including a corporation, limited liability company, partnership, government, municipality or agency, or a natural person operating a business as a sole proprietor.

(4) "Business renter" means any person renting a motor vehicle for business purposes or, for any business program sponsor, a person who is authorized by the sponsor to enter into a rental contract under the sponsor's business program. "Business renter" does not include a person renting as: (A) a non-employee member of a not-for-profit organization; (B) the purchaser of a voucher or other prepaid rental arrangement from a person, including a tour operator, engaged in the business of reselling those vouchers or prepaid rental arrangements to the general public; (C) an individual whose car rental is eligible for reimbursement in whole or in part as a result of the person being insured or provided coverage under a policy of insurance issued by an insurance company; or (D) an individual whose car rental is eligible for reimbursement in whole or in part as a result of the person purchasing motor vehicle repair services from a person licensed to perform those services.

625 ILCS 5/6-305.1 — Unlawful subleasing of a motor vehicle

Sec. 6-305.1. Unlawful subleasing of a motor vehicle.

(a) It is unlawful for any person who is not a party to a lease contract, conditional sale contract, or security agreement which transfers any right or interest in a motor vehicle to:

(1) obtain or exercise control over a motor vehicle and then sell, transfer, assign, or lease the motor vehicle to another person without first obtaining written authorization from the secured creditor, lessor, or lienholder for the sale, transfer, assignment, or lease if he receives compensation or other consideration for the sale, transfer, assignment, or lease of the motor vehicle; or

(2) assist, cause, or arrange the actual or purported sale, transfer, assignment, or lease of a motor vehicle to another person without first obtaining written authorization from the secured creditor, lessor, or lienholder for the sale, transfer, assignment, or lease if he receives compensation or other consideration for assisting, causing, or arranging the sale, transfer, assignment, or lease of the motor vehicle.

(3) this subsection shall not apply to any employee acting upon request of his employer.

(b) Any person who violates the provisions of this Section is guilty of a Class A misdemeanor.

(c) Notwithstanding any other remedy or relief to which a person is entitled, anyone suffering damage as a result of a violation of this Section may bring an action to recover or obtain actual damages, equitable relief, including, but not limited to, an injunction or restitution of money and property, reasonable attorney's fees and costs, and any other relief the court deems proper.

625 ILCS 5/6-305.2 — Limited liability for damage

Sec. 6-305.2. Limited liability for damage.

(a) Damage to private passenger vehicle. A person who rents a motor vehicle to another may hold the renter liable for physical or mechanical damage to the rented motor vehicle that occurs during the time the motor vehicle is under the rental agreement.

(b) Limits on liability due to theft for a vehicle having an MSRP of \$50,000 or less. The total liability of a renter who rents from another a motor vehicle that has an MSRP of \$50,000 or less and that is stolen shall be the actual and reasonable costs incurred by the loss due to theft of the rental motor vehicle up to \$5,000; provided, however, that if it is established that the renter or authorized driver failed to exercise ordinary care while in possession of the vehicle or that the renter or authorized driver committed or aided and abetted the commission of a theft, then the damages shall be the actual and reasonable costs of the rental vehicle up to its fair market value, as determined by the customary market for the sale of the vehicle. Beginning June 1, 2000, and annually each June 1 thereafter, the maximum amount that may be recovered

from an authorized driver under this subsection

(b) shall be increased by \$500 above the maximum recovery allowed immediately prior to June 1 of that year. (b-5) Limits on liability due to theft for a vehicle having an MSRP of more than \$50,000. The total liability of a renter who rents from another a motor vehicle that has an MSRP of more than \$50,000 and that is stolen shall be the actual and reasonable cost incurred by the loss due to theft of the rental motor vehicle up to \$40,000; provided, however that if it is established that the renter or authorized driver failed to exercise ordinary care while in possession of the vehicle or that the renter or authorized driver committed or aided and abetted the commission of a theft, then the damages shall be the actual and reasonable costs of the rental vehicle up to its fair market value, as determined by the customary market for the sale of the vehicle. The maximum recovery for a motor vehicle with a Manufacturer's Suggested Retail Price (MSRP) of more than \$50,000 under this subsection (b-5) shall not exceed \$40,000 on the effective date of this amendatory Act of the 99th General Assembly. On October 1, 2016, and for the next 3 years thereafter, the maximum amount that may be recovered from an authorized driver under this subsection (b-5) shall be increased by \$2,500 above the prior year's maximum recovery. On October 1, 2020, and for each year thereafter, the maximum amount that may be recovered from an authorized driver under this subsection (b-5) shall be increased by \$1,000 above the prior year's maximum recovery. (b-10) Beginning on the effective date of this amendatory Act of the 103rd General Assembly and for 6 months after, a person who rents a motor vehicle to another shall provide notice to the renter of the motor vehicle of the changes reflected in this amendatory Act of the 103rd General Assembly. The notice shall be posted in a conspicuous and unobscured place that is separate and apart from any other information.

(c) Multiple recoveries prohibited. Any person who rents a motor vehicle to another may not hold the renter liable for any amounts that the rental company recovers from any other party.

(d) Repair estimates. A person who rents a motor vehicle to another may not collect or attempt to collect the amount described in subsection

(b) or (b-5) unless the rental company obtains an estimate from a repair company or an appraiser in the business of providing such appraisals on the costs of repairing the motor vehicle, makes a copy of the estimate available upon request to the renter who may be liable under subsection (a), or the insurer of the renter, and submits a copy of the estimate with any claim to collect the amount described in subsection

(b) or (b-5). In order to collect the amount described in subsection (b-5), a person renting a motor vehicle to another must also provide the renter's personal insurance company with reasonable notice and an opportunity to inspect damages.

(d-5) In the event of loss due to theft of the rental motor vehicle with a MSRP more than \$50,000, the rental company shall provide reasonable notice of the theft to the renter's personal insurance company.

(e) Duty to mitigate. A claim against a renter resulting from damage or loss to a rental vehicle must be reasonably and rationally related to the actual loss incurred. A rental company shall mitigate damages where possible and shall not assert or collect any claim for physical damage which exceeds the actual costs of the repair, including all discounts or price reductions.

(f) No rental company shall require a deposit or an advance charge against the credit card of a renter, in any form, for damages to a vehicle which is in the renter's possession, custody, or control. No rental company shall require any payment for damage to the rental vehicle, upon the renter's return of the vehicle in a damaged condition, until after the cost of the damage to the vehicle and liability therefor is agreed to between the rental company and renter or is determined pursuant to law.

(g) If insurance coverage exists under the renter's personal insurance policy and the coverage is confirmed during regular business hours, the renter may require that the rental company must submit any claims to the renter's personal insurance carrier as the renter's agent. The rental company shall not make any written or oral representations that it will not present claims or negotiate with the renter's insurance carrier. For purposes of this Section, confirmation of coverage includes telephone confirmation from insurance company representatives during regular business hours. After confirmation of coverage, the amount of claim shall be resolved between the insurance carrier and the rental company.

625 ILCS 5/6-305.3 — Vehicle license cost recovery fee

Sec. 6-305.3. Vehicle license cost recovery fee.

(a) As used in this Section: "Motor vehicle rental company" means a person or entity whose primary business is renting motor vehicles to the public for 30 days or less. "Inspect" or "inspection" means a vehicle emissions inspection under

Chapter 13C of this Code. "Rental agreement" means an agreement for 30 days or less setting forth the terms and conditions governing the use of a motor vehicle provided by a rental company. "Motor vehicle" means motor vehicles of the first division and motor vehicles of the second division weighing not more than 8,000 pounds. "Vehicle license cost recovery fee" or "VLCRF" means a charge that may be separately stated and charged on a rental agreement in a vehicle rental transaction originating in Illinois to recover costs incurred either directly or indirectly by a motor vehicle rental company to license, title, register, and inspect motor vehicles.

(b) Motor vehicle rental companies may include a separately stated mandatory surcharge or fee in a rental agreement for vehicle license cost recovery fees (VLCRF) and all applicable taxes.

(c) If a motor vehicle rental company includes a VLCRF as separately stated charge in a rental agreement, the amount of the fee must represent the motor vehicle rental company's good-faith estimate of the automobile rental company's daily charge as calculated by the motor vehicle rental company to recover its actual total annual motor vehicle titling, registration, and inspection costs.

(d) If the total amount of the VLCRF collected by a motor vehicle rental company under this Section in any calendar year exceeds the motor vehicle rental company's actual costs to license, title, register, and inspect for that calendar year, the motor vehicle rental company shall do both of the following:

(1) Retain the excess amount; and

(2) Adjust the estimated average per vehicle titling, licensing, inspection, and registration charge for the following calendar year by a corresponding amount.

(e) Nothing in subsection

(d) of this Section shall prevent a motor vehicle rental company from making adjustments to the VLCRF during the calendar year.

625 ILCS 5/6-306.3

Sec. 6-306.3. (Repealed).

625 ILCS 5/6-306.4

Sec. 6-306.4. (Repealed).

625 ILCS 5/6-306.5

Sec. 6-306.5. (Repealed).

625 ILCS 5/6-306.6

Sec. 6-306.6. (Repealed).

625 ILCS 5/6-306.7

Sec. 6-306.7. (Repealed).

625 ILCS 5/6-306.8 — Failure to satisfy fines or penalties for toll bridge violations; suspension of driving privileges

Sec. 6-306.8. Failure to satisfy fines or penalties for toll bridge violations; suspension of driving privileges.

(a) Notwithstanding any law to the contrary, upon the Secretary's receipt of a report, as described in subsection (b), from a private tolling authority stating that the owner of a registered vehicle has failed to satisfy any fees, fines, charges, or penalties resulting from a final invoice or notice by the private tolling authority relating directly or indirectly to 5 or more toll violations, the Secretary shall suspend the driving privileges of the person in accordance with the procedures set forth in this Section.

(b) The report from the private tolling authority notifying the Secretary of unsatisfied fees, fines, charges, or penalties may be generated by the private tolling authority and received by the Secretary by automated process. The report shall contain the following:

(1) The name, last known address, and driver's license number of the person who failed to satisfy the fees, fines, charges, or penalties, and the registration number of any vehicle known to be registered in this State to that person.

(2) A statement that the private tolling authority sent a notice of impending suspension of the person's driver's license to the person named in the report at the address recorded with the Secretary; the date on which the notice was sent; and the address to which the notice was sent.

(c) Following the Secretary's receipt of a report described in subsection (b), the Secretary shall notify the person whose name appears on the report that the person's driver's license will be suspended at the end of a specified period unless the Secretary is presented with a notice from the private tolling authority stating that the fees, fines, charges, or penalties owed to the private tolling authority have been satisfied or that inclusion of that person's name on the report described in subsection

(b) was in error. The Secretary's notice shall state in substance the information contained in the private tolling authority's report to the Secretary described in subsection (b), and shall be effective as specified by subsection

(c) of Section 6-211, except as to those drivers who also have been issued a CDL. If a person also has been issued a CDL, notice of suspension of that person's driver's license must be given in writing by certified mail and is effective on the date listed in the notice of suspension, except that the notice is not effective until 4 days after the date on which the notice was deposited into the United States mail. The notice becomes effective 4 days after its deposit into the United States mail regardless of whether the Secretary of State receives the return receipt and regardless of whether the written notification is returned for any reason to the Secretary of State as undeliverable.

(d) The private tolling authority, after making a report to the Secretary described in subsection (b), shall notify the Secretary, on a form prescribed by the Secretary or by automated process, whenever a person named in the report has satisfied the previously reported fees, fines, charges, or penalties or whenever the private tolling authority determines that the original report was in error. A copy of the notification shall also be given upon request and at no additional charge to the person named therein. Upon receipt of the private tolling authority's notification, the Secretary shall lift the suspension.

(e) The private tolling authority shall establish procedures for persons to challenge the accuracy of the report described in subsection (b). The procedures shall provide the grounds for a challenge, which may include:

(1) the person not having been the owner or lessee of the vehicle or vehicles receiving 5 or more toll violations on the date or dates the violations occurred; or

(2) the person having already satisfied the fees, fines, charges, or penalties for the 5 or more toll violations indicated on the report described in subsection (b).

(f) The Secretary and the Authority may promulgate rules necessary to implement this Section.

(g) The Secretary, the Authority, and the private tolling authority shall cooperate with one another in the administration and implementation of this Section.

(h) The Secretary shall provide the Authority and the private tolling authority with any information the Authority or the private tolling authority may deem necessary for purposes of this Section or for the private tolling authority's invoicing, collection, and administrative functions, including regular and timely access to driver's license, vehicle registration, and license plate information, and the Secretary's driver, title, and vehicle record databases. Section 2-123 does not apply to the provision of such information, but the Secretary shall be entitled to reimbursement for its costs in providing such information.

(i) The Authority shall provide the Secretary and the private tolling authority with any information the Secretary or the private tolling authority may deem necessary for purposes of this Section or for the private tolling authority's invoicing, collection, and administrative functions, including regular and timely access to toll violation records.

(j) As used in this Section: "Authority" means the Illinois State Toll Highway Authority. "Private tolling authority" means the owner, lessee, licensee, or operator of a toll bridge authorized under the Toll Bridge Act. "Secretary" means the Illinois Secretary of State.

625 ILCS 5/6-307 — Injunctions

Sec. 6-307. Injunctions. If any person operates in violation of any provision of this Chapter, or any rule, regulation, order or decision of the Secretary of State, or of any term, condition or limitation of any license, the Secretary of State, or any person injured thereby, or any interested person, may apply to the Circuit Court of the county in which such violation or some part thereof occurred, or in which the person complained of has his place of business or resides, to prevent such violation. The Court has jurisdiction to enforce obedience by injunction or other process restraining such person from further violation and enjoining upon him obedience.

625 ILCS 5/6-308 — Procedures for traffic violations

Sec. 6-308. Procedures for traffic violations.

(a) Any person cited for violating this Code or a similar provision of a local ordinance for which a violation is a petty offense as defined by Section 5-1-17 of the Unified Code of Corrections, excluding business offenses as defined by Section 5-1-2 of the Unified Code of Corrections or a violation of Section 15-111 or subsection

(d) of Section 3-401 of this Code, shall not be required to sign the citation for his or her release. All other provisions of this Code or similar provisions of local ordinances shall be governed by the pretrial release provisions of the Illinois Supreme Court Rules when it is not practical or feasible to take the person before a judge to have conditions of pretrial release set or to avoid undue delay because of the hour or circumstances.

(b) Whenever a person fails to appear in court, the court may continue the case for a minimum of 30 days and the clerk of the court shall send notice of the continued court date to the person's last known address and, if the clerk of the court elects to establish a system to send text, email, and telephone notifications, may also send notifications to an email address and may send a text message to the person's last known cellular telephone number. If the person does not have a cellular telephone number, the clerk of the court may reach the person by calling the person's last known landline telephone number regarding continued court dates. The notice shall include a statement that a subsequent failure to appear in court could result in a warrant for the defendant's arrest and other significant consequences affecting their driving privileges. If the person does not

(i) appear in court on or before the continued court date, (ii) satisfy the charge without a court appearance if allowed by Illinois Supreme Court Rule, or (iii) satisfy the court that the person's appearance in and surrender to the court is impossible for no fault of the person, the court shall:

(1) for those offenses under this Code that are punishable by fine only, enter an ex parte judgment of conviction imposing a single assessment, specified in the applicable assessment Schedule 10 or 10.5 for the charged offense, as provided in the Criminal and Traffic Assessment Act, plus a fine allowed by statute and the clerk of the court shall notify the Secretary of State, in a manner and form prescribed by the Secretary, of the court's order, or

(2) for those offenses under this Code that are punishable by a sentence of imprisonment, enter an order of failure to appear. The clerk of the court shall notify the Secretary of State, on a report prescribed by the Secretary, of the court's order. The Secretary, when notified by the clerk of the court that an order of failure to appear has been entered, shall immediately suspend the person's driver's license, which shall be designated by the Secretary as a failure to appear suspension. The Secretary shall not remove the suspension, nor issue any permit or privileges to the person whose license has been suspended, until the Secretary is notified by the ordering court that the person has appeared and resolved the violation or failure to appear order. Upon compliance, the clerk of the court shall present the person with a notice of compliance containing the seal of the court and shall notify the Secretary that the person has appeared and resolved the violation or failure to appear order.

(c) Illinois Supreme Court Rules shall govern pretrial release and appearance procedures when a person who is a resident of another state that is not a member of the Nonresident Violator Compact of 1977 is cited for violating this Code or a similar provision of a local ordinance. The changes made to this Section by Public Act 103-0789 do not apply to suspensions entered pursuant to the Nonresident Violator Compact of 1977.

(d) The changes made to this Section by Public Act 103-789 apply to each individual whose license was suspended pursuant to this Section from January 1, 2020 through June 30, 2025 for an offense under this Code that is punishable only by fine and did not involve the death of another person. No later than October 1, 2025, the clerk of the court shall notify the Secretary of State in a manner and form prescribed by the Secretary, of each failure to appear notification previously sent to the Secretary by the clerk of the court resulting from an offense that is punishable only by fine and did not involve the death of another person for which a notice of compliance had not been sent to the Secretary. No later than January 1, 2026, the Secretary shall rescind the suspension of each driver identified by the clerk of the court under this subsection

(d) without further action by the person whose driver's license is suspended pursuant to this Section. ; 103-1059, eff. 12-20-24; 104-22, eff. 7-1-25.)

625 ILCS 5/6-401 — Driver training schools-license required

Sec. 6-401. Driver training schools-license required.

(a) No person, firm, association, partnership or corporation shall operate a driver training school or engage in the business of giving instruction for hire or for a fee in

(1) the driving of motor vehicles; or

(2) the preparation of an applicant for examination given by the Secretary of State for a drivers license or permit, unless a license therefor has been issued by the Secretary. No public schools or educational institutions shall contract with entities engaged in the business of giving instruction for hire or for a fee in the driving of motor vehicles for the preparation of an applicant for examination given by the Secretary of State for a driver's license or permit, unless a license therefor has been issued by the Secretary. This subsection

(a) shall not apply to

(i) public schools or to educational institutions in which driving instruction is part of the curriculum, (ii) employers giving instruction to their employees, (iii) schools that teach enhanced driving skills to licensed drivers as set forth in Article X of Chapter 6 of this Code, or (iv) driver rehabilitation specialists or programs in which the clients of the rehabilitation specialists or programs have previously held driver's licenses.

(b) Any person, firm, association, partnership, or corporation that violates subsection

(a) of this Section shall be guilty of a Class A misdemeanor for a first offense and a Class 4 felony for a second or subsequent offense.

625 ILCS 5/6-402 — Qualifications of driver training schools

Sec. 6-402. Qualifications of driver training schools. In order to qualify for a license to operate a driver training school, each applicant must:

(a) be of good moral character;

(b) be at least 21 years of age;

(c) maintain an established place of business open to the public which meets the requirements of Section 6-403 through 6-407;

(d) maintain bodily injury and property damage liability insurance on motor vehicles while used in driving instruction, insuring the liability of the driving school, the driving instructors and any person taking instruction in at least the following amounts: \$50,000 for bodily injury to or death of one person in any one crash and, subject to said limit for one person, \$100,000 for bodily injury to or death of 2 or more persons in any one crash and the amount of \$10,000 for damage to property of others in any one crash. Evidence of such insurance coverage in the form of a certificate from the insurance carrier shall be filed with the Secretary of State, and such certificate shall stipulate that the insurance shall not be cancelled except upon 10 days prior written notice to the Secretary of State. The decal showing evidence of insurance shall be affixed to the windshield of the vehicle;

(e) provide a continuous surety company bond in the principal sum of \$10,000 for a non-accredited school, \$40,000 for a CDL or teenage accredited school, \$60,000 for a CDL accredited and teenage accredited school, \$50,000 for a CDL or teenage accredited school with 3 or more licensed branches, \$70,000 for a CDL accredited and teenage accredited school with 3 or more licensed branches for the protection of the contractual rights of students in such form as will meet with the approval of the Secretary of State and written by a company authorized to do business in this State. However, the aggregate liability of the surety for all breaches of the condition of the bond in no event shall exceed the principal sum of \$10,000 for a non-accredited school, \$40,000 for a CDL or teenage accredited school, \$60,000 for a CDL accredited and teenage accredited school, \$50,000 for a CDL or teenage accredited school with 3 or more licensed branches, \$70,000 for a CDL accredited and teenage accredited school with 3 or more licensed branches. The surety on any such bond may cancel such bond on giving 30 days notice thereof in writing to the Secretary of State and shall be relieved of liability for any breach of any conditions of the bond which occurs after the effective date of cancellation;

(f) have the equipment necessary to the giving of proper instruction in the operation of motor vehicles;

(g) have and use a business telephone listing for all business purposes;

(h) pay to the Secretary of State an application fee of \$500 and \$50 for each branch application; and

(i) authorize an investigation to include a fingerprint based background check to determine if the applicant has ever been convicted of a crime and if so, the disposition of those convictions. The authorization shall indicate the scope of the inquiry and the agencies that may be contacted. Upon this authorization, the Secretary of State may request and receive

information and assistance from any federal, State, or local governmental agency as part of the authorized investigation. Each applicant shall have his or her fingerprints submitted to the Illinois State Police in the form and manner prescribed by the Illinois State Police. The fingerprints shall be checked against the Illinois State Police and Federal Bureau of Investigation criminal history record information databases. The Illinois State Police shall charge a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The applicant shall be required to pay all related fingerprint fees including, but not limited to, the amounts established by the Illinois State Police and the Federal Bureau of Investigation to process fingerprint based criminal background investigations. The Illinois State Police shall provide information concerning any criminal convictions and disposition of criminal convictions brought against the applicant upon request of the Secretary of State provided that the request is made in the form and manner required by the Illinois State Police. Unless otherwise prohibited by law, the information derived from the investigation including the source of the information and any conclusions or recommendations derived from the information by the Secretary of State shall be provided to the applicant, or his designee, upon request to the Secretary of State, prior to any final action by the Secretary of State on the application. Any criminal convictions and disposition information obtained by the Secretary of State shall be confidential and may not be transmitted outside the Office of the Secretary of State, except as required herein, and may not be transmitted to anyone within the Office of the Secretary of State except as needed for the purpose of evaluating the applicant. At any administrative hearing held under Section 2-118 of this Code relating to the denial, cancellation, suspension, or revocation of a driver training school license, the Secretary of State is authorized to utilize at that hearing any criminal histories, criminal convictions, and disposition information obtained under this Section. The information obtained from the investigation may be maintained by the Secretary of State or any agency to which the information was transmitted. Only information and standards, which bear a reasonable and rational relation to the performance of a driver training school owner, shall be used by the Secretary of State. Any employee of the Secretary of State who gives or causes to be given away any confidential information concerning any criminal charges or disposition of criminal charges of an applicant shall be guilty of a Class A misdemeanor, unless release of the information is authorized by this Section. No license shall be issued under this Section to a person who is a spouse, offspring, sibling, parent, grandparent, grandchild, uncle or aunt, nephew or niece, cousin, or in-law of the person whose license to do business at that location has been revoked or denied or to a person who was an officer or employee of a business firm that has had its license revoked or denied, unless the Secretary of State is satisfied the application was submitted in good faith and not for the purpose or effect of defeating the intent of this Code.

625 ILCS 5/6-403 — Established Place of Business

Sec. 6-403. Established Place of Business. The established place of business of each driver training school must be owned or leased by the driver training school and regularly occupied and primarily used by that driver training school for the business of selling and giving driving instructions for hire or for a fee, and the business of preparing members of the public for examination given by the Secretary of State for a drivers license.

625 ILCS 5/6-404 — Location of Schools

Sec. 6-404. Location of Schools. The established place of business of each driver training school must be located in a district which is zoned for business or commercial purposes. The driver training school office must have a permanent sign clearly readable from the street, from a distance of no less than 100 feet, with the name of the driving school upon it.

625 ILCS 5/6-405 — Restrictions of Locations

Sec. 6-405. Restrictions of Locations. The established place of business, or branch office, branch class room or advertised address of any driver training school shall not consist of or include a house trailer, residence, tent, temporary stand, temporary address, office space, a room or rooms in a hotel, rooming house or apartment house, or premises occupied by a single or multiple unit dwelling house or telephone answering service.

625 ILCS 5/6-406 — Required Facilities

Sec. 6-406. Required Facilities.

(a) The established place of business of each driver training school must consist of at least the following permanent facilities:

(1) An office facility;

(2) A class room facility.

(b) The main class room facility of each driver training school must be reasonably accessible to the main office facility of the driver training school.

(c) All class room facilities must have adequate lighting, heating, ventilation, and must comply with all state, and local laws relating to public health, safety and sanitation.

(d) The main office facility and branch office facility of each driver training school must contain sufficient space, equipment, records and personnel to carry on the business of the driver training school. The main office facility must be specifically devoted to driver training school business.

(e) A driver training school which as an established place of business and a main office facility, may operate a branch office or a branch class room provided that all the requirements for the main office or main class room are met and that such branch office bears the same name and is operated as a part of the same business entity as the main office facility.

(f) No driver training school may share any main or branch facility or facilities with any other driver training school.

625 ILCS 5/6-407 — Locations and State Facilities

Sec. 6-407. Locations and State Facilities. No office or place of business of a driver training school shall be established within 1,500 feet of any building used as an office by any department of the Secretary of State having to do with the administration of any laws relating to motor vehicles, nor may any driving school solicit or advertise for business within 1,500 feet of any building used as an office by the Secretary of State having to do with the administration of any laws relating to motor vehicles.

625 ILCS 5/6-408 — Records

Sec. 6-408. Records. All driver training schools licensed by the Secretary of State must maintain a permanent record of instructions given to each student. The record must contain the name of the school and the name of the student, the number of all licenses or permits held by the student, the type and date of instruction given, whether class room or behind the wheel, and the signature of the instructor. All permanent student instruction records must be kept on file in the main office of each driver training school for a period of 3 calendar years after the student has ceased taking instruction at or with the school. The records should show the fees and charges of the school and also the record should show the course content and instructions given to each student.

625 ILCS 5/6-408.5 — Courses for students or high school dropouts; limitation

Sec. 6-408.5. Courses for students or high school dropouts; limitation.

(a) No driver training school or driving training instructor licensed under this Act may request a certificate of completion from the Secretary of State as provided in Section 6-411 for any person who is enrolled as a student in any public or non-public secondary school at the time such instruction is to be provided, or who was so enrolled during the semester last ended if that instruction is to be provided between semesters or during the summer after the regular school term ends, unless that student has received a passing grade in at least 8 courses during the 2 semesters last ending prior to requesting a certificate of completion from the Secretary of State for the student.

(b) No driver training school or driving training instructor licensed under this Act may request a certificate of completion from the Secretary of State as provided in Section 6-411 for any person who has dropped out of school and has not yet attained the age of 18 years unless the driver training school or driving training instructor has: 1) obtained written documentation verifying the dropout's enrollment in a high school equivalency testing or alternative education program or has obtained a copy of the dropout's State of Illinois High School Diploma; 2) obtained verification that the student prior to dropping out had received a passing grade in at least 8 courses during the 2 previous semesters last ending prior to requesting a certificate of completion; or 3) obtained written consent from the dropout's parents or guardians and the regional superintendent.

(c) Students shall be informed of the eligibility requirements of this Act in writing at the time of registration.

(d) The superintendent of schools of the school district in which the student resides and attends school or in which the student resides at the time he or she drops out of school (with respect to a public high school student or a dropout from the public high school) or the chief school administrator (with respect to a student who attends a non-public high school or a dropout from a non-public high school) may waive the requirements of this Section if the superintendent or chief school administrator, as the case may be, deems it to be in the best interests of the student or dropout. Before requesting a

certificate of completion from the Secretary of State for any person who is enrolled as a student in any public or non-public secondary school or who was so enrolled in the semester last ending prior to the request for a certificate of completion from the Secretary of State or who is of high school age, the driver training school shall determine from the school district in which that person resides or resided at the time of dropping out of school, or from the chief administrator of the non-public high school attended or last attended by such person, as the case may be, that such person is not ineligible to receive a certificate of completion under this Section.

625 ILCS 5/6-409 — Display of License

Sec. 6-409. Display of License. Each driver training school must display at a prominent place in its main office all of the following:

- (a) The State license issued to the school;
- (b) The names and addresses and State instructors licenses of all instructors employed by the school;
- (c) The address of all branch offices and branch class rooms.

625 ILCS 5/6-410 — Vehicle inspections

Sec. 6-410. Vehicle inspections. The Department of Transportation shall provide for the inspection of all motor vehicles used for driver training, and shall issue a safety inspection sticker provided:

- (a) The motor vehicle has been inspected by the Department and found to be in safe mechanical condition;
- (b) The motor vehicle is equipped with dual control brakes and a mirror on each side of the motor vehicle so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of such motor vehicle; and
- (c) The motor vehicle is equipped with a sign or signs visible from the front and the rear in letters no less than 2 inches tall, listing the full name of the driver training school which has registered and insured the motor vehicle.

625 ILCS 5/6-411 — Qualifications of Driver Training Instructors

Sec. 6-411. Qualifications of Driver Training Instructors. In order to qualify for a license as an instructor for a driving school, an applicant must:

- (a) Be of good moral character;
- (b) Authorize an investigation to include a fingerprint based background check to determine if the applicant has ever been convicted of a crime and if so, the disposition of those convictions; this authorization shall indicate the scope of the inquiry and the agencies which may be contacted. Upon this authorization the Secretary of State may request and receive information and assistance from any federal, state, or local governmental agency as part of the authorized investigation. Each applicant shall submit his or her fingerprints to the Illinois State Police in the form and manner prescribed by the Illinois State Police. These fingerprints shall be checked against the fingerprint records now and hereafter filed in the Illinois State Police and Federal Bureau of Investigation criminal history records databases. The Illinois State Police shall charge a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The applicant shall be required to pay all related fingerprint fees, including, but not limited to, the amounts established by the Illinois State Police and the Federal Bureau of Investigation to process fingerprint based criminal background investigations. The Illinois State Police shall provide information concerning any criminal convictions, and their disposition, brought against the applicant upon request of the Secretary of State when the request is made in the form and manner required by the Illinois State Police. Unless otherwise prohibited by law, the information derived from this investigation, including the source of this information, and any conclusions or recommendations derived from this information by the Secretary of State shall be provided to the applicant, or his designee, upon request to the Secretary of State, prior to any final action by the Secretary of State on the application. At any administrative hearing held under Section 2-118 of this Code relating to the denial, cancellation, suspension, or revocation of a driver training school license, the Secretary of State is authorized to utilize at that hearing any criminal histories, criminal convictions, and disposition information obtained under this Section. Any criminal convictions and their disposition information obtained by the Secretary of State shall be confidential and may not be transmitted outside the Office of the Secretary of State, except as required herein, and may not be transmitted to anyone within the Office of the Secretary of State except as needed for the purpose of evaluating the applicant. The information obtained from this investigation may be maintained by the Secretary of State or any agency to which such information was transmitted. Only information and standards which bear a reasonable and rational relation to the performance of a

driver training instructor shall be used by the Secretary of State. Any employee of the Secretary of State who gives or causes to be given away any confidential information concerning any criminal charges and their disposition of an applicant shall be guilty of a Class A misdemeanor unless release of such information is authorized by this Section;

(c) Pass such examination as the Secretary of State shall require on

- (1) traffic laws,
- (2) safe driving practices,
- (3) operation of motor vehicles, and
- (4) qualifications of teacher;

(d) Be physically able to operate safely a motor vehicle and to train others in the operation of motor vehicles. An instructors license application must be accompanied by a medical examination report completed by a competent medical examiner as defined in Section 6-901 of this Code;

(e) Hold a valid Illinois drivers license;

(f) Have graduated from an accredited high school after at least 4 years of high school education or the equivalent; and

(g) Pay to the Secretary of State an application and license fee of \$70. If a driver training school class room instructor teaches an approved driver education course, as defined in Section 1-103 of this Code, to students under 18 years of age, he or she shall furnish to the Secretary of State a certificate issued by the State Board of Education that the said instructor is qualified and meets the minimum educational standards for teaching driver education courses in the local public or parochial school systems, except that no State Board of Education certification shall be required of any instructor who teaches exclusively in a commercial driving school. On and after July 1, 1986, the existing rules and regulations of the State Board of Education concerning commercial driving schools shall continue to remain in effect but shall be administered by the Secretary of State until such time as the Secretary of State shall amend or repeal the rules in accordance with the Illinois Administrative Procedure Act. Upon request, the Secretary of State shall issue a certificate of completion to a student under 18 years of age who has completed an approved driver education course at a commercial driving school. (Text of Section from P.A. 104-275) Sec. 6-411. Qualifications of Driver Training Instructors. In order to qualify for a license as an instructor for a driving school, an applicant must:

(a) Be of good moral character;

(b) Authorize an investigation to include a fingerprint based background check to determine if the applicant has ever been convicted of a crime and if so, the disposition of those convictions; this authorization shall indicate the scope of the inquiry and the agencies which may be contacted. Upon this authorization the Secretary of State may request and receive information and assistance from any federal, state or local governmental agency as part of the authorized investigation. Each applicant shall submit his or her fingerprints to the Illinois State Police in the form and manner prescribed by the Illinois State Police. These fingerprints shall be checked against the fingerprint records now and hereafter filed in the Illinois State Police and Federal Bureau of Investigation criminal history records databases. The Illinois State Police shall charge a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The applicant shall be required to pay all related fingerprint fees including, but not limited to, the amounts established by the Illinois State Police and the Federal Bureau of Investigation to process fingerprint based criminal background investigations. The Illinois State Police shall provide information concerning any criminal convictions, and their disposition, brought against the applicant upon request of the Secretary of State when the request is made in the form and manner required by the Illinois State Police. Unless otherwise prohibited by law, the information derived from this investigation including the source of this information, and any conclusions or recommendations derived from this information by the Secretary of State shall be provided to the applicant, or his designee, upon request to the Secretary of State, prior to any final action by the Secretary of State on the application. At any administrative hearing held under Section 2-118 of this Code relating to the denial, cancellation, suspension, or revocation of a driver training school license, the Secretary of State is authorized to utilize at that hearing any criminal histories, criminal convictions, and disposition information obtained under this Section. Any criminal convictions and their disposition information obtained by the Secretary of State shall be confidential and may not be transmitted outside the Office of the Secretary of State, except as required herein, and may not be transmitted to anyone within the Office of the Secretary of State except as needed for the purpose of evaluating the applicant. The information obtained from this investigation may be maintained by the Secretary of State or any agency to which such information was transmitted. Only information and standards which bear a reasonable and rational relation to the performance of a driver training instructor

shall be used by the Secretary of State. Any employee of the Secretary of State who gives or causes to be given away any confidential information concerning any criminal charges and their disposition of an applicant shall be guilty of a Class A misdemeanor unless release of such information is authorized by this Section;

(c) Pass such examination as the Secretary of State shall require on

- (1) traffic laws,
- (2) safe driving practices,
- (3) operation of motor vehicles, and
- (4) qualifications of teacher;

(d) Be physically able to operate safely a motor vehicle and to train others in the operation of motor vehicles. An instructors license application must be accompanied by a medical examination report completed by a competent physician licensed to practice in the State of Illinois;

(e) Hold a valid Illinois drivers license; (e-5) Have held a valid driver's license for any 2-year period preceding the date of application for an instructor's license, including a temporary visitor's driver's license issued under Section 6-105.1, and be currently authorized to work in the United States;

(f) Have graduated from an accredited high school after at least 4 years of high school education or the equivalent; and

(g) Pay to the Secretary of State an application and license fee of \$70. If a driver training school class room instructor teaches an approved driver education course, as defined in Section 1-103 of this Code, to students under 18 years of age, he or she shall furnish to the Secretary of State a certificate issued by the State Board of Education that the said instructor is qualified and meets the minimum educational standards for teaching driver education courses in the local public or parochial school systems, except that no State Board of Education certification shall be required of any instructor who teaches exclusively in a commercial driving school. On and after July 1, 1986, the existing rules and regulations of the State Board of Education concerning commercial driving schools shall continue to remain in effect but shall be administered by the Secretary of State until such time as the Secretary of State shall amend or repeal the rules in accordance with the Illinois Administrative Procedure Act. Upon request, the Secretary of State shall issue a certificate of completion to a student under 18 years of age who has completed an approved driver education course at a commercial driving school.

625 ILCS 5/6-412 — Issuance of Licenses to Driver Training Schools and Driver Training Instructors

Sec. 6-412. Issuance of Licenses to Driver Training Schools and Driver Training Instructors. The Secretary of State shall issue a license certificate to each applicant to conduct a driver training school or to each driver training instructor when the Secretary of State is satisfied that such person has met the qualifications required under this Act.

625 ILCS 5/6-413 — Expiration of Licenses

Sec. 6-413. Expiration of Licenses. All outstanding licenses issued to any driver training school or driver training instructor under this Act shall expire by operation of law 24 months from the date of issuance, unless sooner cancelled, suspended or revoked under the provisions of Section 6-420.

625 ILCS 5/6-414 — Renewal of Licenses

Sec. 6-414. Renewal of Licenses. The license of each driver training school may be renewed subject to the same conditions as the original license, and upon the payment of a renewal license fee of \$500 and \$50 for each renewal of a branch application.

625 ILCS 5/6-415 — Renewal Fee

Sec. 6-415. Renewal Fee. The license of each driver training instructor may be renewed subject to the same conditions of the original license, and upon the payment of annual renewal license fee of \$70.

625 ILCS 5/6-416

Sec. 6-416. Licenses: Form and Filing. All applications for renewal of a driver training school license or driver training instructor's license shall be on a form prescribed by the Secretary, and must be filed with the Secretary not less than 15 days preceding the expiration date of the license to be renewed.

625 ILCS 5/6-417 — Instructor's license

Sec. 6-417. Instructor's license. Each driver training instructor's license shall authorize the licensee to instruct only at or for the driver training school indicated on the license. The Secretary shall not issue a driver training instructor's license to any individual who is licensed to instruct at or for another driver training school.

625 ILCS 5/6-418 — Instructor's Records

Sec. 6-418. Instructor's Records. Every licensee shall keep a record showing the name and address of each person given instruction and the instruction permit or driver's license number of every person given instruction in the driving of a motor vehicle, and shall show the particular type of instruction given and how much time was devoted to each such type of instruction. Such records shall be open to the inspection of the Secretary or his representatives at all reasonable times, but shall be for the confidential use of the Secretary.

625 ILCS 5/6-419 — Rules and regulations

Sec. 6-419. Rules and regulations. The Secretary is authorized to prescribe by rule standards for the eligibility, conduct and operation of driver training schools, and instructors and to adopt other reasonable rules and regulations necessary to carry out the provisions of this Act. The Secretary may adopt rules exempting particular types of driver training schools from specific statutory provisions in Sections 6-401 through 6-424, where application of those provisions would be inconsistent with the manner of instruction offered by those schools. The Secretary, in consultation with the State Board of Education, shall adopt course content standards for driver education for those persons under the age of 18 years, which shall include the operation and equipment of motor vehicles. After June 30, 2017, the course content standards for driver education provided by a driver training school to those persons under the age of 18 years shall include instruction concerning law enforcement procedures for traffic stops, including a demonstration of the proper actions to be taken during a traffic stop and appropriate interactions with law enforcement.

625 ILCS 5/6-420 — Denial, cancellation, suspension, revocation and failure to renew license

Sec. 6-420. Denial, cancellation, suspension, revocation and failure to renew license. The Secretary may deny, cancel, suspend or revoke, or refuse to renew any driver training school license or any driver training instructor license:

- (1) When the Secretary is satisfied that the licensee fails to meet the requirements to receive or hold a license under this Code;
- (2) Whenever the licensee fails to keep the records required by this Code;
- (3) Whenever the licensee permits fraud or engages in fraudulent practices either with reference to a student or the Secretary, or induces or countenances fraud or fraudulent practices on the part of any applicant for a driver's license or permit;
- (4) Whenever the licensee fails to comply with any provision of this Code or any rule of the Secretary made pursuant thereto;
- (5) Whenever the licensee represents himself as an agent or employee of the Secretary or uses advertising designed to lead or which would reasonably have the effect of leading persons to believe that such licensee is in fact an employee or representative of the Secretary;
- (6) Whenever the licensee or any employee or agent of the licensee solicits driver training or instruction in an office of any department of the Secretary of State having to do with the administration of any law relating to motor vehicles, or within 1,500 feet of any such office;
- (7) Whenever the licensee is convicted of driving while under the influence of alcohol, other drugs, or a combination thereof; leaving the scene of a crash; reckless homicide or reckless driving; or
- (8) Whenever a driver training school advertises that a driver's license is guaranteed upon completion of the course of instruction.

625 ILCS 5/6-421 — Judicial Review

Sec. 6-421. Judicial Review. The action of the Secretary in cancelling, suspending, revoking or denying any license under this Act shall be subject to judicial review in the Circuit Court of Sangamon County or the Circuit Court of Cook County, and the provisions of the Administrative Review Law, and all amendments and modifications thereto, and the rules adopted pursuant thereto, are hereby adopted and shall apply to and govern every action for judicial review of the final

acts or decisions of the Secretary under this Act.

625 ILCS 5/6-422 — Prior law and licenses thereunder

Sec. 6-422. Prior law and licenses thereunder. This Act shall not affect the validity of any outstanding license issued to any driver training school or driver training instructor by the Secretary of State under any prior law, nor shall this Act affect the validity or legality of any contract, agreement or undertaking entered into by any driver training school or driver training instructor, or any person, firm, corporation, partnership or association based on those provisions of any prior law.

625 ILCS 5/6-423 — Deposit of fees

Sec. 6-423. Deposit of fees. Fees collected under this Article shall be disbursed under subsection (g) of Section 2-119 of this Code.

625 ILCS 5/6-424 — Injunctions

Sec. 6-424. Injunctions. If any person operates in violation of any provision of this Article, or any rule, regulation, order, or decision of the Secretary of State established under this Article, or in violation of any term, condition or limitation of any license issued under this Article, the Secretary of State, or any other person injured as a result, or any interested person, may apply to the circuit court of the county where the violation or some part occurred, or where the person complained of has an established or additional place of business or resides, to prevent the violation. The court may enforce compliance by injunction or other process restraining the person from further violation and compliance.

625 ILCS 5/6-500 — Definitions of words and phrases

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

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

(2) Alcohol concentration. "Alcohol concentration" means: (A) the number of grams of alcohol per 210 liters of breath; or (B) the number of grams of alcohol per 100 milliliters of blood; or (C) the number of grams of alcohol per 67 milliliters of urine. Alcohol tests administered within 2 hours of the driver being "stopped or detained" shall be considered that driver's "alcohol concentration" for the purposes of enforcing this UCDLA.

(3) (Blank).

(4) (Blank).

(5) (Blank). (5.3) CDLIS driver record. "CDLIS driver record" means the electronic record of the individual CDL driver's status and history stored by the State-of-Record as part of the Commercial Driver's License Information System, or CDLIS, established under 49 U.S.C. 31309. (5.5) CDLIS motor vehicle record. "CDLIS motor vehicle record" or "CDLIS MVR" means a report generated from the CDLIS driver record meeting the requirements for access to CDLIS information and provided by states to users authorized in 49 C.F.R. 384.225(e)(3) and (4), subject to the provisions of the Driver Privacy Protection Act, 18 U.S.C. 2721-2725. (5.7) Commercial driver's license downgrade. "Commercial driver's license downgrade" or "CDL downgrade" means either: (A) a state allows the driver to change his or her self-certification to interstate, but operating exclusively in transportation or operation excepted from 49 C.F.R. Part 391, as provided in 49 C.F.R. 390.3(f), 391.2, 391.68, or 398.3; (B) a state allows the driver to change his or her self-certification to intrastate only, if the driver qualifies under that state's physical qualification requirements for intrastate only; (C) a state allows the driver to change his or her certification to intrastate, but operating exclusively in transportation or operations excepted from all or part of the state driver qualification requirements; or (D) a state removes the CDL privilege from the driver license.

(6) Commercial Motor Vehicle. (A) "Commercial motor vehicle" or "CMV" means a motor vehicle or combination of motor vehicles used in commerce, except those referred to in subdivision (B), designed to transport passengers or property if the motor vehicle:

(i) has a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of any towed unit with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater; or (i-5) has a gross vehicle weight rating or gross vehicle

weight of 11,794 or more kilograms (26,001 pounds or more), whichever is greater; or (ii) is designed to transport 16 or more persons, including the driver; or (iii) is of any size and is used in transporting hazardous materials as defined in 49 C.F.R. 383.5. (B) Pursuant to the interpretation of the Commercial Motor Vehicle Safety Act of 1986 by the Federal Highway Administration, the definition of "commercial motor vehicle" does not include:

(i) recreational vehicles, when operated primarily for personal use; (ii) vehicles owned by or operated under the direction of the United States Department of Defense or the United States Coast Guard only when operated by non-civilian personnel. This includes any operator on active military duty; members of the Reserves; National Guard; personnel on part-time training; and National Guard military technicians (civilians who are required to wear military uniforms and are subject to the Code of Military Justice); or (iii) firefighting, police, and other emergency equipment (including, without limitation, equipment owned or operated by a HazMat or technical rescue team authorized by a county board under Section 5-1127 of the Counties Code), with audible and visual signals, owned or operated by or for a governmental entity, which is necessary to the preservation of life or property or the execution of emergency governmental functions which are normally not subject to general traffic rules and regulations.

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

(8) Conviction. "Conviction" means an unvacated adjudication of guilt or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal; an unvacated revocation of pretrial release; a plea of guilty or nolo contendere accepted by the court; or the payment of a fine or court cost regardless of whether the imposition of sentence is deferred and ultimately a judgment dismissing the underlying charge is entered. (8.5) Day. "Day" means calendar day.

(9) (Blank).

(10) (Blank).

(11) (Blank).

(12) (Blank).

(13) Driver. "Driver" means any person who drives, operates, or is in physical control of a commercial motor vehicle, any person who is required to hold a CDL, or any person who is a holder of a CDL while operating a non-commercial motor vehicle. (13.5) Driver applicant. "Driver applicant" means an individual who applies to a state or other jurisdiction to obtain, transfer, upgrade, or renew a CDL or to obtain or renew a CLP. (13.6) Drug and alcohol clearinghouse. "Drug and alcohol clearinghouse" means a database system established by the Federal Motor Carrier Safety Administration that permits the access and retrieval of a drug and alcohol testing violation or violations precluding an applicant or employee from occupying safety-sensitive positions involving the operation of a commercial motor vehicle. (13.8) Electronic device. "Electronic device" includes, but is not limited to, a cellular telephone, personal digital assistant, pager, computer, or any other device used to input, write, send, receive, or read text.

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

(15) Employer. "Employer" means a person (including the United States, a State or a local authority) who owns or leases a commercial motor vehicle or assigns employees to operate such a vehicle. A person who is self-employed as a commercial motor vehicle driver must comply with the requirements of this UCDLA. (15.1) Endorsement. "Endorsement" means an authorization to an individual's CLP or CDL required to permit the individual to operate certain types of commercial motor vehicles. (15.2) Entry-level driver training. "Entry-level driver training" means the training an entry-level driver receives from an entity listed on the Federal Motor Carrier Safety Administration's Training Provider Registry prior to:

(i) taking the CDL skills test required to receive the Class A or Class B CDL for the first time; (ii) taking the CDL skills test required to upgrade to a Class A or Class B CDL; or (iii) taking the CDL skills test required to obtain a passenger or school bus endorsement for the first time or the CDL knowledge test required to obtain a hazardous materials endorsement for the first time. (15.3) Excepted interstate. "Excepted interstate" means a person who operates or expects to operate in interstate commerce, but engages exclusively in transportation or operations excepted under 49 C.F.R. 390.3(f), 391.2, 391.68, or 398.3 from all or part of the qualification requirements of 49 C.F.R. Part 391 and is not required

to obtain a medical examiner's certificate by 49 C.F.R. 391.45. (15.5) Excepted intrastate. "Excepted intrastate" means a person who operates in intrastate commerce but engages exclusively in transportation or operations excepted from all or parts of the state driver qualification requirements.

(16) (Blank). (16.5) Fatality. "Fatality" means the death of a person as a result of a motor vehicle crash. (16.7) Foreign commercial driver. "Foreign commercial driver" means a person licensed to operate a commercial motor vehicle by an authority outside the United States, or a citizen of a foreign country who operates a commercial motor vehicle in the United States.

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

(18) (Blank).

(19) (Blank).

(20) Hazardous materials. "Hazardous material" means any material that has been designated under 49 U.S.C. 5103 and is required to be placarded under subpart F of 49 C.F.R. part 172 or any quantity of a material listed as a select agent or toxin in 42 C.F.R. part 73. (20.5) Imminent Hazard. "Imminent hazard" means the existence of any condition of a vehicle, employee, or commercial motor vehicle operations that substantially increases the likelihood of serious injury or death if not discontinued immediately; or a condition relating to hazardous material that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begun to lessen the risk of that death, illness, injury or endangerment. (20.6) Issuance. "Issuance" means initial issuance, transfer, renewal, or upgrade of a CLP or CDL and non-domiciled CLP or CDL. (20.7) Issue. "Issue" means initial issuance, transfer, renewal, or upgrade of a CLP or CDL and non-domiciled CLP or non-domiciled CDL.

(21) Long-term lease. "Long-term lease" means a lease of a commercial motor vehicle by the owner-lessor to a lessee, for a period of more than 29 days. (21.01) Manual transmission. "Manual transmission" means a transmission utilizing a driver-operated clutch that is activated by a pedal or lever and a gear-shift mechanism operated either by hand or foot including those known as a stick shift, stick, straight drive, or standard transmission. All other transmissions, whether semi-automatic or automatic, shall be considered automatic for the purposes of the standardized restriction code. (21.1)

Medical examiner. "Medical examiner" means an individual certified by the Federal Motor Carrier Safety Administration and listed on the National Registry of Certified Medical Examiners in accordance with Federal Motor Carrier Safety Regulations, 49 CFR 390.101 et seq. (21.2) Medical examiner's certificate. "Medical examiner's certificate" means either

(1) prior to June 22, 2021, a document prescribed or approved by the Secretary of State that is issued by a medical examiner to a driver to medically qualify him or her to drive; or

(2) beginning June 22, 2021, an electronic submission of results of an examination conducted by a medical examiner listed on the National Registry of Certified Medical Examiners to the Federal Motor Carrier Safety Administration of a driver to medically qualify him or her to drive. (21.5) Medical variance. "Medical variance" means a driver has received one of the following from the Federal Motor Carrier Safety Administration which allows the driver to be issued a medical certificate:

(1) an exemption letter permitting operation of a commercial motor vehicle pursuant to 49 C.F.R. Part 381, Subpart C or 49 C.F.R. 391.64; or

(2) a skill performance evaluation (SPE) certificate permitting operation of a commercial motor vehicle pursuant to 49 C.F.R. 391.49. (21.7) Mobile telephone. "Mobile telephone" means a mobile communication device that falls under or uses any commercial mobile radio service, as defined in regulations of the Federal Communications Commission, 47 CFR 20.3. It does not include two-way or citizens band radio services.

(22) Motor Vehicle. "Motor vehicle" means every vehicle which is self-propelled, and every vehicle which is propelled by electric power obtained from over head trolley wires but not operated upon rails, except vehicles moved solely by human power and motorized wheel chairs. (22.2) Motor vehicle record. "Motor vehicle record" means a report of the driving status and history of a driver generated from the driver record provided to users, such as drivers or employers, and is subject to the provisions of the Driver Privacy Protection Act, 18 U.S.C. 2721-2725. (22.5) Non-CMV. "Non-CMV" means a motor vehicle or combination of motor vehicles not defined by the term "commercial motor vehicle" or "CMV" in this Section. (22.7) Non-excepted interstate. "Non-excepted interstate" means a person who operates or expects to operate in interstate commerce, is subject to and meets the qualification requirements under 49 C.F.R. Part 391, and is required to

obtain a medical examiner's certificate by 49 C.F.R. 391.45. (22.8) Non-excepted intrastate. "Non-excepted intrastate" means a person who operates only in intrastate commerce and is subject to State driver qualification requirements.

(23) Non-domiciled CLP or Non-domiciled CDL. "Non-domiciled CLP" or "Non-domiciled CDL" means a CLP or CDL, respectively, issued by a state or other jurisdiction under either of the following two conditions:

(i) to an individual domiciled in a foreign country meeting the requirements of Part 383.23(b)(1) of 49 C.F.R. of the Federal Motor Carrier Safety Administration. (ii) to an individual domiciled in another state meeting the requirements of Part 383.23(b)(2) of 49 C.F.R. of the Federal Motor Carrier Safety Administration.

(24) (Blank).

(25) (Blank). (25.5) Railroad-Highway Grade Crossing Violation. "Railroad-highway grade crossing violation" means a violation, while operating a commercial motor vehicle, of any of the following: (A) Section 11-1201, 11-1202, or 11-1425 of this Code. (B) Any other similar law or local ordinance of any state relating to railroad-highway grade crossing. (25.7) School Bus. "School bus" means a commercial motor vehicle used to transport pre-primary, primary, or secondary school students from home to school, from school to home, or to and from school-sponsored events. "School bus" does not include a bus used as a common carrier.

(26) Serious Traffic Violation. "Serious traffic violation" means: (A) a conviction when operating a commercial motor vehicle, or when operating a non-CMV while holding a CLP or CDL, of:

(i) a violation relating to excessive speeding, involving a single speeding charge of 15 miles per hour or more above the legal speed limit; or (ii) a violation relating to reckless driving; or (iii) a violation of any State law or local ordinance relating to motor vehicle traffic control (other than parking violations) arising in connection with a fatal traffic crash; or (iv) a violation of Section 6-501, relating to having multiple driver's licenses; or

(v) a violation of paragraph

(a) of Section 6-507, relating to the requirement to have a valid CLP or CDL; or (vi) a violation relating to improper or erratic traffic lane changes; or (vii) a violation relating to following another vehicle too closely; or (viii) a violation relating to texting while driving; or (ix) a violation relating to the use of a hand-held mobile telephone while driving; or (B) any other similar violation of a law or local ordinance of any state relating to motor vehicle traffic control, other than a parking violation, which the Secretary of State determines by administrative rule to be serious.

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

(28) (Blank).

(29) (Blank).

(30) (Blank).

(31) (Blank).

(32) Texting. "Texting" means manually entering alphanumeric text into, or reading text from, an electronic device.

(1) Texting includes, but is not limited to, short message service, emailing, instant messaging, a command or request to access a World Wide Web page, pressing more than a single button to initiate or terminate a voice communication using a mobile telephone, or engaging in any other form of electronic text retrieval or entry for present or future communication.

(2) Texting does not include:

(i) inputting, selecting, or reading information on a global positioning system or navigation system; or (ii) pressing a single button to initiate or terminate a voice communication using a mobile telephone; or (iii) using a device capable of performing multiple functions (for example, a fleet management system, dispatching device, smart phone, citizens band radio, or music player) for a purpose that is not otherwise prohibited by Part 392 of the Federal Motor Carrier Safety Regulations. (32.3) Third party skills test examiner. "Third party skills test examiner" means a person employed by a third party tester who is authorized by the State to administer the CDL skills tests specified in 49 C.F.R. Part 383, subparts G and H. (32.5) Third party tester. "Third party tester" means a person (including, but not limited to, another state, a motor carrier, a private driver training facility or other private institution, or a department, agency, or instrumentality of a local government) authorized by the State to employ skills test examiners to administer the CDL skills tests specified in 49 C.F.R. Part 383, subparts G and H. (32.7) United States. "United States" means the 50 states and the District of Columbia.

(33) Use a hand-held mobile telephone. "Use a hand-held mobile telephone" means:

- (1) using at least one hand to hold a mobile telephone to conduct a voice communication;
- (2) dialing or answering a mobile telephone by pressing more than a single button; or
- (3) reaching for a mobile telephone in a manner that requires a driver to maneuver so that he or she is no longer in a seated driving position, restrained by a seat belt that is installed in accordance with 49 CFR 393.93 and adjusted in accordance with the vehicle manufacturer's instructions.

625 ILCS 5/6-500.1 — Short title

Sec. 6-500.1. Short title. This Article may be cited as the Uniform Commercial Driver's License Act or "UCDLA".

625 ILCS 5/6-500.2 — Statement of intent and purpose

Sec. 6-500.2. Statement of intent and purpose. The purpose of this UCDLA is to implement the federal Commercial Motor Vehicle Safety Act of 1986 (CMVSA) (Title XII of Pub. Law 99-570) and reduce or prevent commercial motor vehicle crashes, fatalities and injuries by:

- (a) permitting commercial drivers to hold only one driver's license;
- (b) disqualifying commercial drivers who have committed certain serious traffic violations, or other specified offenses; and
- (c) strengthening commercial driver licensing and testing standards. This UCDLA is remedial in nature and should be liberally construed to promote the public's health, safety and welfare. To the extent that this UCDLA conflicts with any other provisions of this Code, the UCDLA shall prevail. Where this UCDLA is silent, the other general provisions of this Code shall apply.

625 ILCS 5/6-501 — Commercial drivers - permitted only one driver's license

Sec. 6-501. Commercial drivers - permitted only one driver's license. No person who drives a commercial motor vehicle, on the highways, shall have more than one driver's license. Any person convicted of violating this Section shall be guilty of a Class A misdemeanor.

625 ILCS 5/6-502 — Commercial motor vehicle drivers - reporting of traffic violations to the Secretary of State

Sec. 6-502. Commercial motor vehicle drivers - reporting of traffic violations to the Secretary of State. When required by the Commercial Motor Vehicle Safety Act of 1986, every person who has been issued an Illinois non-domiciled CLP or non-domiciled CDL or who is a domiciliary of this State and drives a commercial motor vehicle in violation of a law or local ordinance of any State relating to motor vehicle traffic control (other than parking violations) in any other state, shall notify the Secretary of State, on a form and in a manner prescribed by the Secretary, of such violation within 30 days after the date such person has been convicted of such offense. .)

625 ILCS 5/6-503 — Commercial motor vehicle drivers - reporting of traffic violations to employer

Sec. 6-503. Commercial motor vehicle drivers - reporting of traffic violations to employer. Every person who is a domiciliary of this State or who has been issued an Illinois non-domiciled CLP or non-domiciled CDL and drives a commercial motor vehicle in violation of a law or local ordinance of any State relating to motor vehicle traffic control (other than parking violations) in this or any other state, shall notify such person's employer of such violation within 30 days after the date such person is convicted of such offense. In the event such person is a "common carrier of property by motor vehicle", as defined in Section 18c-1104 of this Code, such person shall notify the principal lessor of such within 30 days after the date such person is convicted of the violation. However, if such person is an independent contractor or owner operator, such report shall be kept at the principal place of business and available during normal office hours for inspection and auditing purposes by an authorized agency. .)

625 ILCS 5/6-504 — Commercial motor vehicle drivers - other reporting requirements

Sec. 6-504. Commercial motor vehicle drivers - other reporting requirements. All drivers of commercial motor vehicles licensed or domiciled in Illinois:

- (1) who have their driving privileges suspended, revoked or cancelled by any state; or
- (2) who lose their privilege to operate a commercial motor vehicle in any state for any period; or
- (3) who are disqualified from driving a commercial motor vehicle for any period; or

(4) who are placed "out-of-service" pursuant to Section 6-515; shall notify:

(i) their employer of such suspension, revocation, cancellation, lost right, disqualification, or "out-of-service" action before the end of the business day following the day the driver received notice of such action; and within 30 days after the effective date of such action. (ii) the Secretary of State of any such out-of-state suspension, revocation, cancellation, lost right, disqualification, or "out-of-service" action within 30 days after the effective date of such action.

625 ILCS 5/6-505 — Commercial motor vehicle driver - duty to report certain previous employment to potential employer

Sec. 6-505. Commercial motor vehicle driver - duty to report certain previous employment to potential employer. Each person who applies for employment as a driver of a commercial motor vehicle, with any employer, shall notify such potential employer at the time of such application of any and all previous employment for the last 10 years, as a driver of a commercial motor vehicle including, but not necessarily limited to, the dates between which the applicant drove for each employer, the reason for leaving each such employment and the information contained in the notification requirements of Section 6-504.

625 ILCS 5/6-506 — Commercial motor vehicle driver - employer/owner responsibilities

Sec. 6-506. Commercial motor vehicle driver - employer/owner responsibilities.

(a) No employer or commercial motor vehicle owner shall allow, permit, authorize, or require an employee to drive a commercial motor vehicle on the highways if he or she knows or should reasonably know that the employee:

- (1) has a driver's license suspended, revoked or cancelled by any state; or
- (2) has lost the privilege to drive a commercial motor vehicle in any state; or
- (3) has been disqualified from driving a commercial motor vehicle; or
- (4) has more than one CLP or CDL, except as provided by this UCDLA; or
- (5) is subject to or in violation of an "out-of-service" order; or

(6) does not have a current CLP or CDL or a CLP or CDL with the proper class or endorsements. An employer may not use a driver to operate a CMV who violates any restriction on the driver's CLP or CDL.

(b) No employer or commercial motor vehicle owner shall knowingly allow, permit, authorize, or require a driver to operate a commercial motor vehicle in violation of any law or regulation pertaining to railroad-highway grade crossings. (b-3) No employer or commercial motor vehicle owner shall knowingly allow, permit, authorize, or require a driver to operate a commercial motor vehicle during any period in which the commercial motor vehicle is subject to an "out-of-service" order.

(b-5) No employer or commercial motor vehicle owner shall knowingly allow, permit, authorize, or require a driver to operate a commercial motor vehicle during any period in which the motor carrier operation is subject to an "out-of-service" order.

(c) Any employer convicted of violating subsection (a), (b-3), or (b-5) of this Section, whether individually or in connection with one or more other persons, or as principal agent, or accessory, shall be guilty of a Class A misdemeanor. ; 98-722, eff. 7-16-14.)

625 ILCS 5/6-507

Sec. 6-507. Commercial Driver's License (CDL) or Commercial Learner's Permit (CLP) required.

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

- (1) a CDL in the driver's possession;
- (2) having obtained a CLP or CDL;
- (3) the proper class of CLP or CDL or endorsements or both for the specific vehicle group being operated or for the passengers or type of cargo being transported; or
- (4) a copy of a medical variance document, if one exists, such as an exemption letter or a skill performance evaluation certificate. (a-5) A CLP or CDL holder whose CLP or CDL is held by this State or any other state in the course of enforcement of a motor vehicle traffic code and who has not been convicted of a disqualifying offense under 49 C.F.R.

383.51 based on this enforcement, may drive a CMV while holding a dated receipt for the CLP or CDL.

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

(1) Suspended, revoked, cancelled, or subject to disqualification. Any person convicted of violating this provision or a similar provision of this or any other state shall have their driving privileges revoked under paragraph 12 of subsection

(a) of Section 6-205 of this Code.

(2) Subject to or in violation of an "out-of-service" order. Any person who has been issued a CLP or CDL and is convicted of violating this provision or a similar provision of any other state shall be disqualified from operating a commercial motor vehicle under subsection

(i) of Section 6-514 of this Code.

(3) Subject to or in violation of a driver or vehicle "out of service" order while operating a vehicle designed to transport 16 or more passengers, including the driver, or transporting hazardous materials required to be placarded. Any person who has been issued a CLP or CDL and is convicted of violating this provision or a similar provision of this or any other state shall be disqualified from operating a commercial motor vehicle under subsection

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

(i) of Section 6-514 of this Code. (b-5) Except as otherwise provided by this Code, no person may operate a vehicle designed to transport 16 or more passengers including the driver or hazardous materials of a type or quantity that requires the vehicle to be placarded during a period in which the commercial motor vehicle or the motor carrier operation is subject to an "out-of-service" order. Any person who is convicted of violating this provision or a similar provision of any other state shall be disqualified from operating a commercial motor vehicle under subsection

(i) of Section 6-514 of this Code.

(c) Pursuant to the options provided to the States by FHWA Docket No. MC-88-8, the driver of any motor vehicle controlled or operated by or for a farmer is waived from the requirements of this Section, when such motor vehicle is being used to transport: agricultural products; implements of husbandry; or farm supplies; to and from a farm, as long as such movement is not over 150 air miles from the originating farm. This waiver does not apply to the driver of any motor vehicle being used in a common or contract carrier type operation. However, for those drivers of any truck-tractor semitrailer combination or combinations registered under subsection

(c) of Section 3-815 of this Code, this waiver shall apply only when the driver is a farmer or a member of the farmer's family and the driver is 21 years of age or more and has successfully completed any tests the Secretary of State deems necessary. In addition, the farmer or a member of the farmer's family who operates a truck-tractor semitrailer combination or combinations pursuant to this waiver shall be granted all of the rights and shall be subject to all of the duties and restrictions with respect to Sections 6-514 and 6-515 of this Code applicable to the driver who possesses a commercial driver's license issued under this Code, except that the driver shall not be subject to any additional duties or restrictions contained in Part 382 of the Federal Motor Carrier Safety Regulations that are not otherwise imposed under Section 6-514 or 6-515 of this Code. For purposes of this subsection (c), a member of the farmer's family is a natural or in-law spouse, child, parent, or sibling. As required under the Code of Federal Regulations 49 CFR 390.39, an operator of a covered farm vehicle, as defined under Section 18b-101 of this Code, is exempt from the requirements of this Section. However, for drivers of any truck-tractor semitrailer combination or combinations operating as a covered farm vehicle, the driver must successfully complete any tests the Secretary of State deems necessary. When operating any truck-tractor semitrailer combination as a covered farm vehicle, the exemption applies only to persons age 21 or older, if operating the vehicle in interstate driving, and to persons at least 18 years of age, if operating the vehicle in intrastate driving. The Secretary may adopt rules necessary to implement this Section. (c-5) An employee of a township or road district with a population of less than 3,000 operating a vehicle within the boundaries of the township or road district for the purpose of removing snow or ice from a roadway by plowing, sanding, or salting is waived from the requirements of this Section when the employee is needed to operate the vehicle because the employee of the township or road district who ordinarily operates the vehicle and who has a commercial driver's license is unable to operate the vehicle or is in need of additional assistance due to a snow emergency. (c-10) A driver of a commercial motor vehicle used primarily in the transportation of

propane winter heating fuel or a driver of a motor vehicle used to respond to a pipeline emergency is waived from the requirements of this Section if such requirements would prevent the driver from responding to an emergency condition requiring immediate response as defined in 49 C.F.R. Part 390.5.

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

(e) Any person convicted of violating paragraph

(1) of subsection

(b) of this Section, shall have all driving privileges revoked by the Secretary of State.

(f) This Section shall not apply to:

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

(2) A non-Illinois domiciliary who is properly licensed in another State, until April 1, 1992. A non-Illinois domiciliary, if such domiciliary is properly licensed in another State or foreign jurisdiction, until April 1, 1992. ; 99-57, eff. 7-16-15; 99-607, eff. 7-22-16.)

625 ILCS 5/6-507.5

Sec. 6-507.5. Application for Commercial Learner's Permit (CLP).

(a) The application for a CLP must include, but is not limited to, the following:

(1) the driver applicant's full legal name and current Illinois domiciliary address, unless the driver applicant is from a foreign country and is applying for a non-domiciled CLP in which case the driver applicant shall submit proof of Illinois residency or the driver applicant is from another state and is applying for a non-domiciled CLP in which case the driver applicant shall submit proof of domicile in the state which issued the driver applicant's Non-CDL;

(2) a physical description of the driver applicant including gender, height, weight, color of eyes, and hair color;

(3) date of birth;

(4) the driver applicant's social security number;

(5) the driver applicant's signature;

(6) the names of all states where the driver applicant has previously been licensed to drive any type of motor vehicle during the previous 10 years under 49 C.F.R. Part 383;

(7) proof of citizenship or lawful permanent residency as set forth in Table 1 of 49 C.F.R. 383.71, unless the driver applicant is from a foreign country and is applying for a non-domiciled CLP, in which case the applicant must provide an unexpired employment authorization document (EAD) issued by USCIS or an unexpired foreign passport accompanied by an approved I-94 form documenting the applicant's most recent admittance into the United States; and

(8) any other information required by the Secretary of State.

(b) Except as provided in subsection (b-5), no CLP shall be issued to a driver applicant unless the applicant has taken and passed a general knowledge test that meets the federal standards contained in 49 C.F.R. Part 383, subparts F, G, and H for the commercial motor vehicle the applicant expects to operate. (b-5) The Secretary of State may waive the general knowledge test specified in 49 CFR 383.71(a)(2)(ii) for a qualifying driver applicant of a commercial learner's permit. A qualifying driver applicant shall:

(1) be a current resident of this State;

(2) be a current or former member of the military services, including a member of any reserve component or National Guard unit;

(3) within one year prior to the application, have been regularly employed in a military position that requires the operation of large trucks;

(4) have received formal military training in the operation of a vehicle similar to the commercial motor vehicle the applicant expects to operate; and

(5) provide the Secretary of State with a general knowledge test waiver form signed by the applicant and his or her commanding officer certifying that the applicant qualifies for the general knowledge test waiver.

- (c) No CLP shall be issued to a driver applicant unless the applicant possesses a valid Illinois driver's license or if the applicant is applying for a non-domiciled CLP under subsection
- (b) of Section 6-509 of this Code, in which case the driver applicant must possess a valid driver's license from his or her state of domicile.
- (d) No CLP shall be issued to a person under 18 years of age.
- (e) No person shall be issued a CLP unless the person certifies to the Secretary one of the following types of driving operations in which he or she will be engaged:
- (1) non-excepted interstate;
 - (2) non-excepted intrastate;
 - (3) excepted interstate; or
 - (4) excepted intrastate.
- (f) No person shall be issued a CLP unless the person certifies to the Secretary that he or she is not subject to any disqualification under 49 C.F.R. 383.51, or any license disqualification under State law, and that he or she does not have a driver's license from more than one state or jurisdiction.
- (g) No CLP shall be issued to a person while the person is subject to a disqualification from driving a commercial motor vehicle, unless otherwise permitted by this Code, while the person's driver's license is suspended, revoked, or cancelled in any state, or any territory or province of Canada; nor may a CLP be issued to a person who has a CLP or CDL issued by any other state or foreign jurisdiction, unless the person surrenders all of these licenses. No CLP shall be issued to or renewed for a person who does not meet the requirement of 49 C.F.R. 391.41(b)(11). The requirement may be met with the aid of a hearing aid.
- (h) No CLP with a Passenger, School Bus or Tank Vehicle endorsement shall be issued to a person unless the driver applicant has taken and passed the knowledge test for each endorsement.
- (1) A CLP holder with a Passenger (P) endorsement is prohibited from operating a CMV carrying passengers, other than federal or State auditors and inspectors, test examiners, or other trainees, and the CDL holder accompanying the CLP holder as prescribed by subsection
- (a) of Section 6-507 of this Code. The P endorsement must be class specific.
- (2) A CLP holder with a School Bus (S) endorsement is prohibited from operating a school bus with passengers other than federal or State auditors and inspectors, test examiners, or other trainees, and the CDL holder accompanying the CLP holder as prescribed by subsection
- (a) of Section 6-507 of this Code.
- (3) A CLP holder with a Tank Vehicle (N) endorsement may only operate an empty tank vehicle and is prohibited from operating any tank vehicle that previously contained hazardous material that has not been purged of all residue.
- (4) All other federal endorsements are prohibited on a CLP.
- (i) No CLP holder may operate a commercial motor vehicle transporting hazardous material as defined in paragraph
- (20) of Section 6-500 of this Code.
- (j) The CLP holder must be accompanied by the holder of a valid CDL who has the proper CDL group and endorsement necessary to operate the CMV. The CDL holder must at all times be physically present in the front seat of the vehicle next to the CLP holder or, in the case of a passenger vehicle, directly behind or in the first row behind the driver and must have the CLP holder under observation and direct supervision.
- (k) A CLP is valid for 12 months from the date of issuance.
- (l) A CLP issued prior to July 1, 2014 for a limited time period according to state requirements, shall be considered a valid commercial driver's license for purposes of behind-the-wheel training on public roads or highways.

625 ILCS 5/6-508

Sec. 6-508. Commercial Driver's License (CDL); qualification standards.

- (a) Testing.

(1) General. No person shall be issued an original or renewal CDL unless that person is domiciled in this State or is applying for a non-domiciled CDL under Sections 6-509 and 6-510 of this Code. The Secretary shall cause to be administered such tests as the Secretary deems necessary to meet the requirements of 49 CFR Part 383, subparts F, G, H, and J. (1.5) Effective July 1, 2014, no person shall be issued an original CDL or an upgraded CDL that requires a skills test unless that person has held a CLP, for a minimum of 14 calendar days, for the classification of vehicle and endorsement, if any, for which the person is seeking a CDL.

(2) Third party testing. The Secretary of State may authorize a "third party tester", pursuant to 49 CFR 383.75 and 49 CFR 384.228 and 384.229, to administer the skills test or tests specified by the Federal Motor Carrier Safety Administration pursuant to the Commercial Motor Vehicle Safety Act of 1986 and any appropriate federal rule. (3)(i) Effective February 7, 2020, unless the person is exempted by 49 CFR 380.603, no person shall be issued an original (first time issuance) CDL, an upgraded CDL or a school bus (S), passenger (P), or hazardous Materials (H) endorsement unless the person has successfully completed entry-level driver training (ELDT) taught by a training provider listed on the federal Training Provider Registry. (ii) Persons who obtain a CLP before February 7, 2020 are not required to complete ELDT if the person obtains a CDL before the CLP or renewed CLP expires. (iii) Except for persons seeking the H endorsement, persons must complete the theory and behind-the-wheel (range and public road) portions of ELDT within one year of completing the first portion. (iv) The Secretary shall adopt rules to implement this subsection.

(b) Waiver of Skills Test. The Secretary of State may waive the skills test specified in this Section for a driver applicant for a commercial driver license who meets the requirements of 49 CFR 383.77. The Secretary of State shall waive the skills tests specified in this Section for a driver applicant who has military commercial motor vehicle experience, subject to the requirements of 49 CFR 383.77. (b-1) No person shall be issued a CDL unless the person certifies to the Secretary one of the following types of driving operations in which he or she will be engaged:

- (1) non-excepted interstate;
- (2) non-excepted intrastate;
- (3) excepted interstate; or
- (4) excepted intrastate. (b-2) (Blank).

(c) Limitations on issuance of a CDL. A CDL shall not be issued to a person while the person is subject to a disqualification from driving a commercial motor vehicle, or unless otherwise permitted by this Code, while the person's driver's license is suspended, revoked, or cancelled in any state, or any territory or province of Canada; nor may a CLP or CDL be issued to a person who has a CLP or CDL issued by any other state, or foreign jurisdiction, nor may a CDL be issued to a person who has an Illinois CLP unless the person first surrenders all of these licenses or permits. However, a person may hold an Illinois CLP and an Illinois CDL providing the CLP is necessary to train or practice for an endorsement or vehicle classification not present on the current CDL. No CDL shall be issued to or renewed for a person who does not meet the requirement of 49 CFR 391.41(b)(11). The requirement may be met with the aid of a hearing aid.

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

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

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

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

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

(i) those offenses defined in Sections 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6, 11-9, 11-9.1, 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-20.1B, 11-20.3, 11-20.4, 11-21, 11-22, 11-23, 11-24, 11-25, 11-26, 11-30, 12-2.6, 12-3.1, 12-3.3, 12-4,

12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-4.9, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-21.5, 12-21.6, 12-33, 12C-5, 12C-10, 12C-20, 12C-30, 12C-45, 16-16, 16-16.1, 18-1, 18-2, 18-3, 18-4, 18-5, 19-6, 20-1, 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.6, 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8, 24-3.9, 31A-1, 31A-1.1, 33A-2, and 33D-1, and in subsection

(b) of Section 8-1, and in subdivisions (a)(1), (a)(2), (b)(1), (e)(1), (e)(2), (e)(3), (e)(4), and (f)(1) of Section 12-3.05, and in subsection

(a) and subsection (b), clause (1), of Section 12-4, and in subsection (A), clauses

(a) and (b), of Section 24-3, and those offenses contained in Article 29D of the Criminal Code of 1961 or the Criminal Code of 2012; (ii) those offenses defined in the Cannabis Control Act except those offenses defined in subsections

(a) and

(b) of Section 4, and subsection

(a) of Section 5 of the Cannabis Control Act; (iii) those offenses defined in the Illinois Controlled Substances Act; (iv) those offenses defined in the Methamphetamine Control and Community Protection Act;

(v) any offense committed or attempted in any other state or against the laws of the United States, which if committed or attempted in this State would be punishable as one or more of the foregoing offenses; (vi) the offenses defined in Sections 4.1 and 5.1 of the Wrongs to Children Act or Section 11-9.1A of the Criminal Code of 1961 or the Criminal Code of 2012; (vii) those offenses defined in Section 6-16 of the Liquor Control Act of 1934; and (viii) those offenses defined in the Methamphetamine Precursor Control Act. The Illinois State Police shall charge a fee for conducting the criminal history records check, which shall be deposited into the State Police Services Fund and may not exceed the actual cost of the records check. (c-2) The Secretary shall issue a CDL with a school bus endorsement to allow a person to drive a school bus as defined in this Section. The CDL shall be issued according to the requirements outlined in 49 CFR 383. A person may not operate a school bus as defined in this Section without a school bus endorsement. The Secretary of State may adopt rules consistent with Federal guidelines to implement this subsection (c-2).

(d) (Blank).

625 ILCS 5/6-508.1 — Medical examiner's certificate

Sec. 6-508.1. Medical examiner's certificate.

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

(b) No person who has certified to non-excepted interstate driving as provided in Sections 6-507.5 and 6-508 of this Code shall be issued a CLP or CDL unless that person has a current medical examiner's certificate on the CDLIS driver record.

(c) (Blank).

(d) On and after January 30, 2014, all persons who hold a commercial driver instruction permit or CDL who have certified as non-excepted interstate shall maintain a current medical examiner's certificate on file with the Secretary. On and after July 1, 2014, all persons issued a CLP who have certified as non-excepted interstate shall maintain a current medical examiner's certificate on file with the Secretary.

(e) Before June 22, 2025, the Secretary shall post the following to the CDLIS driver record within 10 calendar days of receipt of a medical examiner's certificate of a driver who has certified as non-excepted interstate:

(1) the medical examiner's name;

(2) the medical examiner's telephone number;

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

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

(5) the medical certification status;

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

(7) the existence of any medical variance on the medical examiner's certificate, including, but not limited to, an exemption, Skills Performance Evaluation certification, issuance and expiration date of the medical variance, or any grandfather provisions;

- (8) any restrictions noted on the medical examiner's certificate;
- (9) the date the medical examiner's certificate information was posted to the CDLIS driver record; and
- (10) the medical examiner's National Registry of Certified Medical Examiners identification number. (e-5) Beginning June 23, 2025, the Secretary shall post the following to the CDLIS driver record within one business day of electronic receipt from the Federal Motor Carrier Safety Administration of a driver's identification, examination results, restriction information, and medical variance information resulting from an examination performed by a medical examiner on the National Registry of Certified Medical Examiners for any driver who has certified as non-excepted interstate:
 - (1) the medical examiner's name;
 - (2) the medical examiner's telephone number;
 - (3) the date of issuance of the medical examiner's certificate;
 - (4) the medical examiner's license number and the state that issued it;
 - (5) the medical certification status;
 - (6) the expiration date of the medical examiner's certificate;
 - (7) the existence of any medical variance on the medical examiner's certificate, including, but not limited to, an exemption, Skills Performance Evaluation certification, issue and expiration date of a medical variance, or any grandfather provisions;
 - (8) any restrictions noted on the medical examiner's certificate;
 - (9) the date the medical examiner's certificate information was posted to the CDLIS driver record; and
 - (10) the medical examiner's National Registry of Certified Medical Examiners identification number.
- (f) Within 10 calendar days of the expiration or rescission of the driver's medical examiner's certificate or medical variance or both, the Secretary shall update the medical certification status to "not certified".
- (g) Within 10 calendar days of receipt of information from the Federal Motor Carrier Safety Administration regarding issuance or renewal of a medical variance, the Secretary shall update the CDLIS driver record to include the medical variance information provided by the Federal Motor Carrier Safety Administration. (g-5) Beginning June 22, 2021, within one business day of electronic receipt of information from the Federal Motor Carrier Safety Administration regarding issuance or renewal of a medical variance, the Secretary shall update the CDLIS driver record to include the medical variance information provided by the Federal Motor Carrier Safety Administration.
- (h) The Secretary shall notify the driver of his or her non-certified status and that his or her CDL will be canceled unless the driver submits a current medical examiner's certificate or medical variance or changes his or her self-certification to driving only in excepted or intrastate commerce.
- (i) Within 60 calendar days of a driver's medical certification status becoming non-certified, the Secretary shall cancel the CDL.
- (j) As required under the Code of Federal Regulations 49 CFR 390.39, an operator of a covered farm vehicle, as defined under Section 18b-101 of this Code, is exempt from the requirements of this Section.
- (k) For purposes of ensuring a person is medically fit to drive a commercial motor vehicle, the Secretary may release medical information provided by an applicant or a holder of a CDL or CLP to the Federal Motor Carrier Safety Administration. Medical information includes, but is not limited to, a medical examiner's certificate, a medical report that the Secretary requires to be submitted, statements regarding medical conditions made by an applicant or a holder of a CDL or CLP, or statements made by his or her physician.

625 ILCS 5/6-508.5 — Drug and alcohol clearinghouse

Sec. 6-508.5. Drug and alcohol clearinghouse.

- (a) No driver who has engaged in conduct prohibited by subpart B of 49 CFR 382 shall perform safety-sensitive functions, including driving a commercial motor vehicle, unless the driver has met the return-to-duty requirements of subpart O of 49 CFR 40 and, if the driver's CDL or CLP was canceled, has had the CDL or CLP reinstated.
- (b) By applying for a CDL or CLP, a driver is deemed to have consented to the release of information from the drug and alcohol clearinghouse to the Secretary of State.

(c) No later than November 18, 2024, the Secretary shall request information from the drug and alcohol clearinghouse for all applicants applying for an initial, renewal, transfer, or upgraded CDL or CLP. If the Secretary receives notification that pursuant to 49 CFR 382.503 the applicant is prohibited from operating a commercial motor vehicle, the Secretary shall not issue, renew, transfer, or upgrade a CDL or CLP.

(d) No later than November 18, 2024, the Secretary must, upon receiving notification from the drug and alcohol clearinghouse that a holder of a CDL or CLP is prohibited from operating a commercial motor vehicle, cancel the CDL or CLP. The cancellation must be completed and recorded on the CDLIS driver record within 60 days after the State's receipt of such a notification. Upon notification from the Federal Motor Carrier Safety Administration that a driver has completed the return-to-duty process, the Secretary may reinstate the driver's CDL or CLP privileges.

(e) Upon notification from the Federal Motor Carrier Safety Administration that a violation was entered into the drug and alcohol clearinghouse erroneously, the Secretary shall reinstate the driver's CDL or CLP privileges and remove the cancellation from the driving record.

625 ILCS 5/6-509 — Non-domiciled commercial learner's permit and non-domiciled commercial driver's license

Sec. 6-509. Non-domiciled commercial learner's permit and non-domiciled commercial driver's license.

(a) The Secretary of State may issue a non-domiciled CLP or non-domiciled CDL to a domiciliary of a foreign jurisdiction if the United States Secretary of Transportation has determined that the commercial motor vehicle testing and licensing standards, in that foreign jurisdiction, do not meet the testing standards established in 49 C.F.R. Part 383. A non-domiciled CLP or non-domiciled CDL shall be issued in accordance with the testing and licensing standards contained in subparts F, G, and H of 49 C.F.R. Part 383. The word "Non-domiciled" must appear on the face of the non-domiciled CLP or non-domiciled CDL. A driver applicant must surrender any non-domiciled CLP or non-domiciled CDL, license or permit issued by any other state.

(b) If an individual is domiciled in a state while that state is prohibited from issuing CDLs in accordance with 49 C.F.R. Part 384.405, that individual is eligible to obtain a non-domiciled CLP or non-domiciled CDL from any state that elects to issue a non-domiciled CLP or non-domiciled CDL and which complies with the testing and licensing standards contained in subparts F, G, and H of 49 C.F.R. Part 383.23. "Non-domiciled" must appear on the face of the non-domiciled CLP or non-domiciled CDL. A driver applicant must surrender any non-domiciled CLP or non-domiciled CDL issued in any other state. .)

625 ILCS 5/6-510

Sec. 6-510. Application for Commercial Driver's License (CDL). The application for a CDL must include, but is not limited to, the following:

(1) the driver applicant's full legal name and current Illinois domiciliary address, unless the driver applicant is from a foreign country and is applying for a non-domiciled CDL in which case the driver applicant shall submit proof of Illinois residency or the driver applicant is from another state and is applying for a non-domiciled CDL in which case the driver applicant shall submit proof of domicile in the state which issued the driver applicant's Non-CDL;

(2) a physical description of the driver applicant including gender, height, weight, color of eyes, and hair color;

(3) date of birth;

(4) the driver applicant's social security number;

(5) the driver applicant's signature;

(6) certifications required by 49 C.F.R. Part 383.71; (6.1) the names of all states where the driver applicant has previously been licensed to drive any type of motor vehicle during the previous 10 years pursuant to 49 C.F.R. Part 383; (6.2) proof of citizenship or lawful permanent residency as set forth in Table 1 of 49 C.F.R. 383.71, unless the driver applicant is from a foreign country and is applying for a non-domiciled CDL, in which case the applicant must provide an unexpired employment authorization document (EAD) issued by USCIS or an unexpired foreign passport accompanied by an approved I-94 form documenting the applicant's most recent admittance into the United States; and

(7) any other information required by the Secretary of State. .)

625 ILCS 5/6-511 — Change of legal name or domiciliary address

Sec. 6-511. Change of legal name or domiciliary address.

(a) All persons to whom a CLP or CDL has been issued, shall notify the Driver Services Department of the Secretary of State's Office within 10 days of any change in domiciliary address. In addition, the person shall make application for a corrected CLP or CDL within 30 days after the change.

(b) Any person to whom a CLP or CDL has been issued whose legal name has changed from the name on the previously-issued CLP or CDL shall apply for a corrected card within 30 days after the change. .)

625 ILCS 5/6-512 — Unlawful operation of a commercial motor vehicle pursuant to a non-Illinois issued CLP or CDL

Sec. 6-512. Unlawful operation of a commercial motor vehicle pursuant to a non-Illinois issued CLP or CDL. No person, after becoming a domiciliary of this State for 30 days or more, shall drive a commercial motor vehicle on the highways of this State pursuant to the authority of a CLP or CDL issued by any other State or foreign jurisdiction. .)

625 ILCS 5/6-512.5 — Commercial Learner's Permit or CLP

Sec. 6-512.5. Commercial Learner's Permit or CLP.

(a) The content of the CLP shall include, but is not limited to, the following:

(1) A CLP shall be distinctly marked "Commercial Learner's Permit" or "CLP" and that it is invalid unless accompanied by the underlying driver's license issued by the State of Illinois;

(2) the full legal name and the Illinois domiciliary address (unless it is a non-domiciled CLP) of the person to whom the CLP is issued;

(3) a physical description of the person including gender, height, weight, color of eyes, and hair color;

(4) date of birth;

(5) the Illinois driver's license number assigned by the Secretary of State;

(6) the person's signature;

(7) an indicator showing that the CLP was issued by the State of Illinois;

(8) the date of issuance and the date of expiration of the CLP;

(9) the class or type of commercial vehicle or vehicles which the person is authorized to drive together with any endorsement or restriction.

(b) If the CLP is a non-domiciled CLP, it must contain the prominent statement that the permit is a "Non-domiciled Commercial Learner's Permit" or "Non-domiciled CLP".

(c) Applicant Record Check. Prior to issuing, renewing, upgrading, or transferring a CLP, the Secretary of State shall obtain, review, and maintain upon issuance, renewal, upgrade, or transfer the driver applicant's driving record as required by 49 C.F.R. Parts 383 and 384 and the United States Secretary of Transportation.

(d) Notification of Commercial Learner's Permit (CLP) Issuance and Self-Certification. Within 10 days after issuing a CLP, the Secretary of State must notify the Commercial Driver License Information System of that fact, and provide all information required to ensure identification of the person. The Secretary shall also post the driver's self-certification for the type of driving operations to the CDLIS driver record. .)

625 ILCS 5/6-513 — Commercial Driver's License or CDL

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

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

(1) the full legal name and the Illinois domiciliary address (unless it is a non-domiciled CDL) of the person to whom the CDL is issued;

(2) a color photograph of the person;

(3) a physical description of the person including gender, height, weight, color of eyes, and hair color;

(4) date of birth;

(5) a CDL or file number assigned by the Secretary of State;

- (6) the person's signature;
 - (7) the class or type of commercial vehicle or vehicles which the person is authorized to drive together with any endorsements or restrictions;
 - (8) the name of the issuing state;
 - (9) the issuance and expiration dates of the CDL; and
 - (10) the restriction code "V" if the driver has been issued a medical variance. (a-5) If the CDL is a non-domiciled CDL it must contain the prominent statement that the license is a "Non-domiciled Commercial Driver's License" or "Non-domiciled CDL".
- (b) Applicant Record Check. Prior to issuing, renewing, upgrading, or transferring a CDL, the Secretary of State shall obtain, review, and maintain upon issuance, renewal, upgrade, or transfer the driver applicant's driving record as required by 49 C.F.R. Part 383 and Part 384 and the United States Secretary of Transportation.
- (c) Notification of Commercial Driver's License (CDL) Issuance and Self-Certification. Within 10 days after issuing a CDL, the Secretary of State must notify the Commercial Driver License Information System of that fact, and provide all information required to ensure identification of the person. The Secretary shall also post the driver's self-certification for the type of driving operations to the CDLIS driver record. (c-5) Change in driver identification information. Within 10 days of any change of driver identification information on any CDL holder, the Secretary of State must notify the Commercial Driver License Information System of the change.
- (d) Renewal. Every person applying for a renewal of a CDL must complete the appropriate application form required by this Code and any other test deemed necessary by the Secretary. .)

625 ILCS 5/6-514

Sec. 6-514. Commercial driver's license (CDL); commercial learner's permit (CLP); disqualifications.

- (a) A person shall be disqualified from driving a commercial motor vehicle for a period of not less than 12 months for the first violation of:
- (1) Refusing to submit to or failure to complete a test or tests to determine the driver's blood concentration of alcohol, other drug, or both while driving a commercial motor vehicle or, if the driver is a CLP or CDL holder, while driving a non-CMV; or
 - (2) Operating a commercial motor vehicle while the alcohol concentration of the person's blood, breath, other bodily substance, or urine is at least 0.04, or any amount of a drug, substance, or compound in the person's blood, other bodily substance, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act as indicated by a police officer's sworn report or other verified evidence; or operating a non-commercial motor vehicle while the alcohol concentration of the person's blood, breath, other bodily substance, or urine was above the legal limit defined in Section 11-501.1 or 11-501.8 or any amount of a drug, substance, or compound in the person's blood, other bodily substance, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act as indicated by a police officer's sworn report or other verified evidence while holding a CLP or CDL; or
 - (3) Conviction for a first violation of:
 - (i) Driving a commercial motor vehicle or, if the driver is a CLP or CDL holder, driving a non-CMV while under the influence of alcohol, or any other drug, or combination of drugs to a degree which renders such person incapable of safely driving; or (ii) Knowingly leaving the scene of a crash while operating a commercial motor vehicle or, if the driver is a CLP or CDL holder, while driving a non-CMV; or (iii) Driving a commercial motor vehicle or, if the driver is a CLP or CDL holder, driving a non-CMV while committing any felony; or (iv) Driving a commercial motor vehicle while the person's driving privileges or driver's license or permit is revoked, suspended, or cancelled or the driver is disqualified from operating a commercial motor vehicle; or
 - (v) Causing a fatality through the negligent operation of a commercial motor vehicle, including but not limited to the crimes of motor vehicle manslaughter, homicide by a motor vehicle, and negligent homicide. As used in this subdivision (a)(3)(v), "motor vehicle manslaughter" means the offense of involuntary manslaughter if committed by means of a vehicle;

"homicide by a motor vehicle" means the offense of first degree murder or second degree murder, if either offense is committed by means of a vehicle; and "negligent homicide" means reckless homicide under Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 and aggravated driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof under subdivision (d)(1)(F) of Section 11-501 of this Code. If any of the above violations or refusals occurred while transporting hazardous material(s) required to be placarded, the person shall be disqualified for a period of not less than 3 years; or

(4) (Blank).

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

(c) A person is disqualified from driving a commercial motor vehicle for life if the person either

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

(d) The Secretary of State may, when the United States Secretary of Transportation so authorizes, issue regulations in which a disqualification for life under paragraph

(b) may be reduced to a period of not less than 10 years. If a reinstated driver is subsequently convicted of another disqualifying offense, as specified in subsection

(a) of this Section, he or she shall be permanently disqualified for life and shall be ineligible to again apply for a reduction of the lifetime disqualification.

(e) A person is disqualified from driving a commercial motor vehicle for a period of not less than 2 months if convicted of 2 serious traffic violations, committed in a commercial motor vehicle, non-CMV while holding a CLP or CDL, or any combination thereof, arising from separate incidents, occurring within a 3-year period, provided the serious traffic violation committed in a non-CMV would result in the suspension or revocation of the CLP or CDL holder's non-CMV privileges. However, a person will be disqualified from driving a commercial motor vehicle for a period of not less than 4 months if convicted of 3 serious traffic violations, committed in a commercial motor vehicle, non-CMV while holding a CLP or CDL, or any combination thereof, arising from separate incidents, occurring within a 3-year period, provided the serious traffic violation committed in a non-CMV would result in the suspension or revocation of the CLP or CDL holder's non-CMV privileges. If all the convictions occurred in a non-CMV, the disqualification shall be entered only if the convictions would result in the suspension or revocation of the CLP or CDL holder's non-CMV privileges. (e-1) (Blank).

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

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

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

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

(1) For 6 months upon a first conviction of paragraph

(2) of subsection

(b) or subsection (b-3) of Section 6-507 of this Code.

(2) For 2 years upon a second conviction of paragraph

(2) of subsection

(b) or subsection (b-3) or any combination of paragraphs

(2) or

(3) of subsection

(b) or subsections (b-3) or (b-5) of Section 6-507 of this Code within a 10-year period if the second conviction is a violation of paragraph

(2) of subsection

(b) or subsection (b-3).

(3) For 3 years upon a third or subsequent conviction of paragraph

(2) of subsection

(b) or subsection (b-3) or any combination of paragraphs

(2) or

(3) of subsection

(b) or subsections (b-3) or (b-5) of Section 6-507 of this Code within a 10-year period if the third or subsequent conviction is a violation of paragraph

(2) of subsection

(b) or subsection (b-3).

(4) For one year upon a first conviction of paragraph

(3) of subsection

(b) or subsection (b-5) of Section 6-507 of this Code.

(5) For 3 years upon a second conviction of paragraph

(3) of subsection

(b) or subsection (b-5) or any combination of paragraphs

(2) or

(3) of subsection

(b) or subsections (b-3) or (b-5) of Section 6-507 of this Code within a 10-year period if the second conviction is a violation of paragraph

(3) of subsection

(b) or (b-5).

(6) For 5 years upon a third or subsequent conviction of paragraph

(3) of subsection

(b) or subsection (b-5) or any combination of paragraphs

(2) or

(3) of subsection

(b) or subsections (b-3) or (b-5) of Section 6-507 of this Code within a 10-year period if the third or subsequent conviction is a violation of paragraph

(3) of subsection

(b) or (b-5).

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

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

(2) of this subsection

(j) if the offense was committed while operating a commercial motor vehicle:

(i) For drivers who are not required to always stop, failing to slow down and check that the tracks are clear of an approaching train or railroad track equipment, as described in subsection (a-5) of Section 11-1201 of this Code; (ii) For drivers who are not required to always stop, failing to stop before reaching the crossing, if the tracks are not clear, as described in subsection (a-1) of Section 11-1201 of this Code; (iii) For drivers who are always required to stop, failing to

stop before driving onto the crossing, as described in subsection (a-1) of Section 11-1202 of this Code; (iv) For all drivers, failing to have sufficient space to drive completely through the crossing without stopping, as described in subsection (b-5) of Section 11-1425 of this Code;

(v) For all drivers, failing to obey a traffic control device or the directions of an enforcement official at the crossing, as described in subdivision

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

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

(i) First violation. A driver must be disqualified from operating a commercial motor vehicle for not less than 60 days if the driver is convicted of a violation described in paragraph

(1) of this subsection

(j) and, in the three-year period preceding the conviction, the driver had no convictions for a violation described in paragraph

(1) of this subsection (j). (ii) Second violation. A driver must be disqualified from operating a commercial motor vehicle for not less than 120 days if the driver is convicted of a violation described in paragraph

(1) of this subsection

(j) and, in the three-year period preceding the conviction, the driver had one other conviction for a violation described in paragraph

(1) of this subsection

(j) that was committed in a separate incident. (iii) Third or subsequent violation. A driver must be disqualified from operating a commercial motor vehicle for not less than one year if the driver is convicted of a violation described in paragraph

(1) of this subsection

(j) and, in the three-year period preceding the conviction, the driver had 2 or more other convictions for violations described in paragraph

(1) of this subsection

(j) that were committed in separate incidents.

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

(l) A foreign commercial driver is subject to disqualification under this Section.

(m) A person shall be disqualified from operating a commercial motor vehicle for life if that individual uses a commercial motor vehicle in the commission of a felony involving an act or practice of severe forms of human trafficking, as defined in 22 U.S.C. 7102(11).

625 ILCS 5/6-515

Sec. 6-515. Prohibitions against a person driving a commercial motor vehicle while having any alcohol, other drug, or both in such person's system.

(a) Notwithstanding any other provisions of this Code, a person shall not drive a commercial motor vehicle while having any alcohol, other drug, or both in such person's system.

(b) A person who drives a commercial motor vehicle while having any alcohol, other drug, or both, in such person's system or who refuses to submit to or fails to complete an alcohol or other drug test or tests pursuant to Section 6-517, as evidenced by the issuance of a Sworn Report by a police officer, must be placed "out-of-service" for at least 24 hours.

(c) The police officer shall provide the Secretary of State with a copy of all Sworn Reports issued pursuant to this UCDLA.

(d) The "out-of-service" referred to in this Section shall not be entered to the record of any Illinois commercial motor vehicle driver, by the Secretary of State, unless the prohibited action or actions occurred after March 31, 1992.

625 ILCS 5/6-516 — Implied consent requirements for commercial motor vehicle drivers

Sec. 6-516. Implied consent requirements for commercial motor vehicle drivers.

(a) Effective April 1, 1992, any person who drives a commercial motor vehicle upon the highways is hereby deemed to have given consent to submit to a test or tests, subject to the provisions of Section 11-501.2 of this Code, of such person's breath, blood or urine for the purpose of determining the presence of alcohol, or other drugs, in such person's system.

(b) A test or tests may be administered at the direction of a law enforcement officer, who after stopping or detaining the commercial motor vehicle driver, has probable cause to believe that driver was driving a commercial motor vehicle while having alcohol or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act in such driver's system.

(c) Effective April 1, 1992, any person who operates a school bus at the time of a crash involving the school bus is hereby deemed to have given consent to submit to a test or tests to be administered at the direction of a law enforcement officer, subject to the provisions of Section 11-501.2 of this Code, of the driver's breath, blood or urine for the purpose of determining the presence of alcohol, or other drugs, in the person's system.

625 ILCS 5/6-517 — Commercial driver; implied consent warnings

Sec. 6-517. Commercial driver; implied consent warnings.

(a) Any person driving a commercial motor vehicle who is requested by a police officer, pursuant to Section 6-516, to submit to a chemical test or tests to determine the alcohol concentration or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act in such person's system, must be warned by the police officer requesting the test or tests that a refusal to submit to the test or tests will result in that person being immediately placed out-of-service for a period of 24 hours and being disqualified from operating a commercial motor vehicle for a period of not less than 12 months; the person shall also be warned that if such person submits to testing which discloses an alcohol concentration of greater than 0.00 but less than 0.04 or any amount of a drug, substance, or compound in such person's blood, other bodily substance, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, such person shall be placed immediately out-of-service for a period of 24 hours; if the person submits to testing which discloses an alcohol concentration of 0.04 or more or any amount of a drug, substance, or compound in such person's blood, other bodily substance, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, such person shall be placed immediately out-of-service and disqualified from driving a commercial motor vehicle for a period of at least 12 months; also the person shall be warned that if such testing discloses an alcohol concentration of 0.08, or more or any amount of a drug, substance, or compound in such person's blood, other bodily substance, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, in addition to the person being immediately placed out-of-service and disqualified for 12 months as provided in this UCDLA, the results of such testing shall also be admissible in prosecutions for violations of Section 11-501 of this Code, or similar violations of local ordinances, however, such results shall not be used to impose any driving sanctions pursuant to Section 11-501.1 of this Code. The person shall also be warned that any disqualification imposed pursuant to this Section, shall be for life for any such offense or refusal, or combination thereof; including a conviction for violating Section 11-501 while driving a commercial motor vehicle, or similar provisions of local ordinances, committed a second time involving separate incidents. A person requested to submit to a test shall also acknowledge, in writing, receipt of the warning required under this Section. If the person refuses to acknowledge receipt of the warning, the police officer shall make a written notation on the warning that the person refused to sign the warning. A person's refusal to sign the warning shall not be evidence that the person was not read the warning.

(b) If the person refuses or fails to complete testing, or submits to a test which discloses an alcohol concentration of at least 0.04, or any amount of a drug, substance, or compound in such person's blood, other bodily substance, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, the law enforcement officer must submit a Sworn Report to the Secretary of State, in a form prescribed by the Secretary, certifying that the test or tests was requested pursuant to paragraph (a); that the person was warned, as provided in paragraph

(a) and that such person refused to submit to or failed to complete testing, or submitted to a test which disclosed an alcohol concentration of 0.04 or more, or any amount of a drug, substance, or compound in such person's blood, other bodily substance, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act.

(c) The police officer submitting the Sworn Report under this Section shall serve notice of the CDL disqualification on the person and such CDL disqualification shall be effective as provided in paragraph (d). In cases where the blood alcohol concentration of 0.04 or more, or any amount of a drug, substance, or compound in such person's blood, other bodily substance, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, is established by subsequent analysis of blood, other bodily substance, or urine collected at the time of the request, the police officer shall give notice as provided in this Section or by deposit in the United States mail of such notice as provided in this Section or by deposit in the United States mail of such notice in an envelope with postage prepaid and addressed to such person's domiciliary address as shown on the Sworn Report and the CDL disqualification shall begin as provided in paragraph (d).

(d) The CDL disqualification referred to in this Section shall take effect on the 46th day following the date the Sworn Report was given to the affected person.

(e) Upon receipt of the Sworn Report from the police officer, the Secretary of State shall disqualify the person from driving any commercial motor vehicle and shall confirm the CDL disqualification by mailing the notice of the effective date to the person. However, should the Sworn Report be defective by not containing sufficient information or be completed in error, the confirmation of the CDL disqualification shall not be mailed to the affected person or entered into the record, instead the Sworn Report shall be forwarded to the issuing agency identifying any such defect.

625 ILCS 5/6-518 — Notification of traffic convictions

Sec. 6-518. Notification of traffic convictions.

(a) Within 5 days after receiving a report of an Illinois conviction, or other verified evidence, of any driver who has been issued a CLP or CDL by another State or has been issued a foreign commercial driver's license, for a violation of any law or local ordinance of this State, relating to motor vehicle traffic control, other than parking violations, committed in any motor vehicle, the Secretary of State must notify the driver licensing authority which issued such CLP or CDL of said conviction.

(b) Within 5 days after receiving a report of an Illinois conviction, or other verified evidence, of any driver from another state who is licensed or unlicensed or holds a foreign non-commercial driver's license, for a violation of any law or local ordinance of this State, relating to motor vehicle traffic control, other than parking violations, committed in a commercial motor vehicle, the Secretary of State must notify the driver licensing authority which issued the person's driver's license of the conviction. ; 98-722, eff. 7-16-14.)

625 ILCS 5/6-519 — Driving Record Information To Be Furnished

Sec. 6-519. Driving Record Information To Be Furnished. Notwithstanding any other provision of law to the contrary, the Secretary of State shall furnish the following information regarding a commercial driver's driving record: all information on CDLIS driver records to the driver licensing administrator of any other State; all information on CDLIS driver records to the U.S. Department of Transportation; all information on the CDLIS driver record obtained on the CDLIS motor vehicle record to the affected driver or a motor carrier or prospective motor carrier requesting such information; all information on

the CDLIS driver record obtained on the CDLIS motor vehicle record of a current or prospective driver to a motor carrier or prospective motor carrier requesting such information within 10 days of the request; and any other entity or person authorized to receive such information pursuant to Section 2-123 of this Code.

625 ILCS 5/6-520 — CDL disqualification or out-of-service order; hearing

Sec. 6-520. CDL disqualification or out-of-service order; hearing.

(a) A disqualification of commercial driving privileges by the Secretary of State, pursuant to this UCDLA, shall not become effective until the person is notified in writing, by the Secretary, of the impending disqualification and advised that a CDL hearing may be requested of the Secretary if the stop or arrest occurred in a commercial motor vehicle.

(b) Upon receipt of: the notice of a CDL disqualification not based upon a conviction; an out-of-service order; or notification that a CDL disqualification is forthcoming, the person may make a written petition in a form, approved by the Secretary of State, for a CDL hearing with the Secretary if the stop or arrest occurred in a commercial motor vehicle. Such petition must state the grounds upon which the person seeks to have the CDL disqualification rescinded or the out-of-service order removed from the person's driving record. Within 10 days after the receipt of such petition, it shall be reviewed by the Director of the Department of Administrative Hearings, Office of the Secretary of State, or by an appointed designee. If it is determined that the petition on its face does not state grounds upon which the relief may be based, the petition for a CDL hearing shall be denied and the disqualification shall become effective as if no petition had been filed and the out-of-service order shall be sustained. If such petition is so denied, the person may submit another petition.

(c) The scope of a CDL hearing, for any disqualification imposed pursuant to paragraphs

(1) and

(2) of subsection

(a) of Section 6-514, resulting from the operation of a commercial motor vehicle, shall be limited to the following issues: 1. Whether the person was operating a commercial motor vehicle; 2. Whether, after making the initial stop, the police officer had probable cause to issue a Sworn Report; 3. Whether the person was verbally warned of the ensuing consequences prior to submitting to any type of chemical test or tests to determine such person's blood concentration of alcohol, other drug, or both; 4. Whether the person did refuse to submit to or failed to complete the chemical testing or did submit to such test or tests and such test or tests disclosed an alcohol concentration of at least 0.04 or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act or a controlled substance listed in the Illinois Controlled Substances Act or methamphetamine as listed in the Methamphetamine Control and Community Protection Act in the person's system; 5. Whether the person was warned that if the test or tests disclosed an alcohol concentration of 0.08 or more or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act or a controlled substance listed in the Illinois Controlled Substances Act or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, such results could be admissible in a subsequent prosecution under Section 11-501 of this Code or similar provision of local ordinances; and 6. Whether such results could not be used to impose any driver's license sanctions pursuant to Section 11-501.1. Upon the conclusion of the above CDL hearing, the CDL disqualification imposed shall either be sustained or rescinded.

(d) The scope of a CDL hearing for any out-of-service sanction, imposed pursuant to Section 6-515, shall be limited to the following issues: 1. Whether the person was driving a commercial motor vehicle; 2. Whether, while driving such commercial motor vehicle, the person had alcohol or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act or a controlled substance listed in the Illinois Controlled Substances Act or methamphetamine as listed in the Methamphetamine Control and Community Protection Act in such person's system; 3. Whether the person was verbally warned of the ensuing consequences prior to being asked to submit to any type of chemical test or tests to determine such person's alcohol, other drug, or both, concentration; and 4. Whether, after being so warned, the person did refuse to submit to or failed to complete such chemical test or tests or did submit to such test or tests and such test or tests disclosed an alcohol concentration greater than 0.00 or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act or a controlled substance listed in the Illinois Controlled Substances Act or methamphetamine as listed in the Methamphetamine Control and Community Protection Act. Upon the conclusion of the above CDL hearing, the out-of-service sanction shall either be sustained or removed from the person's driving record.

(e) If any person petitions for a hearing relating to any CDL disqualification based upon a conviction, as defined in this UCDLA, said hearing shall not be conducted as a CDL hearing, but shall be conducted as any other driver's license hearing, whether formal or informal, as promulgated in the rules and regulations of the Secretary.

(f) Any evidence of alcohol or other drug consumption, for the purposes of this UCDLA, shall be sufficient probable cause for requesting the driver to submit to a chemical test or tests to determine the presence of alcohol, other drug, or both in the person's system and the subsequent issuance of an out-of-service order or a Sworn Report by a police officer.

(g) For the purposes of this UCDLA, a CDL "hearing" shall mean a hearing before the Office of the Secretary of State in accordance with Section 2-118 of this Code, for the purpose of resolving differences or disputes specifically related to the scope of the issues identified in this Section relating to the operation of a commercial motor vehicle. These proceedings will be a matter of record and a final appealable order issued. The petition for a CDL hearing shall not stay or delay the effective date of the impending disqualification.

(h) The CDL hearing may be conducted upon a review of the police officer's own official reports; provided however, that the petitioner may subpoena the officer. Failure of the officer to answer the subpoena shall be grounds for a continuance.

(i) Any CDL disqualification based upon a statutory summary suspension or revocation resulting from an arrest of a CDL holder while operating a non-commercial motor vehicle, may only be contested by filing a petition to contest the statutory summary suspension or revocation in the appropriate circuit court as provided for in Section 2-118.1 of this Code.

625 ILCS 5/6-521 — Rulemaking authority

Sec. 6-521. Rulemaking authority.

(a) The Secretary of State, using the authority to license motor vehicle operators under this Code, may adopt such rules and regulations as may be necessary to establish standards, policies, and procedures for the licensing and sanctioning of commercial motor vehicle drivers in order to meet the requirements of the Commercial Motor Vehicle Act of 1986 (CMVSA); subsequent federal rulemaking under 49 C.F.R. Part 383 or Part 1572; and administrative and policy decisions of the U.S. Secretary of Transportation and the Federal Motor Carrier Safety Administration. The Secretary may, as provided in the CMVSA, establish stricter requirements for the licensing of commercial motor vehicle drivers than those established by the federal government.

(b) By January 1, 1994, the Secretary of State shall establish rules and regulations for the issuance of a restricted commercial driver's license for farm-related service industries consistent with federal guidelines. The restricted license shall be available for a seasonal period or periods not to exceed a total of 210 days in any 12-month period.

(c) (Blank).

(d) By July 1, 1995, the Secretary of State shall establish rules and regulations for the issuance and cancellation of a School Bus Driver's Permit. The permit shall be required for the operation of a school bus as provided in subsection (c), a non-restricted CDL with passenger endorsement, or a properly classified driver's license. The permit will establish that the school bus driver has met all the requirements of the application and screening process established by Section 6-106.1 of this Code.

625 ILCS 5/6-522 — Authority to Enter Agreements

Sec. 6-522. Authority to Enter Agreements. The Secretary of State may enter into or make agreements, arrangements, or declarations to carry out the provisions of this UCDLA.

625 ILCS 5/6-523 — Reciprocity

Sec. 6-523. Reciprocity.

(a) Notwithstanding any law to the contrary, a person may drive a commercial motor vehicle in this State if the person has a valid CDL, non-domiciled CDL, CLP, or non-domiciled CLP issued by another State or foreign jurisdiction as long as that person has not been an established domiciliary of this State for 30 days or more.

(b) The Secretary of State shall give out of state convictions full faith and credit and treat them for sanctioning purposes, under this UCDLA, just as if they occurred in this State.

(c) A CLP or CDL issued by this State or any other state before the date on and after which the state is prohibited from issuing CLPs or CDLs under 49 C.F.R. Part 384, remains valid until its stated expiration date. .)

625 ILCS 5/6-524 — Penalties

Sec. 6-524. Penalties.

(a) Every person convicted of violating any provision of this UCDLA for which another penalty is not provided shall for a first offense be guilty of a petty offense; and for a second conviction for any offense committed within 3 years of any previous offense, shall be guilty of a Class B misdemeanor.

(b) Any person convicted of violating subsection

(b) of Section 6-506 of this Code shall be subject to a civil penalty as set forth in 49 CFR Part 386, Appendix B.

(c) Any person or employer convicted of violating paragraph

(5) of subsection

(a) or subsection (b-3) or (b-5) of Section 6-506 shall be subject to a civil penalty as set forth in 49 CFR Part 386, Appendix B.

(d) Any person convicted of violating paragraph

(2) or

(3) of subsection

(b) or subsection (b-3) or (b-5) of Section 6-507 shall be subject to a civil penalty as set forth in 49 CFR Part 386, Appendix B.

625 ILCS 5/6-525 — Severability

Sec. 6-525. Severability. The provisions of this UCDLA shall be severable and if any phrase, clause, sentence or provision of this UCDLA is declared to be contrary to the Constitutions of this State, or of the United States, such unconstitutionality shall not affect the validity of the remainder of this UCDLA.

625 ILCS 5/6-526 — Prohibition against texting

Sec. 6-526. Prohibition against texting.

(a) A driver may not engage in texting while driving a commercial motor vehicle.

(b) A motor carrier may not allow or require its drivers to engage in texting while driving a commercial motor vehicle.

(c) For the purpose of this Section, when a person is operating a commercial motor vehicle, driving means operating a commercial motor vehicle on a highway, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. Driving does not include operating a commercial motor vehicle when the driver has moved the vehicle to the side of, or off, a highway and has halted in a location where the vehicle can safely remain stationary.

(d) Texting while driving is permissible by a driver of a commercial motor vehicle when necessary to communicate with law enforcement officials or other emergency services.

625 ILCS 5/6-527 — Using a hand-held mobile telephone

Sec. 6-527. Using a hand-held mobile telephone.

(a) A driver may not use a hand-held mobile telephone while driving a commercial motor vehicle.

(b) A motor carrier may not allow or require its drivers to use a hand-held mobile telephone while driving a commercial motor vehicle.

(c) For the purpose of this Section, driving means operating a commercial motor vehicle on a highway, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. Driving does not include operating a commercial motor vehicle when the driver has moved the vehicle to the side of, or off, a highway and has halted in a location where the vehicle can safely remain stationary.

(d) Using a hand-held mobile telephone is permissible by a driver of a commercial motor vehicle when necessary to communicate with law enforcement officials or other emergency services.

625 ILCS 5/6-601 — Penalties

Sec. 6-601. Penalties.

(a) It is a petty offense for any person to violate any of the provisions of this Chapter unless such violation is by this Code or other law of this State declared to be a misdemeanor or a felony.

(b) General penalties. Unless another penalty is in this Code or other laws of this State, every person convicted of a petty offense for the violation of any provision of this Chapter shall be punished by a fine of not more than \$500.

(c) Unlicensed driving. Except as hereinafter provided a violation of Section 6-101 shall be: 1. A Class A misdemeanor if the person failed to obtain a driver's license or permit after expiration of a period of revocation. 2. A Class B misdemeanor if the person has been issued a driver's license or permit, which has expired, and if the period of expiration is greater than one year; or if the person has never been issued a driver's license or permit, or is not qualified to obtain a driver's license or permit because of his age. 3. A petty offense if the person has been issued a temporary visitor's driver's license or permit and is unable to provide proof of liability insurance as provided in subsection (d-5) of Section 6-105.1. If a licensee under this Code is convicted of violating Section 6-303 for operating a motor vehicle during a time when such licensee's driver's license was suspended under the provisions of Section 6-306.3 or 6-308, then such act shall be a petty offense (provided the licensee has answered the charge which was the basis of the suspension under Section 6-306.3 or 6-308), and there shall be imposed no additional like period of suspension as provided in paragraph

(b) of Section 6-303.

(d) For violations of this Code or a similar provision of a local ordinance for which a violation is a petty offense as defined by Section 5-1-17 of the Unified Code of Corrections, excluding business offenses as defined by Section 5-1-2 of the Unified Code of Corrections or a violation of Section 15-111 or subsection

(d) of Section 3-401 of this Code, if the violation may be satisfied without a court appearance, the violator may, pursuant to Supreme Court Rule, satisfy the case with a written plea of guilty and payment of fines, penalties, and costs as established by the Supreme Court for the offense.

625 ILCS 5/6-700 — Definitions

Sec. 6-700. Definitions. As used in this compact:

(a) "State" means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(b) "Home state" means the state which has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.

(c) "Conviction" means a conviction of any offense related to the use or operation of a motor vehicle which is prohibited by state law, municipal ordinance or administrative rule or regulation, or a forfeiture of bail, bond or other security deposited to secure appearance by a person charged with having committed any such offense, and which conviction or forfeiture is required to be reported to the licensing authority.

625 ILCS 5/6-701 — Findings and declaration of policy

Sec. 6-701. Findings and declaration of policy.

(a) The party states find that: 1. The safety of their streets and highways is materially affected by the degree of compliance with state laws and local ordinances relating to the operation of motor vehicles. 2. Violation of such a law or ordinance is evidence that the violator engages in conduct which is likely to endanger the safety of persons and property. 3. The continuance in force of a license to drive is predicated upon compliance with laws and ordinances relating to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated.

(b) It is the policy of each of the party states to: 1. Promote compliance with the laws, ordinances and administrative rules and regulations relating to the operation of motor vehicles by their operators in each of the jurisdictions where such operators drive motor vehicles. 2. Make the reciprocal recognition of licenses to drive and eligibility therefor more just and equitable by considering the over-all compliance with motor vehicle laws, ordinances and administrative rules and regulations as a condition precedent to the continuance or issuance of any license by reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the party states.

625 ILCS 5/6-702 — Reports of Conviction

Sec. 6-702. Reports of Conviction. The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code or ordinance violated; identify the court in which action was taken; indicate whether a plea of guilty or not guilty was entered, or the conviction was a result of the forfeiture of bail, bond or other security; and shall include any special findings made in

connection therewith.

625 ILCS 5/6-703 — Effect of conviction

Sec. 6-703. Effect of conviction.

(a) The licensing authority in the home state, for the purposes of suspension, revocation or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to Section 6-702, as it would if such conduct had occurred in the home state, in the case of convictions for: 1. Manslaughter or negligent homicide resulting from the operation of a motor vehicle; 2. Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle; 3. Any felony in the commission of which a motor vehicle is used; 4. Failure to stop and render aid in the event of a motor vehicle crash resulting in the death or personal injury of another.

(b) As to other convictions, reported pursuant to Section 6-702, the licensing authority in the home state shall give such effect to the conduct as is provided by the laws of the home state.

(c) If the laws of a party state do not provide for offenses or violations denominated or described in precisely the words employed in paragraph

(a) of this Section, such party state shall construe the denominations and descriptions appearing in paragraph

(a) hereof as being applicable to and identifying those offenses or violations of a substantially similar nature, and the laws of such party state shall contain such provision as may be necessary to ensure that full force and effect is given to this Section.

625 ILCS 5/6-704 — Applications for new licenses

Sec. 6-704. Applications for new licenses. Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held, or is the holder of a license to drive issued by any other party state. The licensing authority in the state where application is made shall not issue a license to drive to the applicant if: 1. The applicant has held such a license, but the same has been suspended by reason, in whole or in part, of a violation and if such suspension period has not terminated. 2. The applicant has held such a license, but the same has been revoked by reason, in whole or in part, of a violation and if such revocation has not terminated, except that after the expiration of one year from the date the license was revoked, such person may make application for a new license if permitted by law. The licensing authority may refuse to issue a license to any such applicant if, after investigation, the licensing authority determines that it will not be safe to grant to such person the privilege of driving a motor vehicle on the public highways. 3. The applicant is the holder of a license to drive issued by another party state and currently in force unless the applicant surrenders this license, except that if an applicant is applying only for a non-domiciled commercial learner's permit or non-domiciled commercial driver's license, the applicant is not required to surrender the license issued by the applicant's state or country of domicile. .)

625 ILCS 5/6-705 — Applicability of Other Laws

Sec. 6-705. Applicability of Other Laws. Except as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right of any party state to apply any of its other laws relating to the licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a nonparty state.

625 ILCS 5/6-706 — Compact Administrator and Interchange of Information

Sec. 6-706. Compact Administrator and Interchange of Information.

(a) The head of the licensing authority of each party state shall be administrator of this compact for his state. The administrators, acting jointly, shall have the power to formulate all necessary and proper procedures for the exchange of information under this compact.

(b) The administrator of each party state shall furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this compact.

625 ILCS 5/6-707 — Entry into Force and Withdrawal

Sec. 6-707. Entry into Force and Withdrawal.

(a) This compact shall enter into force and become effective as to any state when it has enacted the same into law.

(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until 6 months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. No withdrawal shall affect the validity or applicability by the licensing authorities of states remaining party to the compact of any report of conviction occurring prior to the withdrawal.

625 ILCS 5/6-708 — Construction and Severability

Sec. 6-708. Construction and Severability.

(a) This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

(b) As used in the compact, the term "licensing authority" with reference to this state, means the Secretary of State. The Secretary of State shall furnish to the appropriate authorities of any other party state any information or documents reasonably necessary to facilitate the administration of Sections 6-702, 6-703 and 6-704 of the compact.

(c) The compact administrator provided for in Section 6-706 of the compact shall not be entitled to any additional compensation on account of his service as such administrator, but shall be entitled to expenses incurred in connection with his duties and responsibilities as such administrator, in the same manner as for expenses incurred in connection with any other duties or responsibilities of his office or employment.

(d) As used in the compact, with reference to this state, the term "executive head" shall mean the Governor.

(e) The phrase "manslaughter or negligent homicide," as used in subparagraph

(1) of paragraph

(a) of Section 6-703 of the compact includes the offense of reckless homicide as defined in Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, or in any predecessor statute, as well as the offenses of second degree murder and involuntary manslaughter. The offense described in subparagraph

(2) of paragraph

(a) of Section 6-703 of the compact includes any violation of Section 11-501 of this Code or any similar provision of a local ordinance. The offense described in subparagraph

(4) of paragraph

(a) of Section 6-703 of the compact includes any violation of paragraph

(a) of Section 11-401 of this Code.

625 ILCS 5/6-800

Sec. 6-800. The Nonresident Violator Compact, hereinafter referred to as the Compact, is hereby enacted into law and entered into with all other jurisdictions legally joining therein.

625 ILCS 5/6-801 — Findings, Declaration of Policy and Purpose

Sec. 6-801. Findings, Declaration of Policy and Purpose.

(a) The party jurisdictions find that: 1. In most instances, a motorist who is cited for a traffic violation in a jurisdiction other than the motorist's home jurisdiction:

(i) Must post collateral or bond to secure appearance for trial at a later date; or (ii) If unable to post collateral or bond, is taken into custody until the collateral or bond is posted; or (iii) Is taken directly to court for immediate disposition. 2. A motorist receiving a traffic citation in the motorist's home jurisdiction is permitted, except for certain violations, to accept the citation from the officer at the scene of the violation, voluntarily deposit a valid driver's license and immediately continue after promising or being instructed to comply with the terms of the citation. 3. The purpose of the practices described in subsections 1 and 2 of paragraph

(a) is to ensure compliance with the terms of a traffic citation by the motorist who, if permitted to continue after receiving the traffic citation, could return to the motorist's home jurisdiction and disregard any duty under the terms of the traffic citation. 4. The practice described in subsection 1 of paragraph

(a) causes unnecessary inconvenience and, at times, a hardship for the motorist who is unable at the time to post collateral, furnish a bond, stand trial, or pay the fine, and thus is compelled to remain in custody until some arrangement can be made. 5. The deposit of a driver's license as a bail bond, as described in subsection 2 of paragraph (a), is viewed with disfavor. 6. The practices described herein consume an undue amount of law enforcement time.

(b) It is the policy of the party jurisdictions to: 1. Seek compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles in each of the jurisdictions. 2. Allow a motorist to accept a traffic citation for certain violations and proceed without delay whether or not the motorist is a resident of the jurisdiction in which the citation was issued. 3. Extend cooperation to its fullest extent among the jurisdictions for obtaining compliance with the terms of a traffic citation issued in one jurisdiction to a resident of another jurisdiction. 4. Maximize effective utilization of law enforcement personnel and assist court systems in the efficient disposition of traffic violations.

(c) The purpose of the Compact is to: 1. Provide a means through which the party jurisdictions may participate in a reciprocal program to effectuate the policies enumerated in paragraph

(b) above in a uniform and orderly manner. 2. Provide for the fair and impartial treatment of traffic violators operating within party jurisdictions in recognition of the motorist's right of due process and the sovereign status of a party jurisdiction.

625 ILCS 5/6-802 — Definitions

Sec. 6-802. Definitions. In the Nonresident Violator Compact, the following words have the meanings indicated, unless the context requires otherwise. 1. "Citation" means any summons, ticket, or other official document issued by a police officer for a traffic violation containing an order which requires the motorist to respond. 2. "Collateral" means any cash or other security deposited to secure an appearance for trial, following the issuance by a police officer of a citation for a traffic violation. 3. "Court" means a court of law or traffic tribunal. 4. "Driver's license" means any license or privilege to operate a motor vehicle issued under the laws of this State. 5. "Home Jurisdiction" means the jurisdiction that issued the driver's license of the traffic violator. 6. "Issuing jurisdiction" means the jurisdiction in which the traffic citation was issued to the motorist. 7. "Jurisdiction" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico. 8. "Motorist" means a driver of a motor vehicle operating in a party jurisdiction. 9. "Personal recognizance" means an agreement by a motorist made at the time of issuance of the traffic citation that such motorist will comply with the terms of that traffic citation. 10. "Police officer" means every officer authorized to make arrests and issue citations for traffic violations. 11. "Secretary" means the Illinois Secretary of State. 12. "Terms of the citation" means those options expressly stated upon the citation.

625 ILCS 5/6-803 — Procedure for issuing jurisdiction

Sec. 6-803. Procedure for issuing jurisdiction.

(a) When issuing a citation for a traffic violation, a police officer shall issue the citation to a motorist who possesses a valid driver's license issued by a party jurisdiction and shall not, subject to paragraph

(b) of this Section, require the motorist to post collateral to secure appearance, if the officer receives the motorist's personal recognizance to comply with the terms of the citation.

(b) Personal recognizance is acceptable only if not prohibited by law. If mandatory appearance is required, it must take place according to law, following issuance of the citation.

(c) Upon failure of a motorist to comply with the terms of a traffic citation, the appropriate official shall report the failure to comply, in a manner prescribed by the Secretary, to the licensing authority of the jurisdiction in which the traffic citation was issued. The report shall be made in accordance with procedures specified by the Secretary and shall contain information as specified by the Secretary as minimum requirements for effective processing by the home jurisdiction.

(d) Upon receipt of the report, the Secretary shall transmit to the licensing authority in the home jurisdiction of the motorist the information in a form and content as contained in the Compact Manual.

(e) The Secretary may not suspend the privileges of a motorist for whom a report has been transmitted, under the terms of this Compact, to another member jurisdiction.

(f) The Secretary shall not transmit a report on any violation if the date of transmission is more than 6 months after the date on which the traffic citation was issued.

(g) The Secretary shall not transmit a report on any violation where the date of issuance of the citation predates the most recent of the effective dates of entry for the two jurisdictions affected.

625 ILCS 5/6-804 — Procedure for Home Jurisdiction

Sec. 6-804. Procedure for Home Jurisdiction.

(a) Upon receipt of a report of a failure to comply from the Secretary, the licensing authority of the home jurisdiction shall notify the motorist and initiate a suspension action in accordance with the home jurisdiction's procedures to suspend the motorist's driver's license until satisfactory evidence of compliance with the terms of the traffic citation has been furnished to the Secretary. Due process safeguards will be accorded.

(b) The Secretary shall maintain a record of actions taken and make reports to issuing jurisdictions as provided in the Compact Manual.

625 ILCS 5/6-805 — Applicability of Other Laws

Sec. 6-805. Applicability of Other Laws. Except as expressly required by provisions of this Compact, nothing contained herein shall be construed to affect the right of any party jurisdiction to apply any of its other laws relating to licenses to drive to any person or circumstance, or to invalidate or prevent any driver license agreement or other cooperative agreement between a party jurisdiction and a nonparty jurisdiction.

625 ILCS 5/6-806 — Compact Administrator Procedures

Sec. 6-806. Compact Administrator Procedures.

(a) For the purpose of administering the provisions of this Compact and to serve as a governing body for the resolution of all matters relating to the operation of this Compact, a Board of Compact Administrators is established. The Board shall be composed of one representative from each party jurisdiction to be known as the Compact Administrator. The Compact Administrator shall be appointed by the Secretary and will serve and be subject to removal in accordance with the laws of the jurisdiction represented. A Compact Administrator may provide for the discharge of duties and the performance of the functions as a Board Member to an alternate. An alternate may not be entitled to serve unless written identification notice has been given to the Board.

(b) Each member of the Board of Compact Administrators shall be entitled to one vote. No action of the Board shall be binding unless taken at a meeting at which a majority of the total number of votes on the Board are cast in favor. Action by the Board shall be only at a meeting at which a majority of the party jurisdictions are represented.

(c) The Board shall elect annually, from its membership, a Chairman and Vice Chairman.

(d) The Board shall adopt bylaws, not inconsistent with the provisions of this Compact or the laws of a party jurisdiction, for the conduct of its business and shall have the power to amend and rescind its bylaws.

(e) The Board may accept, for any of its purposes and functions under this Compact, any and all donations, grants of money, equipment, supplies, materials and services, conditional or otherwise, from any jurisdiction, the United States, or any other governmental agency, and may receive, utilize and dispose of the same.

(f) The Board may contract with, or accept services or personnel from, any governmental or intergovernmental agency, person, firm, or corporation, or any private nonprofit organization or institution.

(g) The Board shall formulate all necessary procedures and develop uniform forms and documents for administering the provisions of this Compact. All procedures and forms adopted pursuant to Board action shall be contained in the Compact Manual.

625 ILCS 5/6-807 — Entry into Compact and Withdrawal

Sec. 6-807. Entry into Compact and Withdrawal.

(a) This Compact shall become effective when it has been adopted by at least 2 jurisdictions.

(b) Entry into the Compact shall be made by a Resolution of Ratification executed by the Secretary and submitted to the Chairman of the Board. 1. The resolution shall be in a form and content as provided in the Compact Manual and shall include statements that in substance are as follows:

(i) A citation of the authority by which the jurisdiction is empowered to become a party to this Compact. (ii) Agreement to comply with the terms and provisions of the Compact. (iii) That Compact entry is with all jurisdictions then party to the Compact and with any jurisdiction that legally becomes a party to the Compact. 2. The effective date of entry shall be specified by the Secretary, but it shall not be before July 1, 1984 nor fewer than 60 days after notice has been given by the Chairman of the Board of Compact Administrators or by the American Association of Motor Vehicle Administrators that each party jurisdiction has received the Secretary's resolution. A withdrawal shall not take effect until 90 days after notice of withdrawal is given. The notice shall be directed to the Compact Administrator of each member jurisdiction. No withdrawal shall affect the validity of this Compact as to the remaining party jurisdictions.

625 ILCS 5/6-808 — Exceptions

Sec. 6-808. Exceptions. The provisions of this Compact shall not apply to parking or standing violations, highway weight limit violations, or to violations of law governing the transportation of hazardous materials.

625 ILCS 5/6-809 — Amendments to the Compact

Sec. 6-809. Amendments to the Compact.

(a) This Compact may be amended from time to time. Amendments shall be presented in resolution form to the Chairman of the Board of Compact Administrators and may be initiated by one or more party jurisdictions.

(b) Adoption of an amendment shall require endorsement of all party jurisdictions and shall become effective 30 days after the date of the last endorsement.

(c) Failure of a party jurisdiction to respond to the Compact Chairman within 12 days after receipt of the proposed amendment shall constitute endorsement.

625 ILCS 5/6-810 — Construction

Sec. 6-810. Construction. This Compact shall be liberally construed so as to effectuate the purposes stated herein. If this Compact shall be held contrary to the Constitution of any jurisdiction party thereto, the Compact shall remain in full force and effect as to the remaining jurisdictions.

625 ILCS 5/6-900 — Short title

Sec. 6-900. Short title. This Article may be cited as the Driver's License Medical Review Law of 1992.

625 ILCS 5/6-901 — Definitions

Sec. 6-901. Definitions. For the purposes of this Article: "Board" means the Driver's License Medical Advisory Board. "Medical examiner" or "medical practitioner" means:

(i) any person licensed to practice medicine in all its branches in the State of Illinois or any other state; (ii) a licensed physician assistant; or (iii) a licensed advanced practice registered nurse.

625 ILCS 5/6-902 — Driver's License Medical Advisory Board; membership; terms; compensation; meetings

Sec. 6-902. Driver's License Medical Advisory Board; membership; terms; compensation; meetings.

(a) There is established within the Office of the Secretary of State a Driver's License Medical Advisory Board consisting of at least 9 members appointed by the Secretary. Members' terms of service shall be set by the Secretary at his or her discretion. The members of the Board shall receive compensation from the Secretary at a rate per day designated by the Secretary for each day required for transacting business of the Board and shall be reimbursed for expenses reasonably incurred in the performance of their duties. The Secretary may also call in allied medical personnel to advise and consult with the Board. The Secretary shall select one of the members to act as Chairperson.

(b) The Board, or any of its subdivisions, may meet at any place within the State and shall meet at the call of the Secretary as frequently as he or she deems necessary in order to properly discharge the functions prescribed by this Act.

625 ILCS 5/6-903 — Standard for determining medical limitation; records

Sec. 6-903. Standard for determining medical limitation; records.

(a) The Secretary in cooperation with the Board shall establish standards for determining the degree to which a person's medical condition constitutes a limitation to the person's ability to operate a motor vehicle or causes the person to be a

driving hazard.

(b) The standards may include, but need not be limited to, the following:

- (1) Physical disorders characterized by momentary or prolonged lapses of consciousness or control.
- (2) Disorders and impairments affecting the cardiovascular functions.
- (3) Musculoskeletal disabilities and disorders affecting musculoskeletal functions.
- (4) Vision and disorders affecting vision.
- (5) The use of or dependence upon alcohol or drugs.
- (6) The extent to which compensatory aids and devices may be utilized.
- (7) Conditions or disorders that medically impair a person's mental health.

625 ILCS 5/6-904 — Referral of cases by the Secretary

Sec. 6-904. Referral of cases by the Secretary. The Secretary shall, when he or she has good cause to believe an individual by reason of a medical limitation would not be able to operate a motor vehicle safely, refer a case to the Board for consideration.

625 ILCS 5/6-905 — Medical evaluations of individuals under review; scope of driving privileges; report to the Secretary

Sec. 6-905. Medical evaluations of individuals under review; scope of driving privileges; report to the Secretary.

(a) Within the scope of the case request, as sent by the Secretary, a function of the Board shall be to make medical evaluations of the individual under review and determine what medical conditions exist that may impair the individual's ability to operate a motor vehicle safely.

(b) Based on the medical evaluations and determination under subsection

(a) and in accordance with established standards, the Board shall, among other things, indicate the scope of driving privileges that would enable the individual under review to operate a motor vehicle safely, including the extent to which compensatory aids and devices must be used and the need for ongoing review or evaluation.

(c) The findings, determination, and recommendations of the Board or its subdivisions shall be forwarded to the Secretary who shall then take the action in accordance with the Board's recommendation.

625 ILCS 5/6-906 — Request for a hearing

Sec. 6-906. Request for a hearing.

(a) After utilizing all possible review by the Board under this Act or any regulation promulgated by the Secretary, any person who has their driver's license restricted or canceled or is otherwise denied a license has a right to request a hearing under Section 2-118 of this Code. The request for a hearing shall be in writing.

(b) The Secretary shall prescribe by rule and regulation the procedures to be followed at the hearing.

625 ILCS 5/6-907 — Cooperation required of person under review

Sec. 6-907. Cooperation required of person under review.

(a) In making an inquiry or conducting a hearing the Secretary or Board may require the person under review to:

(1) Submit to a medical examination by a medical examiner of the person's choice who is acceptable to the Secretary or Board.

(2) Submit to a medical examination by an impartial medical examiner after the person has submitted information from that person's own medical examiner.

(3) Consent to make available to the Secretary or Board all medical records pertaining to the reported conditions that may be necessary to aid the Board in formulating its findings and recommendations.

(b) Any person under review who refuses to submit to an examination or to consent to provide information, or both, shall as a matter of law be considered unqualified to operate a motor vehicle until the individual complies with the Secretary's or Board's request and the Board is able to make its findings and recommendations, at which time the findings and recommendations shall control.

(c) The results of any examination ordered or conducted by the Secretary or the Board shall be made available to the individual under review.

625 ILCS 5/6-908 — Confidential information

Sec. 6-908. Confidential information. As provided in subsection

(j) of Section 2-123 of this Code, all information furnished to the Secretary or Board, the results of all examinations made at their direction, and all medical findings of the Board shall be confidential and for the sole use of the Board and the Secretary which may have access to the same for the purposes as set forth in this Act. Except as provided in this Section, no confidential information may be open to public inspection or the contents disclosed to anyone, except the person under review and then only to the extent necessary to comply with a request for discovery during the hearing process, unless so directed by a court of competent jurisdiction. If the Secretary receives a medical report regarding a driver that does not address a medical condition contained in a previous medical report, the Secretary may disclose the unaddressed medical condition to the driver or his or her physician, or both, solely for the purpose of submission of a medical report that addresses the condition.

625 ILCS 5/6-909 — Rules and regulations; review under Administrative Review Law

Sec. 6-909. Rules and regulations; review under Administrative Review Law. The Secretary, in cooperation with the Board, shall administer and enforce this Act and shall have the power to make and institute reasonable rules and regulations as necessary to carry out the provisions of this Act.

625 ILCS 5/6-910 — Liability of persons for information supplied to Board or Secretary

Sec. 6-910. Liability of persons for information supplied to Board or Secretary. No member of the Board, medical practitioner, clinic, hospital, or mental institution, whether public or private, shall be liable or subject to criminal or civil action for any opinions, findings, or recommendations, or for any information supplied to the Secretary or the Board regarding persons under review, or for reports required by this Act, except for willful and wanton misconduct.

625 ILCS 5/6-911 — Information submitted by medical practitioners; police officers; State's attorneys; or members of the judiciary

Sec. 6-911. Information submitted by medical practitioners; police officers; State's attorneys; or members of the judiciary. Any qualified medical practitioner, commissioned police officer, State's attorney, or member of the judiciary acting in his or her official capacity may submit information to the Secretary relative to the medical condition of a person, including suspected chronic alcoholism or habitual use of narcotics or dangerous drugs, if the condition interferes with the person's ability to operate a motor vehicle safely. Persons reporting under this Section shall enjoy the same immunities granted members of the Board under Section 6-910. (Text of Section after amendment by P.A. 104-169) Sec. 6-911. Information submitted by medical practitioners; police officers; State's attorneys; members of the judiciary; or immediate family members. Any qualified medical practitioner, commissioned police officer, State's attorney, member of the judiciary acting in his or her official capacity, or immediate family member may submit information to the Secretary relative to the medical condition of a person, including suspected chronic alcoholism or habitual use of narcotics or dangerous drugs, if the condition interferes with the person's ability to operate a motor vehicle safely. Persons reporting under this Section shall enjoy the same immunities granted members of the Board under Section 6-910. Information must be submitted in writing in a manner and form approved by the Secretary and shall include the name of the person submitting the information. The Secretary may not accept or act on anonymous reports. The information submitted pursuant to this Section is confidential under Sections 2-123 and 6-908 of this Code. For purposes of this Section, "immediate family member" means spouse, parent, grandparent, sibling, or child.

625 ILCS 5/6-912 — Severability

Sec. 6-912. Severability. The provisions of this Article are severable under Section 1.31 of the Statute on Statutes.

625 ILCS 5/6-1001 — Enhanced skills driving schools

Sec. 6-1001. Enhanced skills driving schools.

(a) As used in this Code, "enhanced skills driving school" means a school for teaching advanced driving skills, such as emergency braking, crash avoidance, and defensive driving techniques to licensed drivers for a fee, and does not mean a school for preparing students for examinations given by the Secretary of State.

(b) No person, firm, association, partnership, or corporation shall operate an enhanced skills driving school unless issued a license by the Secretary. No enhanced skills driving school may prepare students for examinations given by the Secretary of State unless the school is also licensed under Article IV of Chapter 6 of this Code.

(c) All behind-the-wheel instructions, practice, and experience offered by enhanced skills driving schools shall be on private property, such as race course facilities. The Secretary of State shall have the authority to inspect all facilities and to adopt rules to provide standards for enhanced skills driving school facilities. No behind-the-wheel instruction, practice, or experience may be given on public roadways.

(d) The curriculum for courses and programs offered by enhanced skills driving schools shall be reviewed and approved by the Secretary.

625 ILCS 5/6-1002 — Enhanced skills driving school qualifications

Sec. 6-1002. Enhanced skills driving school qualifications. In order to qualify for a license to operate an enhanced skills driving school, each applicant must:

(1) be of good moral character;

(2) be at least 21 years of age;

(3) maintain bodily injury and property damage liability insurance on motor vehicles while used in driving instruction, insuring the liability of the driving school, the driving instructors and any person taking instruction in at least the following amounts: \$500,000 for bodily injury to or death of one person in any one crash and, subject to said limit for one person, \$1,000,000 for bodily injury to or death of 2 or more persons in any one crash and the amount of \$100,000 for damage to property of others in any one crash. Evidence of such insurance coverage in the form of a certificate from the insurance carrier shall be filed with the Secretary of State, and such certificate shall stipulate that the insurance shall not be cancelled except upon 10 days' prior written notice to the Secretary of State;

(4) have the equipment necessary to the giving of proper instruction in the operation of motor vehicles; and

(5) pay to the Secretary of State an application fee of \$500 and \$50 for each branch application.

625 ILCS 5/6-1003 — Display of license

Sec. 6-1003. Display of license. Each enhanced skills driving school must display at a prominent place in its main office all of the following:

(1) The State license issued to the school;

(2) The names, addresses, and State instructors license numbers of all instructors employed by the school; and

(3) The addresses of each branch office and branch classrooms.

625 ILCS 5/6-1004 — Qualifications of enhanced skills driving school instructors

Sec. 6-1004. Qualifications of enhanced skills driving school instructors. In order to qualify for a license as an instructor for an enhanced skills driving school, an applicant must:

(1) be of good moral character;

(2) have never been convicted of driving while under the influence of alcohol, other drugs, or a combination thereof; leaving the scene of a crash; reckless homicide or reckless driving;

(3) be physically able to operate safely a motor vehicle and to train others in the operation of motor vehicles;

(4) hold a valid drivers license; and

(5) pay to the Secretary of State an application and license fee of \$70.

625 ILCS 5/6-1005 — Renewal of license; enhanced skills driving school

Sec. 6-1005. Renewal of license; enhanced skills driving school. The license of each enhanced skills driving school may be renewed subject to the same conditions as the original license, and upon the payment of a renewal license fee of \$500 and \$50 for each renewal of a branch application.

625 ILCS 5/6-1006 — Renewal of license; enhanced skills driving school instructor

Sec. 6-1006. Renewal of license; enhanced skills driving school instructor. The license of each enhanced skills driving school instructor may be renewed subject to the same conditions of the original license, and upon the payment of annual

renewal license fee of \$70.

625 ILCS 5/6-1007 — Licenses; form and filing

Sec. 6-1007. Licenses; form and filing. All applications for renewal of an enhanced skills driving school license or instructor's license shall be on a form prescribed by the Secretary, and must be filed with the Secretary not less than 15 days preceding the expiration date of the license to be renewed.

625 ILCS 5/6-1008 — Instructor's records

Sec. 6-1008. Instructor's records. Every enhanced skills driving school shall keep records regarding instructors, students, courses, and equipment, as required by administrative rules prescribed by the Secretary. Such records shall be open to the inspection of the Secretary or his representatives at all reasonable times.

625 ILCS 5/6-1009 — Denial, cancellation, suspension, revocation, and failure to renew license

Sec. 6-1009. Denial, cancellation, suspension, revocation, and failure to renew license. The Secretary may deny, cancel, suspend or revoke, or refuse to renew any enhanced skills driving school license or any enhanced skills driving school instructor license:

- (1) When the Secretary is satisfied that the licensee fails to meet the requirements to receive or hold a license under this Code;
- (2) Whenever the licensee fails to keep records required by this Code or by any rule prescribed by the Secretary;
- (3) Whenever the licensee fails to comply with any provision of this Code or any rule of the Secretary made pursuant thereto;
- (4) Whenever the licensee represents himself or herself as an agent or employee of the Secretary or uses advertising designed to lead or which would reasonably have the effect of leading persons to believe that such licensee is in fact an employee or representative of the Secretary;
- (5) Whenever the licensee or any employee or agent of the licensee solicits driver training or instruction in an office of any department of the Secretary of State having to do with the administration of any law relating to motor vehicles, or within 1,500 feet of any such office; or
- (6) Whenever the licensee is convicted of driving while under the influence of alcohol, other drugs, or a combination thereof; leaving the scene of a crash; reckless homicide or reckless driving.

625 ILCS 5/6-1010 — Judicial review

Sec. 6-1010. Judicial review. The action of the Secretary in canceling, suspending, revoking, or denying any license under this Article shall be subject to judicial review in the Circuit Court of Sangamon County or the Circuit Court of Cook County, and the provisions of the Administrative Review Law and the rules adopted pursuant thereto are hereby adopted and shall apply to and govern every action for judicial review of the final acts or decisions of the Secretary under this Article.

625 ILCS 5/6-1011 — Injunctions

Sec. 6-1011. Injunctions. If any person, firm, association, partnership, or corporation operates in violation of any provision of this Article, or any rule, regulation, order, or decision of the Secretary of State established under this Article, or in violation of any term, condition, or limitation of any license issued under this Article, the Secretary of State, or any other person injured as a result, or any interested person, may apply to the circuit court of the county where the violation or some part occurred, or where the person complained of has an established or additional place of business or resides, to prevent the violation. The court may enforce compliance by injunction or other process restraining the person from further violation and compliance.

625 ILCS 5/6-1012 — Rules and regulations

Sec. 6-1012. Rules and regulations. The Secretary is authorized to prescribe by rule standards for the eligibility, conduct, and operation of enhanced driver skills training schools, and instructors and to adopt other reasonable rules and regulations necessary to carry out the provisions of this Article.

625 ILCS 5/6-1013 — Deposit of fees

Sec. 6-1013. Deposit of fees. Fees collected under this Article shall be disbursed under subsection (g) of Section 2-119 of this Code.

625 ILCS 5/7-100 — Definition of words and phrases

Sec. 7-100. Definition of words and phrases. Notwithstanding the definitions set forth in Chapter 1, for the purposes of this Chapter, the following words shall have the following meanings ascribed to them: Administrative order of support. An order for the support of dependent children issued by an administrative body of this or any other State. Administrator. The Department of Transportation. Arrearage. The total amount of unpaid support obligations. Authenticated document. A document from a court which contains a court stamp, showing it is filed with the court, or notarized, or is certified by the custodian of the original. Compliance with a court order of support. The support obligor is no more than an amount equal to 90 days obligation in arrears in making payments in full for current support, or in making periodic payments on a support arrearage as determined by a court. Court order of support. A judgment order for the support of dependent children issued by a court of this State, including a judgment of dissolution of marriage. With regard to a certification by the Department of Healthcare and Family Services under subsection

(c) of Section 7-702, the term "court order of support" shall include an order of support entered by a court of this or any other State. Driver's license. A license or permit to operate a motor vehicle in the State, including the privilege of a person to drive a motor vehicle whether or not the person holds a valid license or permit. Family financial responsibility driving permit. A permit granting limited driving privileges for employment or medical purposes following a suspension of driving privileges under the Family Financial Responsibility Law. This permit is valid only after the entry of a court order granting the permit and issuance of the permit by the Secretary of State's Office. An individual's driving privileges must be valid except for the family financial responsibility suspension in order for this permit to be issued. In order to be valid, the permit must be in the immediate possession of the driver to whom it is issued. Judgment. A final judgment of any court of competent jurisdiction of any State, against a person as defendant for damages on account of bodily injury to or death of any person or damages to property resulting from the operation of any motor vehicle. Obligor. The individual who owes a duty to make payments under a court order of support. Obligee. The individual or other legal entity to whom a duty of support is owed through a court order of support or the individual's legal representatives.

625 ILCS 5/7-101 — Administration of Illinois Safety and Family Financial Responsibility Law

Sec. 7-101. Administration of Illinois Safety and Family Financial Responsibility Law. The Secretary of State and the Department, within the scope of their respective duties and powers under this Code, shall administer and enforce this Chapter and may make rules and regulations necessary for its administration and shall provide for hearings upon request of persons aggrieved by orders or acts of the Secretary of State, and the Department under this Section. However, the Secretary of State and the clerks of the circuit courts, within the scope of their respective duties and powers under this Code, shall administer and enforce Article VII of this Chapter.

625 ILCS 5/7-102 — Court Review

Sec. 7-102. Court Review. The provisions of the Administrative Review Law, and all amendments and modifications thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final administrative decisions of the Administrator or the Secretary of State hereunder.

625 ILCS 5/7-201 — Application of Article II

Sec. 7-201. Application of Article II. The Administrator as soon as practicable after the receipt of the report, required to be filed under Section 11-407, of a motor vehicle crash occurring within this State and that has resulted in bodily injury or death of any person or that damage to the property of any one person in excess of \$1,500 (or \$500 if any of the vehicles involved in the crash is subject to Section 7-601 but is not covered by a liability insurance policy in accordance with Section 7-601) was sustained, shall determine: 1. Whether Section 7-202 of this Code requires the deposit of security by or on behalf of any person who was the operator or owner of any motor vehicle in any manner involved in the crash; and 2. What amount of security shall be sufficient to satisfy any potential judgment or judgments for money damages resulting from the crash as may be recovered against the operator or owner, which amount shall in no event be less than \$1,500 (or \$500 if any of the vehicles involved in the crash is subject to Section 7-601 but is not covered by a liability insurance policy in accordance with Section 7-601).

625 ILCS 5/7-201.1

Sec. 7-201.1. If the Administrator has not received a report required to be filed under Section 11-407, or if the information contained in a report is insufficient, the Administrator shall send to the person required to file the report a written request for the missing report or the missing information. The Administrator shall send such request no later than 45 days after the crash or 7 days after receiving information that such crash has occurred, whichever is later. If the request is sent to a driver involved in a crash, the request or an attachment thereto shall contain in bold print a warning that failure to comply with the request within 15 days may result in the suspension of the driver's license.

625 ILCS 5/7-201.2

Sec. 7-201.2. The Administrator, within 30 days after compiling sufficient information on a motor vehicle crash, shall certify to the Secretary of State the name of each owner and the name of each operator of any vehicle involved in the crash, his determination that security is required under this Code, and the amount of the security. The Administrator also shall supply to the Secretary of State a copy of any crash report requested by the Secretary. The Administrator shall send a copy of the certification to each person whose name is certified. The copy, or an attachment thereto, shall contain in bold print an explanation that, because the person did not furnish the Department of Transportation with evidence that he or she is insured or otherwise able to pay for damages resulting from the crash, the person's name has been forwarded to the Secretary of State for possible suspension of his or her driver's license.

625 ILCS 5/7-201.3 — Administrator to itemize potential claims

Sec. 7-201.3. Administrator to itemize potential claims. The Administrator shall send by mail to the person required to deposit security an itemization of each potential claim of personal injury or property damage and the name and address of each potential claimant within the knowledge of the Administrator and upon which the determination of the amount of security is based.

625 ILCS 5/7-202 — Exceptions to requirements of security

Sec. 7-202. Exceptions to requirements of security.

(a) The requirements as to security and suspension as provided by Sections 7-201 and 7-205 shall not apply: 1. To the driver or owner if such owner had in effect at the time of such motor vehicle crash a liability policy covering such driver and owner with respect to the vehicle involved in such motor vehicle crash; 2. To the driver, if not the owner of such vehicle, if there was in effect at the time of such motor vehicle crash a liability policy or bond with respect to the operation of motor vehicles not owned by the driver; 3. To the driver or owner if the liability of such driver or owner for damages resulting from such motor vehicle crash is covered by any other form of liability insurance policy or bond; 4. To the driver or owner, if such owner is qualified as a self-insurer as provided in Section 7-502; 5. To the owner if such owner at the time of such motor vehicle crash was in compliance with Section 8-101 or Section 9-101; 6. To the driver or owner if such owner at the time of such motor vehicle crash was in compliance with the Federal Revised Interstate Commerce Act (P.L. 95-473), as now or hereafter amended; 7. To the owner if the vehicle involved in such motor vehicle crash was owned by the United States, this State or any political sub-division of this State, any municipality therein, or any local Mass Transit District; 8. To the driver or the owner of a vehicle involved in a motor vehicle crash wherein no injury or damage was caused to the person or property of any one other than such driver or owner; 9. To the driver or the owner of a vehicle which at the time of the motor vehicle crash was parked, unless such vehicle was parked at a place where parking was at the time of the crash prohibited under any applicable law or ordinance; 10. To the owner of a vehicle if at the time of the motor vehicle crash the vehicle was being operated without his permission, express or implied, or was parked by a person who had been operating such motor vehicle without such permission; 11. To the driver, if not the owner, of a commercial motor vehicle on which there was no liability policy or bond with respect to the operation of such vehicle in effect at the time of the motor vehicle crash when the driver was operating the vehicle in the course of the driver's employment and had no actual knowledge of such lack of a liability policy or bond prior to the motor vehicle crash.

(b) If at the time of the motor vehicle crash, an owner or driver is covered by a motor vehicle liability policy or bond meeting the requirements of this Code, such owner or driver shall be exempt from suspension under Section 7-205 as to that motor vehicle crash, if the company issuing the policy or bond has failed, and such policy or bond was not effective at the time of the motor vehicle crash or any time thereafter, provided, that the owner or driver had no knowledge of the company's failure prior to the motor vehicle crash, and such owner or driver has secured within 30 days after learning of such failure another liability policy or bond meeting the requirements of the Code relating to future occurrences or motor vehicle crashes. As used in this paragraph, the words "failed" or "failure" mean that the company has suspended operations by order of a court.

625 ILCS 5/7-203 — Requirements as to policy or bond

Sec. 7-203. Requirements as to policy or bond. No such policy or bond referred to in Section 7-202 shall be effective under this Section unless issued by an insurance company or surety company authorized to do business in this State, except that if such motor vehicle was not registered in this State, or was a motor vehicle which was registered elsewhere than in this State at the effective date of the policy or bond, or the most recent renewal thereof, such policy or bond shall not be effective under this Section unless the insurance company or surety company, if not authorized to do business in this State, shall execute a power of attorney authorizing the Secretary of State to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such motor vehicle crash. However, every such policy or bond is subject, if the motor vehicle crash has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than \$25,000 because of bodily injury to or death of any one person in any one motor vehicle crash and, subject to said limit for one person, to a limit of not less than \$50,000 because of bodily injury to or death of 2 or more persons in any one motor vehicle crash, and, if the motor vehicle crash has resulted in injury to or destruction of property, to a limit of not less than \$20,000 because of injury to or destruction of property of others in any one motor vehicle crash. The changes to this Section made by this amendatory Act of the 98th General Assembly apply only to policies issued or renewed on or after January 1, 2015. Upon receipt of a written motor vehicle crash report from the Administrator the insurance company or surety company named in such notice shall notify the Administrator within such time and in such manner as the Administrator may require, in case such policy or bond was not in effect at the time of such motor vehicle crash.

625 ILCS 5/7-204 — Form and amount of security - Definition

Sec. 7-204. Form and amount of security - Definition. (A) Any security required to be deposited under this Act shall be in the form as the Secretary of State may require by administrative rule, and in the amounts as the Administrator may determine to be sufficient to satisfy any judgment or judgments for damages against an operator or owner but in no case in excess of the limits specified in Section 7-203 of this Act in reference to the acceptable limits of a policy or bond nor for an amount less than \$1,500 (or \$500 if any of the vehicles involved in the crash is subject to Section 7-601 but is not covered by a liability insurance policy in accordance with Section 7-601). (B) The person depositing security shall specify in writing the person or persons on whose behalf the deposit is made and, while at any time the deposit is in the custody of the Secretary of State or State Treasurer, the person depositing it may, in writing, amend the specification of the person or persons on whose behalf the deposit is made to include an additional person or persons; provided, however, that a single deposit of security shall be applicable only on behalf of persons, required to furnish security because of the same crash. (C) Within 10 days after any security required under the provisions of this Article is deposited with the Secretary of State, the Secretary shall send notice of the security deposit to the following, if known: 1. To each owner and operator of any vehicle involved in the crash that sustained damage in excess of \$1,500 (or \$500 if any of the vehicles involved in the crash is subject to Section 7-601 but is not covered by a liability insurance policy in accordance with Section 7-601); 2. To any person who sustained damage to personal or real property in excess of \$1,500 (or \$500 if any of the vehicles involved in the crash is subject to Section 7-601 but is not covered by a liability insurance policy in accordance with Section 7-601); 3. To any person who was injured as a result of the crash; and 4. To the estate of any person killed as a result of the crash.

625 ILCS 5/7-205 — Failure to deposit security - Hearings and suspensions

Sec. 7-205. Failure to deposit security - Hearings and suspensions. The Secretary of State, within 15 days after receipt of the determination of the Administrator that a deposit of security is required under this Code, shall review all reports, documents and other pertinent evidence in his possession, and make a preliminary finding as to whether or not there is a reasonable possibility of a civil judgment being entered in a court of proper jurisdiction against the person so certified by the Administrator under this Code.

(a) Upon a preliminary finding that there is such a reasonable possibility, the Secretary of State shall notify such person by mail that his driving privileges, driver's license or registration will be suspended 45 days after the date of the mailing of the notice unless the person can prove to the satisfaction of the Secretary of State that he has deposited or has had deposited and filed on his behalf the security required under this Code or, within 15 days of the mailing of such notice, requests a formal hearing to determine whether his driving privileges, driver's license or registration should be suspended or whether the Secretary should enter an order of exoneration, and that such hearing shall be scheduled within 45 days after the mailing of such notice in accordance with the rules and regulations of the Secretary of State.

(b) Upon a preliminary finding that there is not such a reasonable possibility, the Secretary of State may elect to take no further action.

(c) In the event an order of suspension so entered applies to a nonresident owner or driver, then the privilege of driving or using a motor vehicle within the territorial limits of this State shall be so suspended.

625 ILCS 5/7-206 — Release from liability

Sec. 7-206. Release from liability.

(a) A person shall be relieved from the requirement for deposit of security required by Section 7-201 in the event there shall be filed with the Secretary of State satisfactory evidence that the person who would otherwise be required to deposit security has been released from liability.

(b) A covenant not to sue shall relieve the parties thereto as to each other from the security requirements of this Article.

625 ILCS 5/7-207 — Adjudication of non-liability

Sec. 7-207. Adjudication of non-liability. A person shall be relieved from the requirement for deposit of security, required by Section 7-201 of this Act, in the event there shall be filed with the Secretary of State evidence satisfactory of a final adjudication of non-liability.

625 ILCS 5/7-208 — Agreements for payment of damages

Sec. 7-208. Agreements for payment of damages.

(a) Any 2 or more of the persons involved in a motor vehicle crash subject to the provisions of Section 7-201 or their authorized representatives, may at any time enter into a written agreement for the payment of an agreed amount in installments, with respect to all claims for injuries or damages resulting from the motor vehicle crash.

(b) The Secretary of State, to the extent provided by any such written agreement properly filed with him, shall not require the deposit of security and shall terminate any prior order of suspension, or, if security has previously been deposited, the Secretary of State shall immediately return such security to the depositor or an appropriate personal representative.

(c) In the event of a default in any payment under such agreement and upon notice of such default the Secretary of State shall forthwith suspend the driver's license and registration, or nonresident's operating privileges, of such person in default which shall not be restored unless and until: 1. Such person deposits and thereafter maintains security as required under Section 7-201 in such amount as the Secretary of State may then determine, 2. Two years have elapsed since the acceptance of the notice of default by the Secretary of State and during such period no action upon such agreement has been instituted in any court having jurisdiction, or 3. The person enters into a second written agreement for the payment of an agreed amount in installments with respect to all claims for injuries or damages resulting from the motor vehicle crash.

625 ILCS 5/7-209 — Payment upon judgment

Sec. 7-209. Payment upon judgment. The payment of a judgment arising out of a motor vehicle crash or the payment upon such judgment of an amount equal to the maximum amount which could be required for deposit under this Article shall for the purposes of this Code be deemed satisfied.

625 ILCS 5/7-210 — Termination of Security Requirement

Sec. 7-210. Termination of Security Requirement. The Secretary of State, if satisfied as to the existence of any fact which under Sections 7-206, 7-207, 7-208, or 7-209 would entitle a person to be relieved from the security requirements of this Article, shall not require the deposit of security by the person so relieved from such requirement and shall terminate any prior order of suspension in respect to such person, or if security has previously been deposited by such person, the Secretary of State shall immediately return such deposit to such person.

625 ILCS 5/7-211 — Duration of suspension

Sec. 7-211. Duration of suspension.

(a) Unless a suspension is terminated under other provisions of this Code, the driver's license or registration and nonresident's operating privilege suspended as provided in Section 7-205 shall remain suspended and shall not be renewed nor shall any license or registration be issued to the person until: 1. The person deposits or there shall be deposited and filed on the person's behalf the security required under Section 7-201; 2. (Blank); 3. Receipt of proper

notice that the person has filed bankruptcy which would include all claims for personal injury and property damage resulting from the crash; 4. (Blank); or 5. The applicable statute of limitations has expired and the person seeking reinstatement provides evidence satisfactory to the Secretary of State that, during the statute of limitations period, no action for damages arising out of a motor vehicle crash has been properly filed. An affidavit that no action at law for damages arising out of the motor vehicle crash has been filed against the applicant, or if filed that it is not still pending shall be prima facie evidence of that fact. The Secretary of State may take whatever steps are necessary to verify the statement set forth in the applicant's affidavit.

(b) The driver's license or registration and nonresident's operating privileges suspended as provided in Section 7-205 shall also remain suspended and shall not be renewed nor shall any license or registration be issued to the person until the person gives proof of his or her financial responsibility in the future as provided in Section 1-164.5. The proof is to be maintained by the person in a manner satisfactory to the Secretary of State for a period of 3 years after the date the proof is first filed.

625 ILCS 5/7-212 — Authority of Administrator and Secretary of State to decrease amount of security

Sec. 7-212. Authority of Administrator and Secretary of State to decrease amount of security. The Administrator may reduce the amount of security ordered in any case within one year after the date of the crash, but in no event for an amount less than \$1,500 (or \$500 if any of the vehicles involved in the crash is subject to Section 7-601 but is not covered by a liability insurance policy in accordance with Section 7-601), if, in the judgment of the Administrator the amount ordered is excessive, or may revoke or rescind its order requiring the deposit of security in any case within one year after the date of the crash if, in the judgment of the Administrator, the provisions of Sections 7-202 and 7-203 excuse or exempt the operator or owner from the requirement of the deposit. In case the security originally ordered has been deposited the excess of the reduced amount ordered shall be returned to the depositor or his or her personal representative forthwith, notwithstanding the provisions of Section 7-214. The Secretary of State likewise shall have authority granted to the Administrator to reduce the amount of security ordered by the Administrator.

625 ILCS 5/7-213 — Custody of security

Sec. 7-213. Custody of security. Security deposited in compliance with the requirements of this Article shall be placed by the Secretary of State in the custody of the State Treasurer.

625 ILCS 5/7-214 — Disposition of security

Sec. 7-214. Disposition of security. Such security shall be applicable only to the payment of a judgment or judgments, rendered against the person or persons on whose behalf the deposit was made, for damages arising out of the crash in question, in an action at law, begun not later than the later of

(i) the expiration of the relevant statute of limitations or (ii) 2 years after the date of any default in any payment under an installment agreement for payment of damages, and such deposit or any balance thereof shall be returned to the depositor or his or her personal representative when evidence satisfactory to the Secretary of State has been filed with him: 1. that there has been a release from liability, or a final adjudication of non-liability; or 2. a duly acknowledged written agreement in accordance with Section 7-208 of this Act; or 3. whenever after the expiration of the statute of limitations or (ii) 2 years after the date of any default in any payment under an installment agreement for payment of damages, the Secretary of State shall be given reasonable evidence that there is no such action pending and no judgment rendered in such action left unpaid. If, after releasing security to a judgment debtor or claimant, the balance of the security posted with the Secretary is \$5 or less, the balance shall be transferred to the General Revenue Fund. The Secretary shall compile a list of all security amounts of \$5 or less annually in July and shall certify that amount to the State Comptroller. As soon as possible after receiving the certification, the State Comptroller shall order transferred and the State Treasurer shall transfer the amount certified to the General Revenue Fund.

625 ILCS 5/7-215 — Matters not to be evidence in civil suits

Sec. 7-215. Matters not to be evidence in civil suits. Any action taken pursuant to this Chapter, or the Rules and Regulations adopted hereunder, or findings of the Administrator or the Secretary of State upon which such action is based, or the security filed as provided in this Article shall not be referred to in any way, nor shall it be any evidence of the negligence or due care of either party, at the trial of any civil action to recover damages.

625 ILCS 5/7-216 — Reciprocity; residents and nonresidents; licensing of nonresidents

Sec. 7-216. Reciprocity; residents and nonresidents; licensing of nonresidents.

(a) When a nonresident's operating privilege is suspended pursuant to Section 7-205 the Secretary of State shall transmit a certified copy of the record of such action to the official in charge of the issuance of driver's license and registration certificates in the state in which such nonresident resides, if the law of such other state provides for action in relation thereto similar to that provided for in subsection (b).

(b) Upon receipt of such certification that the operating privilege of a resident of this State has been suspended or revoked in any such other state pursuant to a law providing for its suspension or revocation for failure to deposit security for the payment of judgments arising out of a motor vehicle crash, or for failure to deposit security under circumstances which would require the Secretary of State to suspend a nonresident's operating privilege had the motor vehicle crash occurred in this State, the Secretary of State shall suspend the driver's license of such resident and all other registrations. Such suspension shall continue until such resident furnishes evidence of compliance with the law of such other state relating to the deposit of such security.

(c) In case the operator or the owner of a motor vehicle involved in a motor vehicle crash within this State has no driver's license or registration, such operator shall not be allowed a driver's license or registration until the operator has complied with the requirements of Sections 7-201 through 7-216 to the same extent that would be necessary if, at the time of the motor vehicle crash, such operator had held a license and registration.

625 ILCS 5/7-301 — Application of Article III

Sec. 7-301. Application of Article III. The provisions of this Article requiring the deposit of proof of financial responsibility for the future, subject to certain exemptions, shall apply with respect to persons whose driver's license or driving privileges have been revoked as provided by this Code, or who have failed to pay judgments amounting to \$500 or more as defined in Section 7-303.

625 ILCS 5/7-302

Sec. 7-302. (Repealed).

625 ILCS 5/7-303

Sec. 7-303. Suspension of driver's licenses, registration certificates, license plates or digital license plates, and registration stickers or digital registration stickers for failure to satisfy judgment.

(a) The Secretary of State shall, except as provided in paragraph (d), suspend the driver's license issued to any person upon receiving an authenticated report as hereinafter provided for in Section 7-307 that the person has failed for a period of 30 days to satisfy any final judgment in amounts as hereinafter stated, and shall also suspend the registration certificate, license plates or digital license plates, and registration sticker or digital registration sticker of the judgment debtor's motor vehicle involved in the crash as indicated in the authenticated report.

(b) The term "judgment" shall mean: A final judgment of any court of competent jurisdiction of any State, against a person as defendant for damages on account of bodily injury to or death of any person or damages to property resulting from the operation, on and after July 12, 1938, of any motor vehicle.

(c) The term "State" shall mean: Any State, Territory, or possession of the United States, the District of Columbia, or any province of the Dominion of Canada.

(d) The Secretary of State shall not suspend the driver's license, registration certificates, registration stickers or digital registration stickers, or license plates or digital license plates of the judgment debtor, nor shall such judgment debtor be subject to the suspension provisions of Sections 7-308 and 7-309 if all the following conditions are met: 1. At the time of the motor vehicle crash which gave rise to the unsatisfied judgment the judgment debtor was covered by a motor vehicle liability policy or bond meeting the requirements of this Chapter; 2. The insurance company which issued the policy or bond has failed and has suspended operations by order of a court; 3. The judgment debtor had no knowledge of the insurance company's failure prior to the motor vehicle crash; 4. Within 30 days after learning of the insurance company's failure the judgment debtor secured another liability policy or bond meeting the requirements of this Article relating to future occurrences or crashes; 5. The insurance company which issued the motor vehicle liability policy or bond that covered the judgment debtor at the time of the motor vehicle crash is unable to satisfy the judgment in the amounts specified in Section 7-311; 6. The judgment debtor presents to the Secretary of State such certified documents or other proofs as the Secretary of State may require that all of the conditions set forth in this Section have been met.

625 ILCS 5/7-304 — Proof required

Sec. 7-304. Proof required. Upon the revocation of a driver's license of any person as provided in Section 6-113, 6-205 or 6-206, the Secretary of State shall suspend any and all of the registration certificates, license plates and registration stickers issued for any motor vehicle registered in the name of such person as owner except that the Secretary shall not suspend such evidences of registration in the event such owner has previously given or shall immediately give the Secretary and thereafter maintain for a period of 3 years, proof of financial responsibility in the manner hereinafter specified in this Article with respect to each and every motor vehicle owned and registered by such person.

625 ILCS 5/7-305 — Suspension until proof furnished

Sec. 7-305. Suspension until proof furnished. The suspension of such certificates of registration, license plates and registration stickers of such person as provided for in Section 7-304 shall remain in effect and the Secretary of State shall not issue to any such person any new or renewal of driver's license and shall not register or re-register in the name of such person any motor vehicle until permitted under this Article and not then unless and until said person gives proof of his financial responsibility in the future, as defined in this Code, such proof to be maintained by said person in a manner satisfactory to the Secretary of State for a period of 3 years after the date such proof is first filed.

625 ILCS 5/7-306 — Action in respect to an unlicensed driver

Sec. 7-306. Action in respect to an unlicensed driver. Whenever any person who is not a resident of this State has been convicted of an offense which would require the revocation of the driver's license of a resident, such nonresident shall not operate any motor vehicle in this State nor shall any motor vehicle owned by such nonresident be operated within this State by any person, and the Secretary of State shall not issue to such nonresident any driver's license and shall not register any motor vehicle owned by such nonresident unless and until such nonresident shall give proof of financial responsibility.

625 ILCS 5/7-307 — Courts to report nonpayments of judgment

Sec. 7-307. Courts to report nonpayments of judgment. The clerk of a court, or the judge of a court which has no clerk, or the judgment creditor or his or her attorney of record shall forward to the Secretary of State, on a form prescribed by the Secretary, a certified record of any judgment for damages, the rendering and nonpayment of which judgment required the suspension of the driver's license and registrations in the name of the judgment debtor hereunder, such record to be forwarded to the Secretary of State upon request by the plaintiff after the expiration of 30 days after such judgment has become final and when such judgment has not been stayed or satisfied within the amounts specified in this Article as shown by the records of the Court.

625 ILCS 5/7-308 — Action in respect to nonresident for nonpayment of judgment

Sec. 7-308. Action in respect to nonresident for nonpayment of judgment.

(a) If a person, whose failure to satisfy a judgment within 30 days after the same became final would require a suspension or revocation hereunder in respect to a resident, shall not be a resident of this State, such nonresident shall not operate any motor vehicle in this State, nor shall any motor vehicle owned by such nonresident be operated in this State by any person and the Secretary of State shall not issue to such nonresident a driver's license and shall not register any motor vehicle owned by such nonresident unless and until such nonresident shall give proof of financial responsibility and shall satisfy any such judgment as required with respect to a resident of this State.

(b) The Secretary of State shall forward to the Motor Vehicle Commissioner or state officer performing the functions of a Commissioner in the state, foreign country, or province of the Dominion of Canada in which a judgment debtor resides, a certified record of any unsatisfied judgment rendered against such nonresident which requires suspension of such nonresident's driving privileges in this State.

625 ILCS 5/7-309 — Suspension to continue until judgments paid and proof given

Sec. 7-309. Suspension to continue until judgments paid and proof given.

(a) The suspension of such driver's license, license plates and registration stickers shall remain in effect and no other vehicle shall be registered in the name of such judgment debtor, nor any new license issued to such person (including any such person not previously licensed), unless and until the Secretary of State receives authenticated documentation that such judgment is satisfied, or dormant as provided for in Section 12-108 of the Code of Civil Procedure, as now or

hereafter amended, or stayed by court order, and the judgment debtor gives proof of financial responsibility, as hereinafter provided. The Secretary of State may terminate the suspension of such person's driver's license, license plates and registration stickers and no proof of financial responsibility shall be required on any existing suspensions under this Article which are more than 20 years old.

(b) Whenever, after one judgment is satisfied and proof of financial responsibility is given as herein required, another such judgment is rendered against the judgment debtor for any motor vehicle crash occurring prior to the date of the giving of said proof and such person fails to satisfy the latter judgment within the amounts specified herein within 30 days after the same becomes final, then the Secretary of State shall again suspend the driver's license of such judgment debtor and shall again suspend the registration of any vehicle registered in the name of such judgment debtor as owner. Such driver's license and registration shall not be renewed nor shall a driver's license and registration of any vehicle be issued to such judgment debtor while such latter judgment remains in effect and unsatisfied within the amount specified herein.

625 ILCS 5/7-310 — Petition for discharge filed in bankruptcy

Sec. 7-310. Petition for discharge filed in bankruptcy. A petition for discharge filed in bankruptcy following the rendering of any judgment shall relieve the judgment debtor from the requirements of this Chapter 7, except that the judgment debtor's driver's license shall remain suspended and may not be renewed, and the judgment debtor may not be issued a license or registration, until the judgment debtor gives proof of his or her financial responsibility in the future, as provided in Section 1-164.5. The proof is to be maintained by the judgment debtor, in a manner satisfactory to the Secretary of State, for a period of 3 years after the date on which the proof is first filed. A petition for discharge filed in bankruptcy of the owner or lessee of a commercial vehicle by whom the judgment debtor is employed at the time of the motor vehicle crash that gives rise to the judgment also shall relieve the judgment debtor so employed from any of the requirements of this Chapter 7 if the discharge of the owner or lessee follows the rendering of the judgment and if the judgment debtor so employed was operating the commercial vehicle in connection with his or her regular employment or occupation at the time of the crash. This amendatory act of 1985 applies to all cases irrespective of whether the crash giving rise to the suspension of license or registration occurred before, on, or after its effective date.

625 ILCS 5/7-311 — Payments sufficient to satisfy requirements

Sec. 7-311. Payments sufficient to satisfy requirements.

(a) Judgments herein referred to arising out of motor vehicle crashes occurring on or after January 1, 2015 (the effective date of Public Act 98-519) shall for the purpose of this Chapter be deemed satisfied: 1. when \$25,000 has been credited upon any judgment or judgments rendered in excess of that amount for bodily injury to or the death of one person as the result of any one motor vehicle crash; or 2. when, subject to said limit of \$25,000 as to any one person, the sum of \$50,000 has been credited upon any judgment or judgments rendered in excess of that amount for bodily injury to or the death of more than one person as the result of any one motor vehicle crash; or 3. when \$20,000 has been credited upon any judgment or judgments, rendered in excess of that amount for damages to property of others as a result of any one motor vehicle crash. The changes to this subsection made by Public Act 98-519 apply only to policies issued or renewed on or after January 1, 2015.

(b) Credit for such amounts shall be deemed a satisfaction of any such judgment or judgments in excess of said amounts only for the purposes of this Chapter.

(c) Whenever payment has been made in settlement of any claim for bodily injury, death, or property damage arising from a motor vehicle crash resulting in injury, death, or property damage to two or more persons in such crash, any such payment shall be credited in reduction of the amounts provided for in this Section.

625 ILCS 5/7-312 — Installment payment

Sec. 7-312. Installment payment.

(a) A judgment debtor upon 5 days notice to the judgment creditor may apply to the trial court in which the judgment was entered for the privilege of paying such judgment in installments and the court in its discretion and without prejudice to any other judicial remedies which the judgment creditor may have may so order, fixing the amounts and times of payment of the installments.

(b) The Secretary of State shall not suspend the driver's license, registration or nonresident's operating privilege, and any suspended driver's license or registration following nonpayment of a final judgment shall be restored when the judgment debtor gives proof of financial responsibility and when the judgment debtor obtains an order from the trial court permitting

the payment of such judgment in installments and while the payment of any such installment is not in default.

625 ILCS 5/7-313 — Suspension required upon breach of agreement

Sec. 7-313. Suspension required upon breach of agreement. In the event the judgment debtor fails to pay any installments as permitted by the order of the court upon notice of such default, the Secretary of State, upon receipt of a court order, shall forthwith suspend the driver's license, registration certificate, license plates, registration stickers or nonresident's operating privilege of the judgment debtor until said judgment is satisfied as provided in Section 7-311 or a second installment payment plan is accepted as provided in Section 7-312.

625 ILCS 5/7-314 — Alternate methods of giving proof

Sec. 7-314. Alternate methods of giving proof. Proof of financial responsibility when required under this Article may be given by filing with the Secretary of State: 1. A certificate of insurance as provided in Section 7-315 or Section 7-316; 2. A bond as provided in Section 7-320; or 3. A deposit of securities as provided in Section 7-323.

625 ILCS 5/7-315 — Certificate of insurance proof

Sec. 7-315. Certificate of insurance proof.

(a) Proof of financial responsibility may be made by filing with the Secretary of State the electronic certificate of any insurance carrier duly authorized to do business in this State, certifying that it has issued to or for the benefit of the person furnishing such proof and named as the insured in a motor vehicle liability policy, a motor vehicle liability policy or policies or in certain events an operator's policy meeting the requirements of this Code and that said policy or policies are then in full force and effect. All electronic certificates must be submitted in a manner satisfactory to the Secretary of State.

(b) Such certificate or certificates shall give the dates of issuance and expiration of such policy or policies and certify that the same shall not be canceled unless 15 days' prior electronic notice thereof be given to the Secretary of State and shall explicitly describe all motor vehicles covered thereby unless the policy or policies are issued to a person who is not the owner of a motor vehicle.

(c) The Secretary of State shall not accept any certificate or certificates unless the same shall cover all motor vehicles then registered in this State in the name of the person furnishing such proof as owner and an additional certificate or certificates shall be required as a condition precedent to the subsequent registration of any motor vehicle or motor vehicles in the name of the person giving such proof as owner.

625 ILCS 5/7-316 — Certificate furnished by nonresident as proof

Sec. 7-316. Certificate furnished by nonresident as proof. Any nonresident owner of a motor vehicle not registered in this State may give proof of financial responsibility by filing with the Secretary of State a certificate or certificates of an insurance carrier authorized to transact business in the state or province of the Dominion of Canada in which the motor vehicle or motor vehicles described in such certificate are registered, or if such nonresident does not own a motor vehicle then in the state or province of the Dominion of Canada in which the insured resides, and otherwise conforming to the provisions of this Code, and the Secretary of State shall accept the same if such carrier shall: 1. Execute a power of attorney authorizing the Secretary of State to accept service on its behalf of notice of process in any action arising out of a motor vehicle crash in this State; 2. Duly adopt a resolution which shall be binding upon it declaring that its policies shall be deemed to be varied to comply with the laws of this State relating to the terms of motor vehicle liability policies as required by Section 7-317; and 3. Agree to accept as final and binding any final judgment duly rendered in any action arising out of a motor vehicle crash in any court of competent jurisdiction in this State.

625 ILCS 5/7-316.1 — Nonresidents and former residents; when proof not required

Sec. 7-316.1. Nonresidents and former residents; when proof not required.

(a) Any nonresident or former Illinois resident who

(i) has met all requirements for reinstatement of his or her driving or registration privileges under this Chapter except for filing proof of financial responsibility, (ii) resides outside of Illinois, and (iii) has applied for a driver's license in another state, shall be released from the requirement of showing proof of financial responsibility in this State if he or she presents to the Secretary of State, in a manner satisfactory to the Secretary, notice of his or her out-of-state residency.

(b) Any nonresident or former Illinois resident whose driver's license was revoked and who

(i) has met all requirements for applying for driving privileges except for filing proof of financial responsibility under this Chapter, (ii) resides outside of Illinois, and (iii) has applied for a driver's license in another state, shall be released from the requirement of showing proof of financial responsibility in this State if he or she presents to the Secretary of State, in a manner satisfactory to the Secretary, notice of his or her out-of-state residency. (b-5) Any nonresident or former Illinois resident who has submitted satisfactory documentation to the Secretary of State to be released of showing proof of financial responsibility in this State shall have his or her Illinois license cancelled 60 days after acceptance of notice of cancellation, as provided in Section 6-201 of this Code.

(c) If a nonresident or former Illinois resident released from the requirement of showing proof of financial responsibility in this State under subsection

(a) or subsection

(b) of this Section moves or returns to this State within 3 years of the date of release, that person must present to the Secretary of State, in a manner satisfactory to the Secretary, proof of insurance coverage during the period in which the person lived outside of Illinois. A person who fails to present the required proof may not be issued a driver's license until he or she presents proof of financial responsibility that is satisfactory under this Chapter. The proof of financial responsibility required under this subsection

(c) must be shown or maintained for the period of time required under this Chapter.

(d) The Secretary shall adopt rules for implementing this Section.

625 ILCS 5/7-317 — "Motor vehicle liability policy" defined

Sec. 7-317. "Motor vehicle liability policy" defined.

(a) Certification. --A "motor vehicle liability policy", as that term is used in this Act, means an "owner's policy" or an "operator's policy" of liability insurance, certified as provided in Section 7-315 or Section 7-316 as proof of financial responsibility for the future, and issued, except as otherwise provided in Section 7-316, by an insurance carrier duly authorized to transact business in this State, to or for the benefit of the person named therein as insured.

(b) Owner's Policy. --Such owner's policy of liability insurance: 1. Shall designate by explicit description or by appropriate reference, all motor vehicles with respect to which coverage is thereby intended to be granted; 2. Shall insure the person named therein and any other person using or responsible for the use of such motor vehicle or vehicles with the express or implied permission of the insured; 3. Shall insure every named insured and any other person using or responsible for the use of any motor vehicle owned by the named insured and used by such other person with the express or implied permission of the named insured on account of the maintenance, use or operation of any motor vehicle owned by the named insured, within the continental limits of the United States or the Dominion of Canada against loss from liability imposed by law arising from such maintenance, use or operation, to the extent and aggregate amount, exclusive of interest and cost, with respect to each motor vehicle, of \$25,000 for bodily injury to or death of one person as a result of any one crash and, subject to such limit as to one person, the amount of \$50,000 for bodily injury to or death of all persons as a result of any one crash and the amount of \$20,000 for damage to property of others as a result of any one crash. The changes to this paragraph made by this amendatory Act of the 98th General Assembly apply only to policies issued or renewed on or after January 1, 2015.

(c) Operator's Policy. --When an operator's policy is required, it shall insure the person named therein as insured against the liability imposed by law upon the insured for bodily injury to or death of any person or damage to property to the amounts and limits above set forth and growing out of the use or operation by the insured within the continental limits of the United States or the Dominion of Canada of any motor vehicle not owned by him.

(d) Required Statements in Policies. --Every motor vehicle liability policy must specify the name and address of the insured, the coverage afforded by the policy, the premium charged therefor, the policy period, and the limits of liability, and shall contain an agreement that the insurance thereunder is provided in accordance with the coverage defined in this Act, as respects bodily injury and death or property damage or both, and is subject to all the provisions of this Act.

(e) Policy Need Not Insure Workers' Compensation. --Any liability policy or policies issued hereunder need not cover any liability of the insured assumed by or imposed upon the insured under any workers' compensation law nor any liability for damage to property in charge of the insured or the insured's employees.

(f) Provisions Incorporated in Policy. --Every motor vehicle liability policy is subject to the following provisions which need not be contained therein: 1. The liability of the insurance carrier under any such policy shall become absolute whenever

loss or damage covered by the policy occurs and the satisfaction by the insured of a final judgment for such loss or damage shall not be a condition precedent to the right or obligation of the carrier to make payment on account of such loss or damage. 2. No such policy may be cancelled or annulled as respects any loss or damage, by any agreement between the carrier and the insured after the insured has become responsible for such loss or damage, and any such cancellation or annulment shall be void. 3. The insurance carrier shall, however, have the right to settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in the policy. 4. The policy, the written application therefor, if any, and any rider or endorsement which shall not conflict with the provisions of this Act shall constitute the entire contract between the parties.

(g) Excess or Additional Coverage. --Any motor vehicle liability policy may, however, grant any lawful coverage in excess of or in addition to the coverage herein specified or contain any agreements, provisions, or stipulations not in conflict with the provisions of this Act and not otherwise contrary to law.

(h) Reimbursement Provision Permitted. --The policy may provide that the insured, or any other person covered by the policy shall reimburse the insurance carrier for payment made on account of any loss or damage claim or suit involving a breach of the terms, provisions or conditions of the policy; and further, if the policy shall provide for limits in excess of the limits specified in this Act, the insurance carrier may plead against any plaintiff, with respect to the amount of such excess limits of liability, any defense which it may be entitled to plead against the insured.

(i) Proration of Insurance Permitted. --The policy may provide for the pro-rating of the insurance thereunder with other applicable valid and collectible insurance.

(j) Binders. --Any binder pending the issuance of any policy, which binder contains or by reference includes the provisions hereunder shall be sufficient proof of ability to respond in damages.

(k) Copy of Policy to Be Filed with Department of Insurance--Approval. --A copy of the form of every motor vehicle liability policy which is to be used to meet the requirements of this Act must be filed, by the company offering such policy, with the Department of Insurance, which shall approve or disapprove the policy within 30 days of its filing. If the Department approves the policy in writing within such 30 day period or fails to take action for 30 days, the form of policy shall be deemed approved as filed. If within the 30 days the Department disapproves the form of policy filed upon the ground that it does not comply with the requirements of this Act, the Department shall give written notice of its decision and its reasons therefor to the carrier and the policy shall not be accepted as proof of financial responsibility under this Act.

(l) Insurance Carrier Required to File Certificate. --An insurance carrier who has issued a motor vehicle liability policy or policies or an operator's policy meeting the requirements of this Act shall, upon the request of the insured therein, deliver to the insured for filing, or at the request of the insured, shall file direct, with the Secretary of State a certificate, as required by this Act, which shows that such policy or policies have been issued. No insurance carrier may require the payment of any extra fee or surcharge, in addition to the insurance premium, for the execution, delivery or filing of such certificate.

(m) Proof When Made By Endorsement. --Any motor vehicle liability policy which by endorsement contains the provisions required hereunder shall be sufficient proof of ability to respond in damages.

625 ILCS 5/7-318 — Notice of cancellation or termination of certified policy

Sec. 7-318. Notice of cancellation or termination of certified policy. When an insurance carrier has certified a motor vehicle liability policy or policies under this Act, it shall notify the Secretary of State of any cancellation by submitting an electronic notice at least 15 days prior to cancellation of such policy and the policy shall continue in full force and effect until the date of cancellation specified in such notice or until its expiration, except that such a policy subsequently procured and certified shall, on the effective date of its certification, terminate the insurance previously certified with respect to any vehicle designated in both certificates. All electronic certificates must be submitted in a manner satisfactory to the Secretary of State.

625 ILCS 5/7-319 — This Act Not to Affect Other Policies

Sec. 7-319. This Act Not to Affect Other Policies. Sections 7-301 through 7-329, each inclusive, of this Act shall not be held to apply to or affect bonds or policies of automobile insurance against liability which may now or hereafter be required by any other provision of this Act and such bonds or policies, if endorsed to conform to the requirements of this Act, shall be accepted as proof of financial responsibility when required under this Act. This Act shall not be held to apply to or affect policies insuring solely the insured named in the policy against liability resulting from the maintenance,

operation or use by persons in the insured's employ or in his behalf of motor vehicles not owned by the insured.

625 ILCS 5/7-320 — Bond as Proof

Sec. 7-320. Bond as Proof. A person required to give proof of financial responsibility may file with the Secretary of State a bond, executed by the person giving such proof and by a surety company, duly authorized to transact business within the State; or by the person, giving such proof and by 2 individual sureties, each owning real estate within this State and having an equity therein in the amount of such bond, which real estate shall be scheduled therein. 1. The Secretary of State shall not accept any such real estate bond unless it is first approved by a judge of a court. 2. The Secretary of State shall not accept any such bond unless it is conditioned for payment in amounts and under the same circumstances as would be required in a motor vehicle liability policy furnished by the person giving such proof under this Act. 3. No such bond shall be cancelled unless 10 days' prior written notice is given to the Secretary of State, but cancellation of such bond shall not prevent recovery thereon with respect to any right or cause of action arising prior to the date of cancellation. 4. The principal and sureties of every such real estate bond shall execute and deliver an original and one copy of the bond and schedule and in addition, when the real property or any part thereof, listed or described in the schedule, shall lie in more than one county, then as many extra copies as there are counties in which the real property, or any part thereof, shall lie, to the judge to whom such bond is presented for approval, who shall, if he approved the bond, endorse upon the original and each copy of the bond the date of the approval thereof; and the clerk of the court shall immediately file one of the copies with the recorder in each county in which is situated any of the non-registered real property so scheduled. 5. If any of the lands so scheduled shall have been registered under "An Act concerning land titles", approved May 1, 1897, as amended, the clerk of the court in which the bond is approved shall immediately file with the registrar of titles in and for each county in which any of the registered land so scheduled is situated, a notice stating that such land has been so scheduled, and the registrar shall thereupon enter a memorial of such fact upon the record. 6. The clerk of the court in which the bond is approved shall endorse upon the original of each such real estate bond approved the date upon which he or she filed a copy of such bond with the recorder in each county in which is situated any of the non-registered real property so scheduled or the notice with the registrar of titles in and for each county in which any of the registered land scheduled is situated and shall deliver such original bond to the principal thereon.

625 ILCS 5/7-321 — When Bond Shall Constitute a Lien

Sec. 7-321. When Bond Shall Constitute a Lien. Such bond shall constitute a lien upon the unregistered real estate so scheduled of any surety from the time when a copy of such bond is filed in the office of the recorder in and for the county in which such non-registered real property so scheduled is situated, and such bond shall be a lien upon all registered real property listed or described in the accompanying schedule from the time when notice, as aforesaid, is filed in the office of the registrar of titles in and for the county in which such registered real estate so scheduled is situated. Such lien shall exist in favor of the People of the State of Illinois for the use of any holder of a final judgment against the principal on such bond upon a liability covered by the conditions of such bond.

625 ILCS 5/7-322 — Action on Bond

Sec. 7-322. Action on Bond. If a judgment is rendered against the principal of any such surety or real estate bond upon a liability covered by the conditions of such bond and such judgment is not satisfied within thirty

(30) days after it becomes final, then the judgment creditor may, for his own use and benefit, and at his sole expense, bring an action or actions in the name of the State against the company or persons who executed such bond including an action or proceeding to foreclose any lien that may exist upon the real estate of a person who has executed such bond, which action shall be brought in like manner and subject to all the provisions of law applicable to an action to foreclose a mortgage upon real estate.

625 ILCS 5/7-323 — Money Or Securities As Proof

Sec. 7-323. Money Or Securities As Proof. A person may give proof of financial responsibility by delivering to the Secretary of State a receipt of the State Treasurer showing the deposit with said State Treasurer of money in amount or securities endorsed in blank by the owner thereof and approved by said State Treasurer and of a market value in a total amount as would be required for coverage in a motor vehicle liability policy furnished by the person giving such proof under this Act. Such securities shall be of the type which may legally be purchased as investments of trust funds by trustees.

625 ILCS 5/7-324 — Application of Deposit

Sec. 7-324. Application of Deposit. All money or securities so deposited shall be subject to execution to satisfy any judgment mentioned in this Act but shall not otherwise be subject to attachment or execution. The State Treasurer shall not accept any such deposit or issue a certificate therefor, and the Secretary of State shall not accept such certificate unless accompanied by evidence that there are no unsatisfied judgments against the depositor registered in the county where the depositor resides.

625 ILCS 5/7-325 — Owner may give proof for others

Sec. 7-325. Owner may give proof for others. Whenever the Secretary of State determines that any person required to give proof under this Article by reason of a revocation is not the owner of a motor vehicle but was, at the time of such conviction a driver in the employ of an owner of a motor vehicle, or a member of the immediate family or household of the owner of a motor vehicle, the Secretary of State shall accept proof of financial responsibility given by such owner in lieu of proof given by such other person so long as such other person is operating a motor vehicle for which the owner has given proof as herein provided.

625 ILCS 5/7-326 — Substitution of proof

Sec. 7-326. Substitution of proof. The Secretary of State shall cancel any bond or return any certificate of insurance, or the Secretary of State shall direct and the State Treasurer shall return any money or securities to the person entitled thereto, upon the substitution and acceptance of other adequate proof of financial responsibility pursuant to this Article.

625 ILCS 5/7-327 — Other proof may be required

Sec. 7-327. Other proof may be required. Whenever any evidence of proof of ability to respond in damages filed under the provisions of this Article no longer fulfills the purpose for which required, the Secretary of State shall, for the purposes of this Chapter, require other evidence of ability to respond in damages as required by this Article, and the driver's license, registration certificates, license plates and registration stickers involved shall be suspended by the Secretary of State pending such proof.

625 ILCS 5/7-328 — Duration of proof; when proof may be canceled or returned

Sec. 7-328. Duration of proof; when proof may be canceled or returned. The Secretary of State shall upon request cancel any bond or return any certificate of insurance, or the Secretary of State shall direct and the State Treasurer shall return to the person entitled thereto any money or securities, deposited pursuant to this Chapter as proof of financial responsibility or waive the requirements of filing proof of financial responsibility in any of the following events: 1. In the event of the death of the person on whose behalf such proof was filed, or the permanent incapacity of such person to operate a motor vehicle. 2. In the event the person who has given proof of financial responsibility surrenders such person's driver's license, registration certificates, license plates and registration stickers, but the Secretary of State shall not release such proof in the event any action for damages upon a liability referred to in this Article is then pending or any judgment upon any such liability is then outstanding and unsatisfied or in the event the Secretary of State has received notice that such person has, within the period of 3 months immediately preceding, been involved as a driver in any motor vehicle crash. An affidavit of the applicant of the nonexistence of such facts shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the Secretary of State. Any person who has not completed the required 3-year period of proof of financial responsibility pursuant to Section 7-304, and to whom proof has been surrendered as provided in this paragraph applies for a driver's license or the registration of a motor vehicle shall have the application denied unless the applicant reestablishes such proof for the remainder of such period. 3. In the event that proof of financial responsibility has been deposited voluntarily, at any time upon request of the person entitled thereto, provided that the person on whose behalf such proof was given has not, during the period between the date of the original deposit thereof and the date of such request, been convicted of any offense for which revocation is mandatory as provided in Section 6-205; provided, further, that no action for damages is pending against such person on whose behalf such proof of financial responsibility was furnished and no judgment against such person is outstanding and unsatisfied in respect to bodily injury, or in respect to damage to property resulting from the ownership, maintenance, use, or operation hereafter of a motor vehicle. An affidavit of the applicant under this Section shall be sufficient evidence of the facts in the absence of evidence to the contrary in the records of the Secretary of State.

625 ILCS 5/7-329 — Proof of financial responsibility made voluntarily

Sec. 7-329. Proof of financial responsibility made voluntarily. 1. Proof of financial responsibility may be made voluntarily by or on behalf of any person. The privilege of operation of any motor vehicle within this State by such person shall not be suspended or withdrawn under the provisions of this Article if such proof of financial responsibility has been voluntarily filed or deposited prior to the offense or crash out of which any conviction, judgment, or order arises and if such proof, at the date of such conviction, judgment, or order, is valid and sufficient for the requirements of this Code. 2. If the Secretary of State receives record of any conviction or judgment against such person which, in the absence of such proof of financial responsibility would have caused the suspension of the driver's license of such person, the Secretary of State shall forthwith notify the insurer or surety of such person of the conviction or judgment so reported.

625 ILCS 5/7-401 — Transfer of registration to defeat purposes of act prohibited

Sec. 7-401. Transfer of registration to defeat purposes of act prohibited.

(a) If an owner's registration has been suspended hereunder, such registration shall not be transferred nor the vehicle in respect to which such registration was issued be registered in any other name until the Secretary of State is satisfied that such transfer of registration is proposed in good faith and not for the purpose or with the effect of defeating the purposes of this act.

(b) Nothing in this section shall in any wise affect the rights of any conditional vendor, chattel mortgagee or lessor of such a vehicle registered in the name of another as owner who becomes subject to the provisions of this act.

(c) The Secretary of State shall suspend the registration of any vehicle transferred in violation of the provisions of this section.

625 ILCS 5/7-402 — Surrender of license to drive and registration

Sec. 7-402. Surrender of license to drive and registration. Except as otherwise provided in this Code or Article V of the Supreme Court Rules, any person whose license to drive has been suspended shall immediately return to the Secretary of State any driver's license, instruction permit, restricted driving permit or other evidence of driving privileges held by such person. Any driving authorization document issued under Section 6-206.1 or 11-501.1 of this Code shall be returned to the issuing court for proper processing. Any person whose vehicle registration has been suspended shall, upon the request of the Secretary, immediately return to the Secretary any license plates or other evidences of registration held by such person. The Secretary is authorized to take possession of any license to drive, registration certificate, registration sticker or digital registration sticker, or license plates or digital license plates upon the suspension thereof under the provisions of this Code or to direct any law enforcement officer to take possession thereof and to return the same to the Secretary. Any person willfully failing to comply with this Section is guilty of a Class A misdemeanor and shall be punished as provided in Section 9-110 of this Code.

625 ILCS 5/7-403 — Forged Proof

Sec. 7-403. Forged Proof. Any person who shall forge, or, without authority, sign any evidence of proof of financial responsibility for the future, or who files or offers for filing any such evidence of proof knowing or having reason to believe that it is forged or signed without authority, shall be guilty of a Class A misdemeanor.

625 ILCS 5/7-501 — Assigned Risk Plans

Sec. 7-501. Assigned Risk Plans. If, on or before January 1, 1946, every insurance carrier authorized to write automobile bodily injury liability insurance in this State shall not subscribe to an assigned risk plan approved by the Director of Insurance, providing that no carrier may withdraw therefrom after approval of the Director, the Director of Insurance shall, when he finds that an application for bodily injury or property damage insurance by a risk, which may become subject to this Act or is a local public entity subject to the Local Governmental and Governmental Employees Tort Immunity Act, and in good faith is entitled to such insurance, has been rejected by 3 insurance carriers, designate an insurance carrier which shall be obligated to issue forthwith its usual form of policy providing such insurance for such risk. The Director shall make equitable distribution of such assignments among insurance carriers proportionate, so far as practicable, by premiums to the respective net direct automobile bodily injury premium writings of the carriers authorized to do business in this State. The Director of Insurance shall establish rules and regulations for the administration of the provisions of this Section. If any carrier refuses or neglects to comply with the provisions of this Section or with any lawful order or ruling made by the Director of Insurance pursuant to this Section, the Director may, after notice and hearing, suspend the license of such carrier to transact any insurance business in this State until such carrier shall have complied with such order. The

provisions of the Administrative Review Law, and all amendments and modifications thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final administrative decisions of the Director of Insurance hereunder.

625 ILCS 5/7-502 — Self-insurers

Sec. 7-502. Self-insurers. Any person in whose name more than 25 motor vehicles are registered may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the Director of the Department of Insurance as provided in this Section. The Director may, in his discretion, upon the application of such a person, issue a certificate of self-insurance when he is satisfied that such person is possessed and will continue to be possessed of ability to pay judgment obtained against such person. Upon not less than 5 days' notice, and a hearing pursuant to such notice, the Director may upon reasonable grounds cancel a certificate of self-insurance. Failure to pay any judgment against any person covered by such certificate of self-insurance and arising out of any crash in which a motor vehicle covered by such certificate of self-insurance has been involved within 30 days after such judgment shall have become final shall constitute a reasonable ground for the cancellation of a certificate of self-insurance.

625 ILCS 5/7-503 — Unclaimed Security Deposits

Sec. 7-503. Unclaimed Security Deposits. During July, annually, the Secretary shall compile a list of all securities on deposit, pursuant to this Article, for one year since the expiration of the applicable statute of limitations and concerning which he has received no notice as to the pendency of any judicial proceeding that could affect the disposition thereof. Thereupon, he shall promptly send a notice to the last known address of each depositor advising him that his deposit will be subject to escheat to the State of Illinois if not claimed within 30 days after the mailing date of such notice. At the expiration of such time, the Secretary of State shall file with the State Treasurer an order directing the transfer of such deposit to the general revenue fund in the State Treasury. Upon receipt of such order, the State Treasurer shall make such transfer, after converting to cash any other type of security. Thereafter any person having a legal claim against such deposit may enforce it by appropriate proceedings in the Court of Claims subject to the limitations prescribed for such Court. At the expiration of such limitation period such deposit shall escheat to the State of Illinois.

625 ILCS 5/7-504 — Emergency telephone system outages; reimbursement

Sec. 7-504. Emergency telephone system outages; reimbursement. Any person who negligently causes a motor vehicle crash that causes an emergency telephone system outage must reimburse the public safety agency that provides personnel to answer calls or to maintain or operate an emergency telephone system during the outage for the agency's costs associated with answering calls or maintaining or operating the system during the outage. For the purposes of this Section, "public safety agency" means the same as in Section 2.02 of the Emergency Telephone System Act.

625 ILCS 5/7-601 — Required liability insurance policy

Sec. 7-601. Required liability insurance policy.

(a) No person shall operate, register or maintain registration of, and no owner shall permit another person to operate, register or maintain registration of, a motor vehicle designed to be used on a public highway in this State unless the motor vehicle is covered by a liability insurance policy. The insurance policy shall be issued in amounts no less than the minimum amounts set for bodily injury or death and for destruction of property under Section 7-203 of this Code, and shall be issued in accordance with the requirements of Sections 143a and 143a-2 of the Illinois Insurance Code, as amended. No insurer other than an insurer authorized to do business in this State shall issue a policy pursuant to this Section for any vehicle subject to registration under this Code. Nothing herein shall deprive an insurer of any policy defense available at common law.

(b) The following vehicles are exempt from the requirements of this Section:

- (1) vehicles subject to the provisions of Chapters 8 or 18a, Article III or Section 7-609 of Chapter 7, or Sections 12-606 or 12-707.01 of Chapter 12 of this Code;
- (2) vehicles required to file proof of liability insurance with the Illinois Commerce Commission;
- (3) vehicles covered by a certificate of self-insurance under Section 7-502 of this Code;
- (4) vehicles owned by the United States, the State of Illinois, or any political subdivision, municipality or local mass transit district;

(5) implements of husbandry;

(6) other vehicles complying with laws which require them to be insured in amounts meeting or exceeding the minimum amounts required under this Section; and

(7) inoperable or stored vehicles that are not operated, as defined by rules and regulations of the Secretary.

(c) Every employee of a State agency, as that term is defined in the Illinois State Auditing Act, who is assigned a specific vehicle owned or leased by the State on an ongoing basis shall provide the certification described in this Section annually to the director or chief executive officer of his or her agency. The certification shall affirm that the employee is duly licensed to drive the assigned vehicle and that

(i) the employee has liability insurance coverage extending to the employee when the assigned vehicle is used for other than official State business, or (ii) the employee has filed a bond with the Secretary of State as proof of financial responsibility, in an amount equal to, or in excess of the requirements stated within this Section. Upon request of the agency director or chief executive officer, the employee shall present evidence to support the certification. The certification shall be provided during the period July 1 through July 31 of each calendar year, or within 30 days of any new assignment of a vehicle on an ongoing basis, whichever is later. The employee's authorization to use the assigned vehicle shall automatically be rescinded upon:

(1) the revocation or suspension of the license required to drive the assigned vehicle;

(2) the cancellation or termination for any reason of the automobile liability insurance coverage as required in item (c)(i); or

(3) the termination of the bond filed with the Secretary of State. All State employees providing the required certification shall immediately notify the agency director or chief executive officer in the event any of these actions occur. All peace officers employed by a State agency who are primarily responsible for prevention and detection of crime and the enforcement of the criminal, traffic, or highway laws of this State, and prohibited by agency rule or policy to use an assigned vehicle owned or leased by the State for regular personal or off-duty use, are exempt from the requirements of this Section.

(d) No person shall operate a motor vehicle registered in another state upon the highways of this State unless the vehicle is covered by a liability insurance policy. The operator of the vehicle shall carry within the vehicle evidence of the insurance.

625 ILCS 5/7-602 — Insurance card

Sec. 7-602. Insurance card. Every operator of a motor vehicle subject to Section 7-601 of this Code shall carry within the vehicle evidence of insurance. The evidence shall be legible and sufficient to demonstrate that the motor vehicle currently is covered by a liability insurance policy as required under Section 7-601 of this Code and may include, but is not limited to, the following:

(a) an insurance card provided by the insurer under this Section;

(b) the combination of proof of purchase of the motor vehicle within the previous 60 days and a current insurance card issued for the motor vehicle replaced by such purchase;

(c) the current declarations page of a liability insurance policy;

(d) a liability insurance binder, certificate of liability insurance or receipt for payment to an insurer or its authorized representative for a liability insurance premium, provided such document contains all information the Secretary of State by rule and regulation may require;

(e) a current rental agreement;

(f) registration plates or digital registration plates, registration sticker or digital registration sticker, or other evidence of registration issued by the Secretary only upon submission of proof of liability insurance pursuant to this Code;

(g) a certificate, decal, or other document or device issued by a governmental agency for a motor vehicle indicating the vehicle is insured for liability pursuant to law;

(h) the display of electronic images on a cellular phone or other type of portable electronic device. The use of a cellular phone or other type of portable electronic device to display proof of insurance does not constitute consent for a law enforcement officer, court, or other officer of the court to access other contents of the electronic device. Any law enforcement officer, court, or officer of the court presented with the device shall be immune from any liability resulting

from damage to the mobile electronic device. An insurance card shall be provided for each motor vehicle insured by the insurer issuing the liability insurance policy and may be issued in either paper or electronic format. Acceptable electronic formats shall permit display on a cellular phone or other portable electronic device and satisfy all other requirements of law and rule, including this Section, regarding form and content. The form, contents and manner of issuance of the insurance card shall be prescribed by rules and regulations of the Secretary of State. The Secretary shall adopt rules requiring that reasonable measures be taken to prevent the fraudulent production of insurance cards. The insurance card shall display an effective date and an expiration date covering a period of time not to exceed 12 months. The insurance card shall contain the following disclaimer: "Examine policy exclusions carefully. This form does not constitute any part of your insurance policy." If the insurance policy represented by the insurance card does not cover any driver operating the motor vehicle with the owner's permission, or the owner when operating a motor vehicle other than the vehicle for which the policy is issued, the insurance card shall contain a warning of such limitations in the coverage provided by the policy. No insurer shall issue a card, similar in appearance, form and content to the insurance card required under this Section, in connection with an insurance policy that does not provide the liability insurance coverage required under Section 7-601 of this Code. The evidence of insurance shall be displayed upon request made by any law enforcement officer wearing a uniform or displaying a badge or other sign of authority. Any person who fails or refuses to comply with such request is in violation of Section 3-707 of this Code. Any person who displays evidence of insurance, knowing there is no valid liability insurance in effect on the motor vehicle as required under Section 7-601 of this Code or knowing the evidence of insurance is illegally altered, counterfeit or otherwise invalid, is in violation of Section 3-710 of this Code. "Display" means the manual surrender of the evidence of insurance into the hands of the law enforcement officer, court, or officer of the court making the request for the officer's, court's, or officer of the court's inspection thereof.

625 ILCS 5/7-603 — Illegal insurance cards - penalty

Sec. 7-603. Illegal insurance cards - penalty. No person shall alter an invalid insurance card to make it appear valid. No person knowingly shall make, sell or otherwise make available an invalid or counterfeit insurance card. Any person convicted of a violation of this Section is guilty of a Class 4 felony.

625 ILCS 5/7-603.5 — Electronic verification of a liability insurance policy

Sec. 7-603.5. Electronic verification of a liability insurance policy.

(a) The Secretary may implement a program of electronic motor vehicle liability insurance policy verification for motor vehicles subject to Section 7-601 of this Code for the purpose of verifying whether or not the motor vehicle is insured. The development and implementation of the program shall be consistent with the standards and procedures of a nationwide organization whose primary membership consists of individual insurance companies and insurance trade associations. The program shall include, but is not limited to:

(1) a requirement that an insurance company authorized to sell motor vehicle liability insurance in this State shall make available, in a format designated by the Secretary that is consistent with a nationwide organization whose primary membership consists of individual insurance companies and insurance trade organizations, to the Secretary for each motor vehicle liability insurance policy issued by the company the following information: (A) the name of the policy holder; (B) the make, model, year, and vehicle identification number of the covered motor vehicle; (C) the policy number; (D) the policy effective date; (E) the insurance company's National Association of Insurance Commissioner's number; and (F) any other information the Secretary deems necessary to match an eligible vehicle with an insurance policy;

(2) a method for searching motor vehicle liability insurance policies issued and in effect in this State by using the information under paragraph

(1) of this subsection (a);

(3) a requirement that at least twice per calendar year, the Secretary shall verify the existence of a liability insurance policy for every registered motor vehicle subject to Section 7-601 of this Code; and if the Secretary is unable to verify the existence of a liability insurance policy, the Secretary shall, by U.S. mail or electronic mail, send the vehicle owner a written notice allowing the vehicle owner 30 calendar days to provide proof of insurance on the date of attempted verification, or to provide proof that the vehicle is no longer operable;

(4) a requirement that a vehicle owner who does not provide proof of insurance or proof of an inoperable vehicle within the 30 calendar days specified under paragraph

(3) of this subsection

(a) shall be in violation of Section 7-601 of this Code and the Secretary shall suspend the vehicle's registration upon expiration of that 30 calendar days and the owner shall pay any applicable reinstatement fees and shall provide proof of insurance before the Secretary may reinstate the vehicle's registration under Section 7-606 of this Code;

(5) a requirement that if a vehicle owner provides proof of insurance on the date of the attempted verification under paragraph

(3) of this subsection (1), the Secretary may verify the vehicle owner's response by furnishing necessary information to the insurance company. Within 7 calendar days of receiving the information, the insurance company shall confirm and notify the Secretary the dates of the motor vehicle's insurance coverage. If the insurance company does not confirm coverage for the date of attempted verification, the Secretary shall suspend the vehicle's registration and the owner of the vehicle shall pay any applicable reinstatement fees and shall provide proof of insurance before the Secretary may reinstate the vehicle's registration under Section 7-606 of this Code;

(6) a requirement that the Secretary may consult with members of the insurance industry during the implementation of the program, including, but not limited to, during the drafting process for adopting any rules that may be necessary to implement or manage an electronic motor vehicle liability insurance policy verification program;

(7) a requirement that commercial lines of automobile insurance are excluded from the program, but may voluntarily report insurance coverage to the State.

(b) In addition to the semi-annual verification of liability insurance under subsection

(a) of this Section, the Secretary may select monthly verification for a motor vehicle owned or registered by a person:

(1) whose motor vehicle registration during the preceding 4 years has been suspended under Section 7-606 or 7-607 of this Code;

(2) who, during the preceding 4 years, has been convicted of violating Section 3-707, 3-708, or 3-710 of this Code while operating a vehicle owned by another person;

(3) whose driving privileges have been suspended during the preceding 4 years;

(4) who, during the preceding 4 years, acquired ownership of a motor vehicle while the registration of the vehicle under the previous owner was suspended under Section 7-606 or 7-607 of this Code; or

(5) who, during the preceding 4 years, has received a disposition of court supervision under subsection

(c) of Section 5-6-1 of the Unified Code of Corrections for a violation of Section 3-707, 3-708, or 3-710 of this Code.

(c) Nothing in this Section provides the Secretary with regulatory authority over insurance companies.

(d) The Secretary may contract with a private contractor to carry out the Secretary's duties under this Section.

(e) Any information collected, stored, maintained, or referred to under this Section shall be used solely for the purpose of verifying whether a registered motor vehicle meets the requirements of Section 7-601 of this Code and shall be exempt from a records request or from inspection and copying under the Freedom of Information Act. A request for release of verification of liability insurance policy information from the Secretary shall require a court order, subpoena, or the motor vehicle owner's approval.

(f) An insurer identified by an electronic motor vehicle liability insurance policy program as insuring less than 1,000 vehicles per year shall be exempt from the reporting requirements under subsection

(a) of this Section.

(g) The Secretary may adopt any rules necessary to implement this Section.

625 ILCS 5/7-604 — Verification of liability insurance policy

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

(a) The Secretary of State may select random samples of registrations of motor vehicles subject to Section 7-601 of this Code, or owners thereof, for the purpose of verifying whether or not the motor vehicles are insured. In addition to such general random samples of motor vehicle registrations, the Secretary may select for verification other random samples, including, but not limited to registrations of motor vehicles owned by persons:

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

- (2) who during the preceding 4 years have been convicted of violating Section 3-707, 3-708, or 3-710 of this Code while operating vehicles owned by other persons;
- (3) whose driving privileges have been suspended during the preceding 4 years;
- (4) who during the preceding 4 years acquired ownership of motor vehicles while the registrations of such vehicles under the previous owners were suspended pursuant to Section 7-606 or 7-607 of this Code; or
- (5) who during the preceding 4 years have received a disposition of supervision under subsection (c) of Section 5-6-1 of the Unified Code of Corrections for a violation of Section 3-707, 3-708, or 3-710 of this Code.
- (b) Upon receiving certification from the Department of Transportation under Section 7-201.2 of this Code of the name of an owner or operator of any motor vehicle involved in a crash, the Secretary may verify whether or not at the time of the crash such motor vehicle was covered by a liability insurance policy in accordance with Section 7-601 of this Code.
- (c) In preparation for selection of random samples and their verification, the Secretary may send to owners of randomly selected motor vehicles, or to randomly selected motor vehicle owners, requests for information about their motor vehicles and liability insurance coverage electronically or, if electronic means are unavailable, via U.S. mail. The request shall require the owner to state whether or not the motor vehicle was insured on the verification date stated in the Secretary's request and the request may require, but is not limited to, a statement by the owner of the names and addresses of insurers, policy numbers, and expiration dates of insurance coverage.
- (d) Within 30 days after the Secretary sends a request under subsection (c) of this Section, the owner to whom it is sent shall furnish the requested information to the Secretary above the owner's signed affirmation that such information is true and correct. Proof of insurance in effect on the verification date, as prescribed by the Secretary, may be considered by the Secretary to be a satisfactory response to the request for information. Any owner whose response indicates that his or her vehicle was not covered by a liability insurance policy in accordance with Section 7-601 of this Code shall be deemed to have registered or maintained registration of a motor vehicle in violation of that Section. Any owner who fails to respond to such a request shall be deemed to have registered or maintained registration of a motor vehicle in violation of Section 7-601 of this Code.
- (e) If the owner responds to the request for information by asserting that his or her vehicle was covered by a liability insurance policy on the verification date stated in the Secretary's request, the Secretary may conduct a verification of the response by furnishing necessary information to the insurer named in the response. The insurer shall within 45 days inform the Secretary whether or not on the verification date stated the motor vehicle was insured by the insurer in accordance with Section 7-601 of this Code. The Secretary may by rule and regulation prescribe the procedures for verification.
- (f) No random sample selected under this Section shall be categorized on the basis of race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental disability, economic status, or geography.
- (g) (Blank).
- (h) This Section shall be inoperative upon the effective date of the rules adopted by the Secretary to implement Section 7-603.5 of this Code.

625 ILCS 5/7-605 — Uninsured motor vehicles - notice

Sec. 7-605. Uninsured motor vehicles - notice. If the Secretary determines that an owner has registered or maintained the registration of a motor vehicle without a liability insurance policy in accordance with Section 7-601 of this Code, the Secretary shall notify the owner that such owner's vehicle registration shall be suspended 30 days after the date of the mailing of the notice unless the owner furnishes proof of insurance in effect on the verification date, as prescribed by the Secretary, or provides an exemption from the mandatory insurance requirements as specified under subsection

(b) of Section 7-601. Notwithstanding any provision of law to the contrary, the giving of notice by mail under this Section or Section 7-603.5 shall be deemed complete upon the deposit of that notice in the mail and the 30-day notice period shall begin upon deposit.

625 ILCS 5/7-606 — Uninsured motor vehicles - suspension and reinstatement

Sec. 7-606. Uninsured motor vehicles - suspension and reinstatement. The Secretary shall suspend the vehicle registration of any motor vehicle determined by the Secretary to be in violation of Section 7-601 of this Code, including any motor vehicle operated in violation of Section 3-707, 3-708 or 3-710 of this Code by an operator other than the owner

of the vehicle. Neither the fact that, subsequent to the date of verification or conviction, the owner acquired the required liability insurance policy nor the fact that the owner terminated ownership of the motor vehicle shall have any bearing upon the Secretary's decision to suspend. The Secretary is authorized to suspend the registration of any motor vehicle registered in this State upon receiving notice of the conviction of the operator of the motor vehicle in another State of an offense which, if committed in this State, would constitute a violation of Section 7-601 of this Code. Until it is terminated, the suspension shall remain in force after the registration is renewed or a new registration is acquired for the motor vehicle. The suspension also shall apply to any motor vehicle to which the owner transfers the registration. In the case of a first violation, the Secretary shall terminate the suspension upon payment by the owner of a reinstatement fee of \$100 and submission of proof of insurance as prescribed by the Secretary. In the case of a second or subsequent violation by a person having ownership interest in a motor vehicle or vehicles within the preceding 4 years, or a violation of Section 3-708 of this Code, the Secretary shall terminate the suspension 4 months after its effective date upon payment by the owner of a reinstatement fee of \$100 and submission of proof of insurance as prescribed by the Secretary. All fees collected under this Section shall be disbursed under subsection

(g) of Section 2-119 of this Code.

625 ILCS 5/7-607 — Submission of false proof - penalty

Sec. 7-607. Submission of false proof - penalty. If the Secretary determines that the proof of insurance submitted by a motor vehicle owner under Section 7-603.5, 7-604, 7-605 or 7-606 of this Code is false, the Secretary shall suspend the owner's vehicle registration. The Secretary shall terminate the suspension 6 months after its effective date upon payment by the owner of a reinstatement fee of \$200 and submission of proof of insurance as prescribed by the Secretary. All fees collected under this Section shall be disbursed under subsection

(g) of Section 2-119 of this Code.

625 ILCS 5/7-608 — Verification-limitation

Sec. 7-608. Verification-limitation. No verification procedure established under this Code shall include individual inspections of vehicles on a highway solely for the purpose of verifying the existence of an insurance policy. No law enforcement officer shall stop a vehicle solely for the purpose of verifying the existence of a valid insurance policy.

625 ILCS 5/7-609 — Exemption for certain religious organizations

Sec. 7-609. Exemption for certain religious organizations.

(a) Pursuant to the following minimum criteria, the Secretary may exempt from the provisions of Section 7-601 of this Code motor vehicles owned by a religious organization or its members:

- (1) The religious organization and its members hold a bona fide conviction that the acquisition of insurance is contrary to their religious beliefs.
 - (2) The religious organization and its members submit to the Secretary evidence that historically, over a period of time not less than two years, they have paid or, by agreement with the other party or parties involved, are paying in a timely manner for all damages for which they were or are liable.
 - (3) The religious organization has filed with the Secretary a current, irrevocable letter of credit, valid for a period of 12 months and issued in accordance with this Section and Article 5 of the Uniform Commercial Code, approved July 31, 1961, as amended, by a financial institution chartered by an agency of State or federal government. The Secretary of State by rule and regulation shall establish the minimum amount of credit required.
 - (4) The religious organization and its members meet other requirement which the Secretary by rule and regulation may prescribe.
- (b) Upon accepting a letter of credit from a religious organization, the Secretary shall issue a certificate of exemption for each motor vehicle covered. The certificate of exemption shall serve as evidence of insurance in accordance with Section 7-602 of this Code. Not less than 30 days before a current letter of credit expires, or by agreement between the issuer and customer is revoked, the religious organization shall file with the Secretary a new letter of credit. If a new letter of credit is not on file with the Secretary at the time the current letter of credit expires or is revoked, the exemption of the religious organization and its members shall expire and their certificates of exemption shall become invalid.
- (c) If credit is used to the extent that the remaining amount of credit does not meet the minimum requirements of this Section, and the issuer declines to reinstate the used portion of the credit or issue a new letter of credit, the issuer

immediately shall send written notice to the customer and the Secretary that the current letter of credit on file with the Secretary no longer meets the minimum requirements of the law. If, within 30 days of receiving the notice, the Secretary has not received and accepted a new letter of credit from the customer, the exemption of that religious organization and its members shall expire and their certificates of exemption shall become invalid.

(d) Upon the request of the plaintiff, if a person, known by the court to be covered by a current letter of credit issued pursuant to this Section fails to pay a judgment for damages within 30 days after the judgment has become final, the clerk of the court within 10 days shall forward to the Secretary a report of the person's failure to pay. The report shall indicate that the person is covered by a letter of credit and, if known by the court, the names of the issuer and the customer. Upon receiving the report from the court, the Secretary shall notify the religious organization that, unless the payment is made, 30 days after the date of the mailing of the notice the exemption of the religious organization and its members shall be terminated and their certificates of exemption shall become invalid. If within the 30 days the religious organization does not submit evidence that the payment has been made, or furnish valid reasons why the payment has been delayed or not made, the Secretary shall terminate the exemptions.

(e) The Secretary is authorized to promulgate rules and regulations necessary for the administration of the provisions of this Section.

625 ILCS 5/7-610 — Immunity

Sec. 7-610. Immunity. No state or local governmental unit and no government official or employee acting in the course of his or her official duties in the administration or enforcement of Section 7-601 and related provisions of this Code shall be liable for any damages, brought directly or indirectly by the injured party or a third party, except for damages resulting from willful and wanton misconduct or gross negligence on the part of the governmental unit, official or employee.

625 ILCS 5/7-611

Sec. 7-611. (Repealed).

625 ILCS 5/7-701 — Findings and purpose

Sec. 7-701. Findings and purpose. The General Assembly finds that the timely receipt of adequate financial support has the effect of reducing poverty and State expenditures for welfare dependency among children, and that the timely payment of adequate child support demonstrates financial responsibility. Further, the General Assembly finds that the State has a compelling interest in ensuring that drivers within the State demonstrate financial responsibility, including family financial responsibility, in order to safely own and operate a motor vehicle. Further, the General Assembly finds that the State has a compelling interest in ensuring that those individuals with responsibilities involving minor children pursuant to visitation orders demonstrate responsibility, including family responsibility, in order to safely own and operate a motor vehicle, especially when transporting a minor child who is the subject of a visitation order. To this end, the Secretary of State is authorized to establish systems to suspend driver's licenses for failure to comply with court and administrative orders of support.

625 ILCS 5/7-702 — Suspension of driver's license for failure to comply with order to pay support or to comply with a visitation order

Sec. 7-702. Suspension of driver's license for failure to comply with order to pay support or to comply with a visitation order.

(a) The Secretary of State shall suspend the driver's license issued to an obligor upon receiving an authenticated report provided for in subsection

(a) of Section 7-703, that the person is 90 days or more delinquent in court ordered child support payments or has been adjudicated in arrears in an amount equal to 90 days obligation or more, and has been found in contempt by the court for failure to pay the support.

(b) The Secretary of State shall suspend the driver's license issued to an obligor upon receiving an authenticated document provided for in subsection

(b) of Section 7-703, that the person has been adjudicated in arrears in court ordered child support payments in an amount equal to 90 days obligation or more, but has not been held in contempt of court, and that the court has ordered that the person's driving privileges be suspended. The obligor's driver's license shall be suspended until such time as the Secretary of State receives authenticated documentation that the obligor is in compliance with the court order of support.

When the obligor complies with the court ordered child support payments, the circuit court shall report the obligor's compliance with the court order of support to the Secretary of State, on a form prescribed by the Secretary of State, and shall order that the obligor's driver's license be reinstated.

(c) The Secretary of State shall suspend a driver's license upon certification by the Illinois Department of Healthcare and Family Services, in a manner and form prescribed by the Illinois Secretary of State, that the person licensed is 90 days or more delinquent in payment of support under an order of support issued by a court or administrative body of this or any other State. The Secretary of State may reinstate the person's driver's license if notified by the Department of Healthcare and Family Services that the person has paid the support delinquency in full or has arranged for payment of the delinquency and current support obligation in a manner satisfactory to the Department of Healthcare and Family Services.

(d) The Secretary of State shall suspend the driver's license issued to a person upon receiving an authenticated document provided for in Section 7-703 that the person has been adjudicated as having engaged in visitation abuse and that the court has ordered that the person's driving privileges be suspended. The person's driver's license shall be suspended until such time as the Secretary of State receives authenticated documentation that the court has determined that there has been sufficient compliance for a sufficient period of time with the court's order concerning visitation and that full driving privileges shall be reinstated. When the court order in which the court has determined that there has been sufficient compliance for a sufficient period of time with the court's order concerning visitation and that full driving privileges shall be reinstated, the circuit court shall report that order concerning visitation to the Secretary of State, on a form prescribed by the Secretary of State, and shall order that the person's driver's license be reinstated.

625 ILCS 5/7-702.1 — Family financial responsibility driving permits

Sec. 7-702.1. Family financial responsibility driving permits.

(a) Following the entry of an order that an obligor has been found in contempt by the court for failure to pay court ordered child support payments or upon a motion by the obligor who is subject to having his or her driver's license suspended pursuant to subsection

(b) of Section 7-703, the court may enter an order directing the Secretary of State to issue a family financial responsibility driving permit for the purpose of providing the obligor the privilege of operating a motor vehicle between the obligor's residence and place of employment, or within the scope of employment related duties; or for the purpose of providing transportation for the obligor or a household member to receive alcohol treatment, other drug treatment, or medical care. If the obligor is unemployed, the court may issue the order for the purpose of seeking employment, which may be subject to the requirements set forth in subsection

(a) of Section 505.1 of the Illinois Marriage and Dissolution of Marriage Act. Except upon a showing of good cause, any permit issued for the purpose of seeking employment shall be limited to Monday through Friday between the hours of 8 a.m. and 12 p.m. The court may enter an order directing the issuance of a permit only if the obligor has proven to the satisfaction of the court that no alternative means of transportation are reasonably available for the above stated purposes. No permit shall be issued to a person under the age of 16 years who possesses an instruction permit. Upon entry of an order granting the issuance of a permit to an obligor, the court shall report this finding to the Secretary of State on a form prescribed by the Secretary. This form shall state whether the permit has been granted for employment or medical purposes and the specific days and hours for which limited driving privileges have been granted. (a-1) Following the entry of an order that a person has been found in contempt by the court for failure to follow a visitation order, the court may enter an order directing the Secretary of State to issue a family responsibility driving permit for the purpose of providing the person the privilege of operating a motor vehicle between the person's residence and place of employment or within the scope of employment related duties, or for the purpose of providing transportation for the person or a household member to receive alcohol treatment, other drug treatment, or medical care. If the person is unemployed, the court may issue the order for the purpose of seeking employment, which may be subject to the requirements set forth in subsection

(a) of Section 505.1 of the Illinois Marriage and Dissolution of Marriage Act. Except upon a showing of good cause, any permit issued for the purpose of seeking employment shall be limited to Monday through Friday between the hours of 8 a.m. and 12 p.m. The court may enter an order directing the issuance of a permit only if the person has proven to the satisfaction of the court that no alternative means of transportation are reasonably available for the above stated purposes. No permit shall be issued to a person under the age of 16 years who possesses an instruction permit. Upon entry of an order granting the issuance of a permit to a person, the court shall report this finding to the Secretary of State

on a form prescribed by the Secretary. This form shall state whether the permit has been granted for employment or medical purposes and the specific days and hours for which limited driving privileges have been granted. (a-2) The family financial responsibility driving permit shall be subject to cancellation, invalidation, suspension, and revocation by the Secretary of State in the same manner and for the same reasons as a driver's license may be cancelled, invalidated, suspended, or revoked. The Secretary of State shall, upon receipt of a certified court order from the court of jurisdiction, issue a family financial responsibility driving permit. In order for this permit to be issued, an individual's driving privileges must be valid except for the family financial responsibility suspension or the family responsibility suspension. This permit shall be valid only for employment and medical purposes as set forth above. The permit shall state the days and hours for which limited driving privileges have been granted. Any submitted court order that contains insufficient data or fails to comply with any provision of this Code shall not be used for issuance of the permit or entered to the individual's driving record but shall be returned to the court of jurisdiction indicating why the permit cannot be issued at that time. The Secretary of State shall also send notice of the return of the court order to the individual requesting the permit.

(b) Following certification of delinquency pursuant to subsection

(c) of Section 7-702 of this Code, and upon petition by the obligor whose driver's license has been suspended under that subsection, the Department of Healthcare and Family Services may direct the Secretary of State to issue a family financial responsibility driving permit for the purpose of providing the obligor the privilege of operating a motor vehicle between the obligor's residence and place of employment, or within the scope of employment related duties, or for the purpose of providing transportation for the obligor or a household member to receive alcohol treatment, other drug treatment, or medical care. If the obligor is unemployed, the Department of Healthcare and Family Services may direct the issuance of the permit for the purpose of seeking employment, which may be subject to the requirements set forth in subsection

(a) of Section 505.1 of the Illinois Marriage and Dissolution of Marriage Act. Except upon a showing of good cause, any permit issued for the purpose of seeking employment shall be limited to Monday through Friday between the hours of 8 a.m. and 12 p.m. The Department of Healthcare and Family Services may direct the issuance of a permit only if the obligor has proven to the Department's satisfaction that no alternative means of transportation is reasonably available for the above stated purposes. The Department of Healthcare and Family Services shall report to the Secretary of State the finding granting a permit on a form prescribed by the Secretary of State. The form shall state the purpose for which the permit has been granted, the specific days and hours for which limited driving privileges are allowed, and the duration of the permit. The family financial responsibility driving permit shall be subject to cancellation, invalidation, suspension, and revocation by the Secretary of State in the same manner and for the same reasons as a driver's license may be cancelled, invalidated, suspended, or revoked. As directed by the Department of Healthcare and Family Services, the Secretary of State shall issue a family financial responsibility driving permit, but only if the obligor's driving privileges are valid except for the family financial responsibility suspension. The permit shall state the purpose or purposes for which it was granted under this subsection, the specific days and hours for which limited driving privileges are allowed, and the duration of the permit. If the Department of Healthcare and Family Services directive to issue a family financial responsibility driving permit contains insufficient data or fails to comply with any provision of this Code, a permit shall not be issued and the directive shall be returned to the Department of Healthcare and Family Services. The Secretary of State shall also send notice of the return of the Department's directive to the obligor requesting the permit.

(c) In accordance with 49 C.F.R. Part 384, the Secretary of State may not issue a family financial responsibility driving permit to any person for the operation of a commercial motor vehicle if the person's driving privileges have been suspended under any provisions of this Code.

625 ILCS 5/7-702.2 — Written agreement to pay past-due support

Sec. 7-702.2. Written agreement to pay past-due support.

(a) An obligor who is presently unable to pay all past-due support and is subject to having his or her license suspended pursuant to subsection

(b) of Section 7-703 may come into compliance with the court order for support by executing a written payment agreement that is approved by the court and by complying with that agreement. A condition of a written payment agreement must be that the obligor pay the current child support when due. Before a written payment agreement is executed, the obligor shall:

(1) Disclose fully to the court in writing, on a form prescribed by the court, the obligor's financial circumstances, including income from all sources, assets, liabilities, and work history for the past year; and

(2) Provide documentation to the court concerning the obligor's financial circumstances, including copies of the most recent State and federal income tax returns, both personal and business; a copy of a recent pay stub representative of current income; and copies of other records that show the obligor's income and the present level of assets held by the obligor.

(b) After full disclosure, the court may determine the obligor's ability to pay past-due support and may approve a written payment agreement consistent with the obligor's ability to pay, not to exceed the court-ordered support.

625 ILCS 5/7-703 — Courts to report non-payment of court ordered support or orders concerning driving privileges

Sec. 7-703. Courts to report non-payment of court ordered support or orders concerning driving privileges.

(a) The clerk of the circuit court, as provided in subsection

(b) of Section 505 of the Illinois Marriage and Dissolution of Marriage Act or as provided in Section 15 of the Illinois Parentage Act of 2015, shall forward to the Secretary of State, on a form prescribed by the Secretary, an authenticated document certifying the court's order suspending the driving privileges of the obligor. For any such certification, the clerk of the court shall charge the obligor a fee of \$5 as provided in the Clerks of Courts Act.

(b) If an obligor has been adjudicated in arrears in court ordered child support payments in an amount equal to 90 days obligation or more but has not been held in contempt of court, the circuit court may order that the obligor's driving privileges be suspended. If the circuit court orders that the obligor's driving privileges be suspended, it shall forward to the Secretary of State, on a form prescribed by the Secretary, an authenticated document certifying the court's order suspending the driving privileges of the obligor. The authenticated document shall be forwarded to the Secretary of State by the court no later than 45 days after entry of the order suspending the obligor's driving privileges.

(c) The clerk of the circuit court, as provided in subsection (c-1) of Section 607.1 of the Illinois Marriage and Dissolution of Marriage Act, shall forward to the Secretary of State, on a form prescribed by the Secretary, an authenticated document certifying the court's order suspending the driving privileges of the party. For any such certification, the clerk of the court shall charge the party a fee of \$5 as provided in the Clerks of Courts Act.

(d) If a party has been adjudicated to have engaged in visitation abuse, the circuit court may order that the party's driving privileges be suspended. If the circuit court orders that the party's driving privileges be suspended, it shall forward to the Secretary of State, on a form prescribed by the Secretary, an authenticated document certifying the court's order suspending the driving privileges of the party. The authenticated document shall be forwarded to the Secretary of State by the court no later than 45 days after entry of the order suspending the party's driving privileges.

625 ILCS 5/7-704 — Suspension to continue until compliance with court order of support

Sec. 7-704. Suspension to continue until compliance with court order of support.

(a) The suspension of a driver's license shall remain in effect unless and until the Secretary of State receives authenticated documentation that the obligor is in compliance with a court order of support or that the order has been stayed by a subsequent order of the court. Full driving privileges shall not be issued by the Secretary of State until notification of compliance has been received from the court. The circuit clerks shall report the obligor's compliance with a court order of support to the Secretary of State, on a form prescribed by the Secretary. (a-1) The suspension of a driver's license shall remain in effect unless and until the Secretary of State receives authenticated documentation as to the person who violated a visitation order that the court has determined that there has been sufficient compliance for a sufficient period of time with the court's order concerning visitation and that full driving privileges shall be reinstated or that the order has been stayed by a subsequent order of the court. Full driving privileges shall not be issued by the Secretary of State until notification has been received from the court. The circuit clerk shall report any court order in which the court determined that there has been sufficient compliance for a sufficient period of time with the court's order concerning visitation and that full driving privileges shall be reinstated to the Secretary of State on a form prescribed by the Secretary.

(b) Whenever, after one suspension of an individual's driver's license for failure to pay child support, another order of non-payment is entered against the obligor and the person fails to come into compliance with the court order of support, then the Secretary shall again suspend the driver's license of the individual and that suspension shall not be removed unless the obligor is in full compliance with the court order of support and has made full payment on all arrearages or has

arranged for payment of the arrearages and current support obligation in a manner satisfactory to the court. The provision in this Section regarding the compliance necessary to remove an active suspension applies equally to all individuals who have had a driver's license suspended due to non-payment of child support, regardless of whether that suspension occurred before or after the effective date of this amendatory Act of the 101st General Assembly. (b-1) Whenever, after one suspension of an individual's driver's license for failure to abide by a visitation order, another order finding visitation abuse is entered against the person and the court orders the suspension of the person's driver's license, then the Secretary shall again suspend the driver's license of the individual and that suspension shall not be removed until the court has determined that there has been sufficient compliance for a sufficient period of time with the court's order concerning visitation and that full driving privileges shall be reinstated.

(c) Section 7-704.1, and not this Section, governs the duration of a driver's license suspension if the suspension occurs as the result of a certification by the Illinois Department of Healthcare and Family Services under subsection

(c) of Section 7-702.

625 ILCS 5/7-704.1 — Duration of driver's license suspension upon certification of Department of Healthcare and Family Services

Sec. 7-704.1. Duration of driver's license suspension upon certification of Department of Healthcare and Family Services.

(a) When a suspension of a driver's license occurs as the result of a certification by the Illinois Department of Healthcare and Family Services under subsection

(c) of Section 7-702, the suspension shall remain in effect until the Secretary of State receives notification from the Department that the person whose license was suspended has paid the support delinquency in full or has arranged for payment of the delinquency and current support obligation in a manner satisfactory to the Department.

(b) Whenever, after one suspension of an individual's driver's license based on certification of the Department of Healthcare and Family Services, another certification is received from the Department of Healthcare and Family Services, the Secretary shall again suspend the driver's license of that individual and that suspension shall not be removed unless the obligor is in full compliance with the order of support and has made full payment on all arrearages or has arranged for payment of the arrearages and current support obligation in a manner satisfactory to the Department. The provision in this Section regarding the compliance necessary to remove an active suspension applies equally to all individuals who have had a driver's license suspended due to nonpayment of child support, regardless of whether that suspension occurred before or after the effective date of this amendatory Act of the 101st General Assembly.

625 ILCS 5/7-705 — Notice

Sec. 7-705. Notice. The Secretary of State, prior to suspending a driver's license under this Chapter, shall serve written notice upon a person that the individual's driver's license will be suspended in 60 days from the date on the notice unless

(i) the person satisfies the court order of support or the court ordered visitation and the circuit clerk notifies the Secretary of State of this compliance or (ii) if the Illinois Department of Healthcare and Family Services has made a certification to the Secretary of State under subsection

(c) of Section 7-702, the Department notifies the Secretary of State that the person licensed has paid the support delinquency in full or has arranged for payment of the delinquency and current support obligation in a manner satisfactory to the Department.

625 ILCS 5/7-705.1 — Notice of noncompliance with support order

Sec. 7-705.1. Notice of noncompliance with support order. Before forwarding to the Secretary of State the authenticated document under subsection

(b) of Section 7-703, the circuit court must serve notice upon the obligor of its intention to suspend the obligor's driver's license for being adjudicated in arrears in court ordered child support payments in an amount equal to 90 days obligation. The notice must inform the obligor that:

(a) If the obligor is presently unable to pay all past-due support, the obligor may come into compliance with the support order by executing a written payment agreement with the court, as provided in Section 7-702.2, and by complying with that agreement;

(b) The obligor may contest the issue of compliance at a hearing;

- (c) A request for a hearing must be made in writing and must be received by the clerk of the circuit court;
- (d) If the obligor does not request a hearing to contest the issue of compliance within 45 days after the notice of noncompliance is mailed, the court may order that the obligor's driver's license be suspended as provided for in subsection (b) of Section 7-703;
- (e) If the circuit court certifies the obligor to the Secretary of State for noncompliance with an order of support, the Secretary of State must suspend any driver's license or instruction permit the obligor holds and the obligor's right to apply for or obtain a driver's license or instruction permit until the obligor comes into compliance with the order of support;
- (f) If the obligor files a motion to modify support with the court or requests the court to modify a support obligation, the circuit court shall stay action to certify the obligor to the Secretary of State for noncompliance with an order of support; and
- (g) The obligor may comply with an order of support by doing all of the following:
 - (1) Paying the current support;
 - (2) Paying all past-due support or, if unable to pay all past-due support and a periodic payment for past-due support has not been ordered by the court, by making periodic payments in accordance with a written payment agreement approved by the court; and
 - (3) Meeting the obligor's health insurance obligation. The notice must include the address and telephone number of the clerk of the circuit court. The clerk of the circuit court shall attach a copy of the obligor's order of support to the notice. The notice must be served by certified mail, return receipt requested, by service in hand, or as specified in the Code of Civil Procedure.

625 ILCS 5/7-705.2 — Notice of noncompliance with visitation order

Sec. 7-705.2. Notice of noncompliance with visitation order. Before forwarding to the Secretary of State the authenticated document under Section 7-703, the circuit court must serve notice upon the person of its intention to suspend the person's driver's license for being adjudicated as having violated a visitation order in a manner deemed to be visitation abuse. The notice must inform the person that:

- (1) The person may contest the issue of compliance at a hearing;
- (2) A request for a hearing must be made in writing and must be received by the clerk of the circuit court;
- (3) If the person does not request a hearing to contest the issue of compliance within 45 days after the notice of noncompliance is mailed, the court may order that the person's driver's license be suspended as provided for in Section 7-703;
- (4) If the circuit court certifies the person to the Secretary of State for noncompliance with a visitation order, the Secretary of State must suspend any driver's license or instruction permit the person holds and the person's right to apply for or obtain a driver's license or instruction permit until the court has determined that there has been sufficient compliance for a sufficient period of time with the court's order concerning visitation and that full driving privileges shall be reinstated;
- (5) If the person files a motion to modify visitation with the court or requests that the court modify a visitation obligation, the circuit court shall stay action to certify the person to the Secretary of State concerning court ordered visitation; and
- (6) The notice must include the address and telephone number of the clerk of the circuit court. The clerk of the circuit court shall attach a copy of the person's visitation order to the notice. The notice must be served by certified mail, return receipt requested, by service in hand, or as specified in the Code of Civil Procedure.

625 ILCS 5/7-706 — Administrative hearing

Sec. 7-706. Administrative hearing. A driver may contest this driver's license sanction by requesting an administrative hearing in accordance with Section 2-118 of this Code. If a written request for this hearing is received prior to the effective date of the suspension, the suspension shall be stayed. If a stay of the suspension is granted, it shall remain in effect until a hearing decision is entered. At the conclusion of this hearing, the Secretary of State may rescind or impose the driver's license suspension. If the suspension is upheld, it shall become effective 10 days from the date the hearing decision is entered. If the decision is to rescind the suspension, no suspension of driving privileges shall be entered. The scope of this hearing shall be limited to the following issues:

(a) Whether the driver is the person who owes a duty to make payments under the court or administrative order of support or is the person with obligations under a visitation order.

(b) Whether

(i) the authenticated document of a court order of support or visitation order indicates that the obligor is 90 days or more delinquent or has been adjudicated in arrears in an amount equal to 90 days obligation or more and has been found in contempt of court for failure to pay child support or (ii) the certification of the Illinois Department of Healthcare and Family Services under subsection

(c) of Section 7-702 indicates that the person is 90 days or more delinquent in payment of support under an order of support issued by a court or administrative body of this or any other State. (b-1) Whether the authenticated document of a visitation order indicates that the person has violated a visitation order and has been found to have engaged in visitation abuse and has been found in contempt of court for failure to abide by a visitation order.

(c) Whether

(i) a superseding authenticated document of any court order of support has been entered or (ii) the Illinois Department of Healthcare and Family Services, in a superseding notification, has informed the Secretary of State that the person certified under subsection

(c) of Section 7-702 has paid the support delinquency in full or has arranged for payment of the delinquency and current support obligation in a manner satisfactory to the Department. (c-1) Whether a superseding authenticated document of any court order concerning visitation has been entered, in a superseding notification, has informed the Secretary of State that as to the person the court has determined that there has been sufficient compliance for a sufficient period of time with the court's order concerning visitation and that full driving privileges shall be reinstated.

625 ILCS 5/7-706.1 — Hearing for compliance with support order

Sec. 7-706.1. Hearing for compliance with support order.

(a) An obligor may request in writing to the clerk of the circuit court a hearing to contest the claim of noncompliance with an order of support and his or her subsequent driver's license suspension under subsection

(b) of Section 7-702.

(b) If a written request for a hearing is received by the clerk of the circuit court, the clerk of the circuit court shall set the hearing before the circuit court.

(c) Upon the obligor's written request, the court must set a date for a hearing and afford the obligor an opportunity for a hearing as early as practical.

(d) The scope of this hearing is limited to the following issues:

(1) Whether the obligor is required to pay child support under an order of support.

(2) Whether the obligor has been adjudicated in arrears in court ordered child support payments in an amount equal to 90 days obligation or more.

(3) Any additional issues raised by the obligor, including the reasonableness of a payment agreement in light of the obligor's current financial circumstances, to be preserved for appeal.

(e) All hearings and hearing procedures shall comply with requirements of the Illinois Constitution and the United States Constitution, so that no person is deprived of due process of law nor denied equal protection of the laws. All hearings shall be held before a judge of the circuit court in the county in which the support order has been entered. Appropriate records of the hearings shall be kept. Where a transcript of the hearing is taken, the person requesting the hearing shall have the opportunity to order a copy of the transcript at his or her own expense.

(f) The action of the circuit court resulting in the suspension of any driver's license shall be a final judgment for purposes of appellate review.

625 ILCS 5/7-707 — Payment of reinstatement fee

Sec. 7-707. Payment of reinstatement fee. When a person receives notice from the Secretary of State that the suspension of driving privileges has been terminated based upon

(i) receipt of notification from the circuit clerk of the person's compliance as obligor with a court order of support or (ii) receipt of notification from the Illinois Department of Healthcare and Family Services that the person whose driving

privileges were terminated has paid the delinquency in full or has arranged for payment of the delinquency and the current support obligation in a manner satisfactory to the Department (in a case in which the person's driving privileges were suspended upon a certification by the Department under subsection

(c) of Section 7-702), the obligor shall pay a \$70 reinstatement fee to the Secretary of State as set forth in Section 6-118 of this Code. \$30 of the \$70 fee shall be deposited into the Family Responsibility Fund. In accordance with subsection (e) of Section 6-115 of this Code, the Secretary of State may decline to process a renewal of a driver's license of a person who has not paid this fee.

625 ILCS 5/7-708 — Rules

Sec. 7-708. Rules. The Secretary of State, using the authority to license motor vehicle operators, may adopt such rules as may be necessary to establish standards, policies, and procedures for the suspension of driver's licenses for non-compliance with a court or administrative order of support or with a visitation order.

625 ILCS 5/8-101 — Proof of financial responsibility; persons who operate motor vehicles in transportation of passengers for hire

Sec. 8-101. Proof of financial responsibility; persons who operate motor vehicles in transportation of passengers for hire.

(a) It is unlawful for any person, firm, or corporation to operate any motor vehicle along or upon any public street or highway in any incorporated city, town, or village in this State for the carriage of passengers for hire, accepting and discharging all such persons as may offer themselves for transportation unless such person, firm, or corporation has given, and there is in full force and effect and on file with the Secretary of State of Illinois, proof of financial responsibility provided in this Act.

(b) In addition this Section shall also apply to persons, firms, or corporations who are in the business of providing transportation services for minors to or from educational or recreational facilities, except that this Section shall not apply to public utilities subject to regulation under the Public Utilities Act or to school buses which are operated by public or parochial schools and are engaged solely in the transportation of the pupils who attend such schools.

(c) This Section also applies to a contract carrier transporting employees in the course of their employment on a highway of this State in a vehicle designed to carry 15 or fewer passengers. As part of proof of financial responsibility, a contract carrier transporting employees, including, but not limited to, railroad employees, in the course of their employment is required to verify hit and run and uninsured motor vehicle coverage, as provided in Section 143a of the Illinois Insurance Code, and underinsured motor vehicle coverage, as provided in Section 143a-2 of the Illinois Insurance Code, in a total amount of not less than \$250,000 per passenger, except that beginning on January 1, 2017 the total amount shall be not less than \$500,000 per passenger. Each rail carrier that contracts with a contract carrier for the transportation of its employees in the course of their employment shall verify that the contract carrier has the minimum insurance coverage required under this subsection (c).

(d) This Section shall not apply to any person participating in a ridesharing arrangement or operating a commuter van, but only during the performance of activities authorized by the Ridesharing Arrangements Act.

(e) If the person operating such motor vehicle is not the owner, then proof of financial responsibility filed hereunder must provide that the owner is primarily liable.

625 ILCS 5/8-101.1 — Proof of financial responsibility - Persons who operate medical transport vehicles

Sec. 8-101.1. Proof of financial responsibility - Persons who operate medical transport vehicles. It is unlawful for any person, firm or corporation, other than a unit of local government, to operate any medical transport vehicle along or upon any public street or highway in any incorporated city, town or village in this State unless such person, firm or corporation has given, and there is in full force and effect and on file with the Secretary of State, proof of financial responsibility provided in this Code. If the person operating such motor vehicle is not the owner, then proof of financial responsibility filed hereunder must provide that the owner is primarily liable.

625 ILCS 5/8-102 — Alternate methods of giving proof

Sec. 8-102. Alternate methods of giving proof.

(a) Except as provided in subsection (b), proof of financial responsibility, when required under Section 8-101 or 8-101.1, may be given by filing with the Secretary of State one of the following: 1. A bond as provided in Section 8-103; 2. An

insurance policy or other proof of insurance in a form to be prescribed by the Secretary as provided in Section 8-108; 3. A certificate of self-insurance issued by the Director; 4. A certificate of self-insurance issued to the Regional Transportation Authority by the Director naming municipal or non-municipal public carriers included therein; 5. A certificate of coverage issued by an intergovernmental risk management association evidencing coverages which meet or exceed the amounts required under this Code.

(b) Beginning January 1, 2020, in lieu of filing the documents required by subsection (a), each owner of a vehicle required to obtain minimum liability insurance under Section 8-101 or 8-101.1 shall attest that the vehicle is insured in at least the minimum required amount.

(1) The Secretary shall create a form on which the vehicle owner shall attest that the vehicle is insured in at least the minimum required amount. The attestation form shall be submitted with each registration application.

(2) The attestation form shall be valid for the full registration period; however, if at any time the Secretary has reason to believe that the owner does not have the minimum required amount of insurance for a vehicle, the Secretary may require the owner to file with the Secretary documentation as set forth in subsection

(a) of this Section.

(3) If the owner fails to provide the required documentation within 7 calendar days after the request is made, the Secretary may suspend the vehicle registration. The registration shall remain suspended until such time as the required documentation is provided to and reviewed by the Secretary.

(4) The owner of a vehicle that is self-insured shall attest that the funds available to pay liability claims related to the operation of the vehicle are equivalent to or greater than the minimum liability insurance requirements under Section 8-101 or 8-101.1.

(c) The Secretary of State may adopt rules to implement this Section. (Text of Section after amendment by P.A. 104-457) Sec. 8-102. Alternate methods of giving proof.

(a) Except as provided in subsection (b), proof of financial responsibility, when required under Section 8-101 or 8-101.1, may be given by filing with the Secretary of State one of the following: 1. A bond as provided in Section 8-103; 2. An insurance policy or other proof of insurance in a form to be prescribed by the Secretary as provided in Section 8-108; 3. A certificate of self-insurance issued by the Director; 4. A certificate of self-insurance issued to the Northern Illinois Transit Authority by the Director naming municipal or non-municipal public carriers included therein; 5. A certificate of coverage issued by an intergovernmental risk management association evidencing coverages which meet or exceed the amounts required under this Code.

(b) Beginning January 1, 2020, in lieu of filing the documents required by subsection (a), each owner of a vehicle required to obtain minimum liability insurance under Section 8-101 or 8-101.1 shall attest that the vehicle is insured in at least the minimum required amount.

(1) The Secretary shall create a form on which the vehicle owner shall attest that the vehicle is insured in at least the minimum required amount. The attestation form shall be submitted with each registration application.

(2) The attestation form shall be valid for the full registration period; however, if at any time the Secretary has reason to believe that the owner does not have the minimum required amount of insurance for a vehicle, the Secretary may require the owner to file with the Secretary documentation as set forth in subsection

(a) of this Section.

(3) If the owner fails to provide the required documentation within 7 calendar days after the request is made, the Secretary may suspend the vehicle registration. The registration shall remain suspended until such time as the required documentation is provided to and reviewed by the Secretary.

(4) The owner of a vehicle that is self-insured shall attest that the funds available to pay liability claims related to the operation of the vehicle are equivalent to or greater than the minimum liability insurance requirements under Section 8-101 or 8-101.1.

(c) The Secretary of State may adopt rules to implement this Section.

625 ILCS 5/8-103 — Bond as proof of financial responsibility

Sec. 8-103. Bond as proof of financial responsibility. 1. A bond of the owner of motor vehicles, subject to the provisions of Section 8-101 or 8-101.1, with a solvent and responsible surety company authorized to do business under the laws of this

State as surety thereon; or 2. A bond of such owner, with one or more personal sureties, owning real estate in the State of Illinois, of the value in the aggregate of \$250,000 over and above all encumbrances, when approved by the Secretary of State shall be proof of financial responsibility as required by Section 8-101 or 8-101.1. 3. The bond shall not be approved unless accompanied by affidavits of the personal sureties, attached, stating the location, legal description, market value, nature and amount of encumbrances (if any), and the value above all encumbrances of such real estate scheduled to qualify on such bond, and not then unless all requirements for such bond as provided for by this Code have been met.

625 ILCS 5/8-104 — Requirements of bond

Sec. 8-104. Requirements of bond. 1. A surety bond or real estate bond filed as proof as provided in Section 8-103 shall be in the sum of \$250,000 for each motor vehicle operated by the owner providing the motor vehicle is subject to Section 8-101 or 8-101.1. 2. The surety of real estate bond shall provide for the payment of each judgment by the owner of the motor vehicle (giving its manufacturer's name and number and state license number) within 30 days after it becomes final, provided each judgment shall have been rendered against such owner or any person operating the motor vehicle with the owner's express or implied consent, for any injury to or death of any person or for damage to property other than such motor vehicle, resulting from the negligence of such owner, his agent, or any person operating the motor vehicle with his express or implied consent, provided that the maximum payment required of the surety or sureties, on all judgments recovered against an owner hereunder, shall not exceed the sum of \$250,000 for each motor vehicle operated, under Section 8-101 or 8-101.1.

625 ILCS 5/8-105 — Action on bond

Sec. 8-105. Action on bond. The surety bond shall, by its terms, inure to the benefit of the person recovering any such judgment, and shall provide that an action may be brought in any court of competent jurisdiction upon such bond by the owner of any such judgment; and such bond, for the full amount thereof shall, by its terms, be a lien for the benefit of the beneficiaries of said bond on such real estate so scheduled, and shall be recorded in the office of the recorder in each county in which such real estate is located.

625 ILCS 5/8-106 — Withdrawal by sureties from bond - Notice

Sec. 8-106. Withdrawal by sureties from bond - Notice. Any surety or sureties may withdraw from any such bond by serving ten days previous notice in writing upon such owner and the Secretary of State, either personally or by registered mail, whereupon it shall be the duty of such owner to file another bond or insurance policy in accordance with the provisions of this Act. Upon the expiration of said ten days, the Secretary of State shall mark said bond "withdrawn", with the date such withdrawal became effective, and thereupon the liability of the sureties on such bond shall cease as to any injury or damages sustained after the date such withdrawal became effective.

625 ILCS 5/8-107 — Authority to require replacement of bond

Sec. 8-107. Authority to require replacement of bond. If, at any time, in the judgment of the Secretary of State, said bond is not sufficient for any good cause, he may require the owner of such motor vehicle who filed the same to replace said bond with another good and sufficient bond or insurance policy, in accordance with the provisions of this Act, and upon such replacement, the liability of the surety or sureties on such prior bond shall cease as to any injury or damage sustained after such replacement.

625 ILCS 5/8-108 — Insurance policy as bond

Sec. 8-108. Insurance policy as bond. A policy of insurance in a solvent and responsible company authorized to do business in the State of Illinois, and having admitted net assets of not less than \$300,000 insuring the owner, his agent or any person operating the motor vehicle with the owner's express or implied consent against liability for any injury to or death of any person or for damage to property other than the motor vehicle resulting from the negligence of such owner, his agent or any person operating the vehicle with his express or implied consent, when accepted by the Secretary of State, shall be proof of financial responsibility as required by Section 8-101 or 8-101.1.

625 ILCS 5/8-109 — Requirements of policy

Sec. 8-109. Requirements of policy. 1. The policy of insurance may cover one or more motor vehicles and for each such vehicle shall insure such owner against liability upon the owner to a minimum amount of \$250,000 for bodily injury to, or death of, any person, and \$50,000 for damage to property, provided that the maximum payment required of such company on all judgments recovered against an owner hereunder shall not exceed the sum of \$300,000 for each motor

vehicle operated under the provisions of this Section. 2. The policy of insurance shall provide for payment and satisfaction of any judgment within 30 days after it becomes final rendered against the owner or any person operating the motor vehicle with the owner's express or implied consent for such injury, death or damage to property other than the motor vehicle, and shall provide that suit may be brought in any court of competent jurisdiction upon such insurance policy by the owner of any such judgment. 3. The insurance policy shall contain a description of each motor vehicle, giving the manufacturer's name and number and state license number.

625 ILCS 5/8-110 — Cancellation of insurance policy - notice

Sec. 8-110. Cancellation of insurance policy - notice. 1. In the event said policy of insurance be cancelled by the issuing company, or the authority of said issuing company to do business in the State of Illinois be revoked, the Secretary of State shall require the owner who filed the same either to furnish a bond or to replace said policy with another policy according to the provisions of this Act. 2. Said policy of insurance shall also contain a provision that the same cannot be cancelled by the company issuing it without giving ten days notice in writing of such cancellation to the owner and the Secretary of State, either personally or by registered mail. 3. Whenever the issuing company gives such notice of cancellation, the Secretary of State shall, at the expiration of said ten days, mark said insurance policy "Withdrawn" with the date such withdrawal became effective, and thereupon the liability of such company on said policy shall cease as to any injury or damage sustained after the date such withdrawal becomes effective.

625 ILCS 5/8-111 — Proof required after cancellation

Sec. 8-111. Proof required after cancellation. If, at any time, in the judgment of the Secretary of State, said policy of insurance is not sufficient for any good cause, he may require the owner of such motor vehicle who filed the same, to replace said policy of insurance with another good and sufficient bond or insurance policy, in accordance with the provisions of this Act, and upon such replacement, the liability of the company on said insurance policy shall cease as to any injury or damage sustained after such replacement.

625 ILCS 5/8-112 — When bond on policy to expire

Sec. 8-112. When bond on policy to expire. All bonds and policies of insurance filed with the Secretary of State, under this Act, shall expire not sooner than the 31st day of December as to a vehicle registered on a calendar year basis and not sooner than the 30th day of June as to a vehicle registered on a fiscal year basis in each year, provided, that the expiration of same shall not terminate liabilities upon such bonds and policies of insurance arising during the period for which the bonds and policies of insurance were filed.

625 ILCS 5/8-113

Sec. 8-113. Secretary of State to suspend registration certificates, registration plates or digital registration plates, and registration sticker or digital registration sticker when bond or policy cancelled or withdrawn. In the event that a bond or policy of insurance is cancelled or withdrawn with respect to a vehicle or vehicles, subject to the provisions of Section 8-101 or 8-101.1, for which the bond or policy of insurance was issued, then the Secretary of State immediately shall suspend the registration certificates, registration plates or digital registration plates, and registration sticker or stickers or digital registration sticker or stickers of the owner, with respect to such motor vehicle or vehicles, and said registration certificates, registration plates or digital registration plates, and registration sticker or stickers or digital registration sticker or stickers shall remain suspended and no registration shall be permitted or renewed unless and until the owner of the motor vehicle shall have filed proof of financial responsibility as provided by Section 8-101 or 8-101.1.

625 ILCS 5/8-114 — Issuance of license upon proof of financial responsibility

Sec. 8-114. Issuance of license upon proof of financial responsibility. The Secretary of State shall issue to each person who has in effect proof of financial responsibility as required by Section 8-101 or 8-101.1, a certificate for each motor vehicle operated by such person and included within the proof of financial responsibility. Each certificate shall specify the Illinois registration plate or digital registration plate and registration sticker or digital registration sticker number of the vehicle, a statement that proof of financial responsibility has been filed, and the period for which the certificate was issued.

625 ILCS 5/8-115 — Display of certificate-Enforcement

Sec. 8-115. Display of certificate-Enforcement. The certificate issued pursuant to Section 8-114 shall be displayed upon a window of the motor vehicle for which it was issued, in such manner as to be visible to the passengers carried therein.

This Section and Section 8-114 shall be enforced by the Illinois State Police, the Secretary of State, and other police officers.

625 ILCS 5/8-116

Sec. 8-116. Any person who fails to comply with the provisions of this Chapter, or who fails to obey, observe or comply with any order of the Secretary of State or any law enforcement agency issued in accordance with the provisions of this Chapter is guilty of a Class A misdemeanor.

625 ILCS 5/9-101 — Owner of for-rent motor vehicle to give proof of financial responsibility

Sec. 9-101. Owner of for-rent motor vehicle to give proof of financial responsibility. For purposes of this Chapter, "for rent" means any transfer of the possession of or right to possession of a motor vehicle to a user for a valuable consideration for a period of less than one year, and "to lease" means any transfer of the possession of or right to possession of a motor vehicle to a user for a period of one year or more. It is unlawful for the owner of any motor vehicle to engage in the business, or to hold himself out to the public generally as being engaged in the business of renting out such motor vehicle to be operated by the customer, unless the owner has given, and there is in full force and effect and on file with the Secretary of State proof of financial responsibility as hereinafter provided. The delivery of a vehicle owned by an out of State person or business to a renter in this State shall constitute engaging in the rental business in this State for purposes of this Section. All owners of motor vehicles which are leased for a period of one year or more are not required to provide proof of insurance as required under this chapter, but instead must comply with Section 7-601 of this Code and obtain vehicle insurance in amounts no less than the minimum amount set for bodily injury or death and for destruction of property pursuant to Section 7-203 of this Code.

625 ILCS 5/9-102 — Alternate methods of giving proof of financial responsibility

Sec. 9-102. Alternate methods of giving proof of financial responsibility. Proof of financial responsibility when required under Section 9-101 may be given by the following methods. By filing with the Secretary of State: 1. A bond as provided in Section 9-103. 2. An insurance policy or other proof of insurance in a form to be prescribed by the Secretary as provided in Section 9-105. 3. A certificate of self insurance issued by the Director.

625 ILCS 5/9-103 — Bond as proof - requirements

Sec. 9-103. Bond as proof - requirements. A motor vehicle liability bond, conditioned that the owner of the motor vehicle will pay any judgment within 30 days after it becomes final, recovered against the customer and the owner of the motor vehicle or against any person operating the motor vehicle with the customer's and the owner's express or implied consent for damage to property other than to the rented motor vehicle, or for an injury to, or for the death of any person including an occupant of the rented motor vehicle, resulting from the operation of the motor vehicle, provided, however, every such bond is in the penal sum of \$100,000. The bond shall be executed by a solvent and responsible surety company authorized to do business in the State of Illinois, or by one or more personal sureties to be approved by the Secretary of State. The personal sureties shall own real estate in the State of Illinois of the aggregate value of \$100,000, over and above all encumbrances, and each of the personal sureties shall make an affidavit concerning the property which he schedules for the purpose of qualifying as surety, stating the location, legal description, market value, and the amount and nature of any encumbrances.

625 ILCS 5/9-104 — Withdrawal of sureties-Notice

Sec. 9-104. Withdrawal of sureties-Notice. Any surety may withdraw from the bond by serving ten days previous notice in writing, either personally or by registered mail, upon the owner of the motor vehicle, and upon the Secretary of State, whereupon it shall be the duty of such owner to file another bond or insurance policy, in accordance with the provisions of this Act. Upon the expiration of the ten days, the Secretary of State shall mark the bond "Cancelled".

625 ILCS 5/9-105 — Insurance policy as proof - requirements

Sec. 9-105. Insurance policy as proof - requirements. A motor vehicle liability policy in a solvent and responsible company, authorized to do business in the State of Illinois, providing that the insurance carrier will pay any judgment within 30 days after it becomes final, recovered against the customer or against any person operating the motor vehicle with the customer's express or implied consent, for damage to property other than to the rented motor vehicles, or for an injury to or for the death of any person, including an occupant of the rented motor vehicle, resulting from the operation of the motor vehicle shall serve as proof of financial responsibility; provided however, every such policy provides insurance

insuring the operator of the rented motor vehicle against liability upon such insured to a minimum amount of \$50,000 because of bodily injury to, or death of any one person or damage to property and \$100,000 because of bodily injury to or death of 2 or more persons in any one motor vehicle crash.

625 ILCS 5/9-106 — Cancellation of policy - Notices

Sec. 9-106. Cancellation of policy - Notices. The policy shall provide that the insurance carrier may cancel it by serving 10 days' previous notice in writing, either personally or by registered mail, upon the owner of the motor vehicle and upon the Secretary of State. Whenever any such policy shall be so cancelled, the Secretary of State shall mark same "Cancelled" and shall require such owner either to furnish a bond or a new policy of insurance, in accordance with this Act. All policies filed with the Secretary of State shall expire not sooner than the 31st day of December as to vehicles registered on a calendar year nor sooner than the 30th day of June as to vehicles registered on a fiscal year.

625 ILCS 5/9-107 — Authority to require replacement of bond

Sec. 9-107. Authority to require replacement of bond. If, at any time, in the judgment of the Secretary of State, the liability policy filed hereunder, is not sufficient for any good cause, he may require the owner of such motor vehicle who filed the same to replace, within fifteen

(15) days from the date of notice given, said policy with another good and sufficient liability policy or bond, in accordance with the provisions of this Act. At the time of replacement or at the expiration of the fifteen

(15) day period, as the case may be, the Secretary of State shall mark the policy "Cancelled." Upon the cancellation of any liability policy hereunder the liabilities on said policy shall thereupon cease as to any future damage or injury.

625 ILCS 5/9-108 — Application for approval of insurance policy or bond required

Sec. 9-108. Application for approval of insurance policy or bond required. Every person desiring to engage in the business of renting out a motor vehicle, to be operated by the customer, shall file with the Secretary of State, an application for the approval of the Secretary of State of the insurance policy or bond tendered under the provisions of this Act, by such person, and if the Secretary of State shall determine that such insurance policy or bond complies with the provisions of this Act, he shall accept such insurance policy or bond, and shall thereupon issue to such applicant a certificate setting forth the fact that the applicant has, in respect to the vehicle described therein, complied with the provisions of this Act.

625 ILCS 5/9-109

Sec. 9-109. Secretary of State to cancel certificate and to suspend license plates and registration stickers when bond or policy cancelled or withdrawn.

(a) If any insurance policy or bond filed hereunder shall for any reason become inoperative, the Secretary of State shall forthwith cancel the certificate of compliance of the owner and it shall be unlawful for the owner to rent out the motor vehicle, covered by said certificate, until a policy or bond meeting the requirements of this Act is filed with the Secretary of State and a certificate has been issued by him as provided by Section 9-108.

(b) The Secretary of State shall also suspend the registration certificate, license plates or digital license plates, and registration sticker or stickers or digital registration sticker or stickers of the owner, with respect to the motor vehicle for which the insurance policy or bond had been issued, and said registration certificates, license plates or digital license plates, and registration sticker or stickers or digital registration sticker or stickers shall remain suspended and no registration shall be permitted or renewed unless and until the owner of said motor vehicle shall have complied with the provisions of this Act.

625 ILCS 5/9-110 — Penalties for violations of this Act

Sec. 9-110. Penalties for violations of this Act. Any person who fails to comply with the provisions of this Chapter, or who fails to obey, observe or comply with any order of the Secretary of State, in accordance with the provisions of this Chapter, is guilty of a Class A misdemeanor.

625 ILCS 5/10-101 — Insurance

Sec. 10-101. Insurance.

(a) Any public entity or corporation may insure against the liability imposed by law and may insure persons who are legally entitled to recover damages from owners and operators of uninsured motor vehicles and hit-and-run motor vehicles because of bodily injury, sickness or disease including death incurred while using a motor vehicle of such public entity or corporation with any insurance carrier duly authorized to transact business in this State and the premium for such insurance shall be a proper charge against the general fund or any applicable special fund of such entity or corporation.

(b) Every employee of the State, who operates for purposes of State business a vehicle not owned, leased or controlled by the State shall procure insurance in the limit of the amounts of liability not less than the amounts required in Section 7-203 of this Act. The State may provide such insurance for the benefit of, and without cost to, such employees and may include such coverage in a plan of self-insurance under Section 405-105 of the Department of Central Management Services Law (20 ILCS 405/405-105). The State may also obtain uninsured or hit-and-run vehicle coverage, as defined in Section 143a of the "Illinois Insurance Code". Any public liability insurance furnished by the State under this Section shall be under the policy or policies contracted for or under a self-insurance plan implemented by the Department of Central Management Services pursuant to Section 405-105 of the Department of Central Management Services Law (20 ILCS 405/405-105), the costs for procuring such insurance to be charged, collected and received as provided in that Section 25-105.

625 ILCS 5/10-201 — Liability for bodily injury to or death of guest

Sec. 10-201. Liability for bodily injury to or death of guest. No person riding in or upon a motor vehicle or motorcycle as a guest without payment for such ride and who has solicited such ride in violation of Subsection

(a) of Section 11-1006 of this Act, nor his personal representative in the event of the death of such guest, shall have a cause of action for damages against the driver or operator of such motor vehicle or motorcycle, or its owner or his employee or agent for injury, death or loss, in case of a crash, unless such crash has been caused by the willful and wanton misconduct of the driver or operator of such motor vehicle or motorcycle or its owner or his employee or agent and unless such willful and wanton misconduct contributed to the injury, death or loss for which the action is brought. Nothing contained in this Section relieves a motor vehicle or motorcycle carrier of passengers for hire of responsibility for injury or death sustained by any passenger for hire. This amendatory Act of 1971 shall apply only to causes of action arising from crashes occurring after its effective date.

625 ILCS 5/10-202 — Liability of employer in regard to ridesharing

Sec. 10-202. Liability of employer in regard to ridesharing.

(a) An employer shall not be liable for injuries to passengers and other persons resulting from the operation or use of a passenger car or commuter van in a ridesharing arrangement which is not owned, leased, contracted for or driven by the employer, and for which the employer has not paid wages to an employee for services rendered in driving the vehicle, provided, that wages shall not include a portion of the fares collected by the driver and shall not include expenses for gasoline or passenger car or commuter van repairs.

(b) An employer shall not be liable for injuries to passengers and other persons because he provides information, incentives or otherwise encourages his employees to participate in ridesharing arrangements.

625 ILCS 5/10-301 — Service of process on non-resident

Sec. 10-301. Service of process on non-resident.

(a) The use and operation by any person or his duly authorized agent or employee of a vehicle over or upon the highways of the State of Illinois, shall be deemed an appointment by such person of the Secretary of State to be his true and lawful attorney upon whom may be served all legal process in any action or proceeding against him, growing out of such use or resulting in damage or loss to person or property, and the use or operation shall be signification of his agreement that such process against him which is so served, shall be of the same legal force and validity as though served upon him personally if such person is a non-resident of this State or at the time a cause of action arises is a resident of this State but subsequently becomes a non-resident of this State, or in the event the vehicle is owned by a non-resident and is being operated over and upon the highways of this State with the owner's express or implied permission.

(b) Service of such process shall be made by serving a copy upon the Secretary of State or any employee in his office designated by him to accept such service for him, or by filing such copy in his office, together with an affidavit of compliance from the plaintiff instituting the action, suit, or proceeding, which states that this Section is applicable to the proceeding and that the plaintiff has complied with the requirements of this Section, and a fee of \$5 and such service shall

be sufficient service upon the person, if notice of such service and a copy of the process are, within 10 days thereafter, sent by registered mail by the plaintiff to the defendant, at the last known address of the defendant, and the plaintiff's affidavit of compliance herewith is appended to the summons.

(c) The court in which the action is pending may order such continuances as may be necessary to afford the defendant reasonable opportunity to defend the action. The fee of \$5 paid by the plaintiff to the Secretary of State at the time of the service shall be taxed as his cost, if he prevails in the action.

(d) The Secretary of State shall keep a record of all such processes, which shall show the day and hour of such service.

(e) When a final judgment is entered against any non-resident defendant who has not received notice and a copy of the process by registered mail, required to be sent to him as above provided, and such person, his heirs, legatees, executor, administrator or other legal representatives, as the case may require, shall within one year after the written notice given to him of such judgment, or within 5 years after such judgment, if no such notice has been given, as stated above, appear and petition the court to be heard regarding such judgment, and shall pay such costs as the court may deem reasonable in that behalf, the person so petitioning the court may appear and answer the plaintiff's allegations, and thereupon such proceeding shall be had as if the defendant had appeared in due time and no judgment had been entered. If it appears upon the hearing that such judgment ought not to have been entered against the defendant, the judgment may be set aside, altered or amended as shall appear just; otherwise, it shall be ordered that the judgment stands confirmed against the defendant. The judgment shall, after 5 years from the entry thereof, if not set aside in the manner stated above, be deemed and adjudged confirmed against such defendant, and all persons claiming under him by virtue of any act done subsequent to the commencement of such action, and at the end of the 5 years, the court may enter such further orders as shall be required for the enforcement of the judgment.

(f) Any person instituting any action, suit, or proceeding who uses this Section to effect service of process shall be liable for the attorney's fees and costs of the defendant if the court finds that the person instituting the action knew or should have known that this Section is not applicable for effecting service in such action.

625 ILCS 5/11-100 — Definition of Administrator

Sec. 11-100. Definition of Administrator. For the purposes of this Chapter, "Administrator" means the Administrator of the Illinois Safety and Family Financial Responsibility Law in Chapter 7 of this Code.

625 ILCS 5/11-201 — Provisions of act refer to vehicles upon the highways-Exceptions

Sec. 11-201. Provisions of act refer to vehicles upon the highways-Exceptions. The provisions of this Chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except: 1. Where a different place is specifically referred to in a given section. 2. The provisions of Articles IV and V of this Chapter shall apply upon highways and elsewhere throughout the State.

625 ILCS 5/11-202 — Required obedience to traffic laws

Sec. 11-202. Required obedience to traffic laws. It is unlawful and, unless otherwise declared in this Chapter with respect to particular offenses, it is a petty offense for any person to do any act forbidden or fail to perform any act required in this Chapter.

625 ILCS 5/11-203 — Obedience to police officers

Sec. 11-203. Obedience to police officers. No person shall wilfully fail or refuse to comply with any lawful order or direction of any police officer, fireman, person authorized by a local authority to direct traffic, or school crossing guard invested by law with authority to direct, control, or regulate traffic. Any person convicted of violating this Section is guilty of a petty offense and shall be subject to a mandatory fine of \$150.

625 ILCS 5/11-204 — Fleeing or attempting to elude a peace officer

Sec. 11-204. Fleeing or attempting to elude a peace officer.

(a) Any driver or operator of a motor vehicle who, having been given a visual or audible signal by a peace officer directing such driver or operator to bring his vehicle to a stop, wilfully fails or refuses to obey such direction, increases his speed, extinguishes his lights, or otherwise flees or attempts to elude the officer, is guilty of a Class A misdemeanor. The signal given by the peace officer may be by hand, voice, siren, red or blue light. Provided, the officer giving such signal shall be in police uniform, and, if driving a vehicle, such vehicle shall display illuminated oscillating, rotating or flashing red or blue

lights which when used in conjunction with an audible horn or siren would indicate the vehicle to be an official police vehicle. Such requirement shall not preclude the use of amber or white oscillating, rotating or flashing lights in conjunction with red or blue oscillating, rotating or flashing lights as required in Section 12-215 of Chapter 12.

(b) Upon receiving notice of such conviction the Secretary of State shall suspend the drivers license of the person so convicted for a period of not more than 6 months for a first conviction and not more than 12 months for a second conviction.

(c) A third or subsequent violation of this Section is a Class 4 felony.

625 ILCS 5/11-204.1 — Aggravated fleeing or attempting to elude a peace officer

Sec. 11-204.1. Aggravated fleeing or attempting to elude a peace officer.

(a) The offense of aggravated fleeing or attempting to elude a peace officer is committed by any driver or operator of a motor vehicle who flees or attempts to elude a peace officer, after being given a visual or audible signal by a peace officer in the manner prescribed in subsection

(a) of Section 11-204 of this Code, and such flight or attempt to elude:

(1) is at a rate of speed at least 21 miles per hour over the legal speed limit;

(2) causes bodily injury to any individual;

(3) causes damage in excess of \$300 to property;

(4) involves disobedience of 2 or more official traffic control devices; or

(5) involves the concealing or altering of the vehicle's registration plate or digital registration plate.

(b) Any person convicted of a first violation of this Section shall be guilty of a Class 4 felony. Upon notice of such a conviction the Secretary of State shall forthwith revoke the driver's license of the person so convicted, as provided in Section 6-205 of this Code. Any person convicted of a second or subsequent violation of this Section shall be guilty of a Class 3 felony, and upon notice of such a conviction the Secretary of State shall forthwith revoke the driver's license of the person convicted, as provided in Section 6-205 of the Code.

(c) The motor vehicle used in a violation of this Section is subject to seizure and forfeiture as provided in Sections 36-1 and 36-2 of the Criminal Code of 2012.

625 ILCS 5/11-205 — Public officers and employees to obey Act-Exceptions

Sec. 11-205. Public officers and employees to obey Act-Exceptions.

(a) The provisions of this Chapter applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this State or any county, city, town, district or any other political subdivision of the State, except as provided in this Section and subject to such specific exceptions as set forth in this Chapter with reference to authorized emergency vehicles.

(b) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this Section, but subject to the conditions herein stated.

(c) The driver of an authorized emergency vehicle may: 1. Park or stand, irrespective of the provisions of this Chapter; 2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be required and necessary for safe operation; 3. Exceed the maximum speed limits so long as he does not endanger life or property; 4. Disregard regulations governing direction of movement or turning in specified directions.

(d) The exceptions herein granted to an authorized emergency vehicle, other than a police vehicle, shall apply only when the vehicle is making use of either an audible signal when in motion or visual signals meeting the requirements of Section 12-215 of this Act.

(e) The foregoing provisions do not relieve the driver of an authorized emergency vehicle from the duty of driving with due regard for the safety of all persons, nor do such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

(f) Unless specifically made applicable, the provisions of this Chapter, except those contained in Section 11-204 and Articles IV and V of this Chapter, shall not apply to persons, motor vehicles and equipment while actually engaged in work upon a highway but shall apply to such persons and vehicles when traveling to or from such work.

625 ILCS 5/11-206 — Traffic laws apply to persons riding animals or driving animal-drawn vehicles

Sec. 11-206. Traffic laws apply to persons riding animals or driving animal-drawn vehicles. Every person riding an animal or driving any animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter, except those provisions of this chapter which by their very nature can have no application.

625 ILCS 5/11-207 — Provisions of this Chapter uniform throughout State

Sec. 11-207. Provisions of this Chapter uniform throughout State. The provisions of this Chapter shall be applicable and uniform throughout this State and in all political subdivisions and municipalities therein, and no local authority shall enact or enforce any ordinance rule or regulation in conflict with the provisions of this Chapter unless expressly authorized herein. Local authorities may, however, adopt additional traffic regulations which are not in conflict with the provisions of this Chapter, but such regulations shall not be effective until signs giving reasonable notice thereof are posted.

625 ILCS 5/11-208 — Powers of local authorities

Sec. 11-208. Powers of local authorities.

(a) The provisions of this Code shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from: 1. Regulating the standing or parking of vehicles, except as limited by Sections 11-1306 and 11-1307 of this Act; 2. Regulating traffic by means of police officers or traffic control signals; 3. Regulating or prohibiting processions or assemblages on the highways; and certifying persons to control traffic for processions or assemblages; 4. Designating particular highways as one-way highways and requiring that all vehicles thereon be moved in one specific direction; 5. Regulating the speed of vehicles in public parks subject to the limitations set forth in Section 11-604; 6. Designating any highway as a through highway, as authorized in Section 11-302, and requiring that all vehicles stop before entering or crossing the same or designating any intersection as a stop intersection or a yield right-of-way intersection and requiring all vehicles to stop or yield the right-of-way at one or more entrances to such intersections; 7. Restricting the use of highways as authorized in Chapter 15; 8. Regulating the operation of mobile carrying devices, bicycles, low-speed electric bicycles, and low-speed gas bicycles, and requiring the registration and licensing of same, including the requirement of a registration fee; 9. Regulating or prohibiting the turning of vehicles or specified types of vehicles at intersections; 10. Altering the speed limits as authorized in Section 11-604; 11. Prohibiting U-turns; 12. Prohibiting pedestrian crossings at other than designated and marked crosswalks or at intersections; 13. Prohibiting parking during snow removal operation; 14. Imposing fines in accordance with Section 11-1301.3 as penalties for use of any parking place reserved for persons with disabilities, as defined by Section 1-159.1, or veterans with disabilities by any person using a motor vehicle not bearing registration plates specified in Section 11-1301.1 or a special decal or device as defined in Section 11-1301.2 as evidence that the vehicle is operated by or for a person with disabilities or a veteran with a disability; 15. Adopting such other traffic regulations as are specifically authorized by this Code; or 16. Enforcing the provisions of subsection

(f) of Section 3-413 of this Code or a similar local ordinance.

(b) No ordinance or regulation enacted under paragraph 1, 4, 5, 6, 7, 9, 10, 11 or 13 of subsection

(a) shall be effective until signs giving reasonable notice of such local traffic regulations are posted.

(c) The provisions of this Code shall not prevent any municipality having a population of 500,000 or more inhabitants from prohibiting any person from driving or operating any motor vehicle upon the roadways of such municipality with headlamps on high beam or bright.

(d) The provisions of this Code shall not be deemed to prevent local authorities within the reasonable exercise of their police power from prohibiting, on private property, the unauthorized use of parking spaces reserved for persons with disabilities.

(e) No unit of local government, including a home rule unit, may enact or enforce an ordinance that applies only to motorcycles if the principal purpose for that ordinance is to restrict the access of motorcycles to any highway or portion of a highway for which federal or State funds have been used for the planning, design, construction, or maintenance of that highway. No unit of local government, including a home rule unit, may enact an ordinance requiring motorcycle users to wear protective headgear. Nothing in this subsection

(e) shall affect the authority of a unit of local government to regulate motorcycles for traffic control purposes or in accordance with Section 12-602 of this Code. No unit of local government, including a home rule unit, may regulate

motorcycles in a manner inconsistent with this Code. This subsection

(e) is a limitation under subsection

(i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State. (e-5) The City of Chicago may enact an ordinance providing for a noise monitoring system upon any portion of the roadway known as Lake Shore Drive. Twelve months after the installation of the noise monitoring system, and any time after the first report as the City deems necessary, the City of Chicago shall prepare a noise monitoring report with the data collected from the system and shall, upon request, make the report available to the public. For purposes of this subsection (e-5), "noise monitoring system" means an automated noise monitor capable of recording noise levels 24 hours per day and 365 days per year with computer equipment sufficient to process the data. (e-10) A unit of local government, including a home rule unit, may not enact an ordinance prohibiting the use of Automated Driving System equipped vehicles on its roadways. Nothing in this subsection (e-10) shall affect the authority of a unit of local government to regulate Automated Driving System equipped vehicles for traffic control purposes. No unit of local government, including a home rule unit, may regulate Automated Driving System equipped vehicles in a manner inconsistent with this Code. For purposes of this subsection (e-10), "Automated Driving System equipped vehicle" means any vehicle equipped with an Automated Driving System of hardware and software that are collectively capable of performing the entire dynamic driving task on a sustained basis, regardless of whether it is limited to a specific operational domain. This subsection (e-10) is a limitation under subsection

(i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(f) A municipality or county designated in Section 11-208.6 may enact an ordinance providing for an automated traffic law enforcement system to enforce violations of this Code or a similar provision of a local ordinance and imposing liability on a registered owner or lessee of a vehicle used in such a violation.

(g) A municipality or county, as provided in Section 11-1201.1, may enact an ordinance providing for an automated traffic law enforcement system to enforce violations of Section 11-1201 of this Code or a similar provision of a local ordinance and imposing liability on a registered owner of a vehicle used in such a violation.

(h) A municipality designated in Section 11-208.8 may enact an ordinance providing for an automated speed enforcement system to enforce violations of Article VI of Chapter 11 of this Code or a similar provision of a local ordinance.

(i) A municipality or county designated in Section 11-208.9 may enact an ordinance providing for an automated traffic law enforcement system to enforce violations of Section 11-1414 of this Code or a similar provision of a local ordinance and imposing liability on a registered owner or lessee of a vehicle used in such a violation.

625 ILCS 5/11-208.1 — Uniformity

Sec. 11-208.1. Uniformity. The provisions of this Chapter of this Act, as amended, and the rules and regulations promulgated thereunder by any State Officer, Office, Agency, Department or Commission, shall be applicable and uniformly applied and enforced throughout this State, in all other political subdivisions and in all units of local government.

625 ILCS 5/11-208.2 — Limitation on home rule units

Sec. 11-208.2. Limitation on home rule units. The provisions of this Chapter of this Act limit the authority of home rule units to adopt local police regulations inconsistent herewith except pursuant to Sections 11-208, 11-209, 11-1005.1, 11-1412.1, and 11-1412.2 of this Chapter of this Act.

625 ILCS 5/11-208.3

Sec. 11-208.3. Administrative adjudication of violations of traffic regulations concerning the standing, parking, or condition of vehicles, automated traffic law violations, and automated speed enforcement system violations.

(a) Any municipality or county may provide by ordinance for a system of administrative adjudication of vehicular standing and parking violations and vehicle compliance violations as described in this subsection, automated traffic law violations as defined in Section 11-208.6, 11-208.9, or 11-1201.1, and automated speed enforcement system violations as defined in Section 11-208.8. The administrative system shall have as its purpose the fair and efficient enforcement of municipal or county regulations through the administrative adjudication of automated speed enforcement system or automated traffic law violations and violations of municipal or county ordinances regulating the standing and parking of vehicles, the condition and use of vehicle equipment, and the display of municipal or county wheel tax licenses within the municipality's

or county's borders. The administrative system shall only have authority to adjudicate civil offenses carrying fines not in excess of \$500 or requiring the completion of a traffic education program, or both, that occur after the effective date of the ordinance adopting such a system under this Section. For purposes of this Section, "compliance violation" means a violation of a municipal or county regulation governing the condition or use of equipment on a vehicle or governing the display of a municipal or county wheel tax license.

(b) Any ordinance establishing a system of administrative adjudication under this Section shall provide for:

(1) A traffic compliance administrator authorized to adopt, distribute, and process parking, compliance, and automated speed enforcement system or automated traffic law violation notices and other notices required by this Section, collect money paid as fines and penalties for violation of parking and compliance ordinances and automated speed enforcement system or automated traffic law violations, and operate an administrative adjudication system.

(2) A parking, standing, compliance, automated speed enforcement system, or automated traffic law violation notice that shall specify or include the date, time, and place of violation of a parking, standing, compliance, automated speed enforcement system, or automated traffic law regulation; the particular regulation violated; any requirement to complete a traffic education program; the fine and any penalty that may be assessed for late payment or failure to complete a required traffic education program, or both, when so provided by ordinance; the vehicle make or a photograph of the vehicle; the state registration number of the vehicle; and the identification number of the person issuing the notice. With regard to automated speed enforcement system or automated traffic law violations, vehicle make shall be specified on the automated speed enforcement system or automated traffic law violation notice if the notice does not include a photograph of the vehicle and the make is available and readily discernible. With regard to municipalities or counties with a population of 1 million or more, it shall be grounds for dismissal of a parking violation if the state registration number or vehicle make specified is incorrect. The violation notice shall state that the completion of any required traffic education program, the payment of any indicated fine, and the payment of any applicable penalty for late payment or failure to complete a required traffic education program, or both, shall operate as a final disposition of the violation. The notice also shall contain information as to the availability of a hearing in which the violation may be contested on its merits. The violation notice shall specify the time and manner in which a hearing may be had.

(3) Service of a parking, standing, or compliance violation notice by:

(i) affixing the original or a facsimile of the notice to an unlawfully parked or standing vehicle; (ii) handing the notice to the operator of a vehicle if he or she is present; or (iii) mailing the notice to the address of the registered owner or lessee of the cited vehicle as recorded with the Secretary of State or the lessor of the motor vehicle within 30 days after the Secretary of State or the lessor of the motor vehicle notifies the municipality or county of the identity of the owner or lessee of the vehicle, but not later than 90 days after the date of the violation, except that in the case of a lessee of a motor vehicle, service of a parking, standing, or compliance violation notice may occur no later than 210 days after the violation; and service of an automated speed enforcement system or automated traffic law violation notice by mail to the address of the registered owner or lessee of the cited vehicle as recorded with the Secretary of State or the lessor of the motor vehicle within 30 days after the Secretary of State or the lessor of the motor vehicle notifies the municipality or county of the identity of the owner or lessee of the vehicle, but not later than 90 days after the violation, except that in the case of a lessee of a motor vehicle, service of an automated traffic law violation notice may occur no later than 210 days after the violation. A person authorized by ordinance to issue and serve parking, standing, and compliance violation notices shall certify as to the correctness of the facts entered on the violation notice by signing his or her name to the notice at the time of service or, in the case of a notice produced by a computerized device, by signing a single certificate to be kept by the traffic compliance administrator attesting to the correctness of all notices produced by the device while it was under his or her control. In the case of an automated traffic law violation, the ordinance shall require a determination by a technician employed or contracted by the municipality or county that, based on inspection of recorded images, the motor vehicle was being operated in violation of Section 11-208.6, 11-208.9, or 11-1201.1 or a local ordinance. If the technician determines that the vehicle entered the intersection as part of a funeral procession or in order to yield the right-of-way to an emergency vehicle, a citation shall not be issued. In municipalities with a population of less than 1,000,000 inhabitants and counties with a population of less than 3,000,000 inhabitants, the automated traffic law ordinance shall require that all determinations by a technician that a motor vehicle was being operated in violation of Section 11-208.6, 11-208.9, or 11-1201.1 or a local ordinance must be reviewed and approved by a law enforcement officer or retired law enforcement officer of the municipality or county issuing the violation. In municipalities with a population of 1,000,000 or more inhabitants and counties with a population of 3,000,000 or more inhabitants, the

automated traffic law ordinance shall require that all determinations by a technician that a motor vehicle was being operated in violation of Section 11-208.6, 11-208.9, or 11-1201.1 or a local ordinance must be reviewed and approved by a law enforcement officer or retired law enforcement officer of the municipality or county issuing the violation or by an additional fully trained reviewing technician who is not employed by the contractor who employs the technician who made the initial determination. In the case of an automated speed enforcement system violation, the ordinance shall require a determination by a technician employed by the municipality, based upon an inspection of recorded images, video or other documentation, including documentation of the speed limit and automated speed enforcement signage, and documentation of the inspection, calibration, and certification of the speed equipment, that the vehicle was being operated in violation of Article VI of Chapter 11 of this Code or a similar local ordinance. If the technician determines that the vehicle speed was not determined by a calibrated, certified speed equipment device based upon the speed equipment documentation, or if the vehicle was an emergency vehicle, a citation may not be issued. The automated speed enforcement ordinance shall require that all determinations by a technician that a violation occurred be reviewed and approved by a law enforcement officer or retired law enforcement officer of the municipality issuing the violation or by an additional fully trained reviewing technician who is not employed by the contractor who employs the technician who made the initial determination. Routine and independent calibration of the speeds produced by automated speed enforcement systems and equipment shall be conducted annually by a qualified technician. Speeds produced by an automated speed enforcement system shall be compared with speeds produced by lidar or other independent equipment. Radar or lidar equipment shall undergo an internal validation test no less frequently than once each week. Qualified technicians shall test loop-based equipment no less frequently than once a year. Radar equipment shall be checked for accuracy by a qualified technician when the unit is serviced, when unusual or suspect readings persist, or when deemed necessary by a reviewing technician. Radar equipment shall be checked with the internal frequency generator and the internal circuit test whenever the radar is turned on. Technicians must be alert for any unusual or suspect readings, and if unusual or suspect readings of a radar unit persist, that unit shall immediately be removed from service and not returned to service until it has been checked by a qualified technician and determined to be functioning properly. Documentation of the annual calibration results, including the equipment tested, test date, technician performing the test, and test results, shall be maintained and available for use in the determination of an automated speed enforcement system violation and issuance of a citation. The technician performing the calibration and testing of the automated speed enforcement equipment shall be trained and certified in the use of equipment for speed enforcement purposes. Training on the speed enforcement equipment may be conducted by law enforcement, civilian, or manufacturer's personnel and if applicable may be equivalent to the equipment use and operations training included in the Speed Measuring Device Operator Program developed by the National Highway Traffic Safety Administration (NHTSA). The vendor or technician who performs the work shall keep accurate records on each piece of equipment the technician calibrates and tests. As used in this paragraph, "fully trained reviewing technician" means a person who has received at least 40 hours of supervised training in subjects which shall include image inspection and interpretation, the elements necessary to prove a violation, license plate identification, and traffic safety and management. In all municipalities and counties, the automated speed enforcement system or automated traffic law ordinance shall require that no additional fee shall be charged to the alleged violator for exercising his or her right to an administrative hearing, and persons shall be given at least 25 days following an administrative hearing to pay any civil penalty imposed by a finding that Section 11-208.6, 11-208.8, 11-208.9, or 11-1201.1 or a similar local ordinance has been violated. The original or a facsimile of the violation notice or, in the case of a notice produced by a computerized device, a printed record generated by the device showing the facts entered on the notice, shall be retained by the traffic compliance administrator, and shall be a record kept in the ordinary course of business. A parking, standing, compliance, automated speed enforcement system, or automated traffic law violation notice issued, signed, and served in accordance with this Section, a copy of the notice, or the computer-generated record shall be prima facie correct and shall be prima facie evidence of the correctness of the facts shown on the notice. The notice, copy, or computer-generated record shall be admissible in any subsequent administrative or legal proceedings.

(4) An opportunity for a hearing for the registered owner of the vehicle cited in the parking, standing, compliance, automated speed enforcement system, or automated traffic law violation notice in which the owner may contest the merits of the alleged violation, and during which formal or technical rules of evidence shall not apply; provided, however, that under Section 11-1306 of this Code the lessee of a vehicle cited in the violation notice likewise shall be provided an opportunity for a hearing of the same kind afforded the registered owner. The hearings shall be recorded, and the person conducting the hearing on behalf of the traffic compliance administrator shall be empowered to administer oaths and to secure by subpoena both the attendance and testimony of witnesses and the production of relevant books and papers.

Persons appearing at a hearing under this Section may be represented by counsel at their expense. The ordinance may also provide for internal administrative review following the decision of the hearing officer.

(5) Service of additional notices, sent by first class United States mail, postage prepaid, to the address of the registered owner of the cited vehicle as recorded with the Secretary of State or, if any notice to that address is returned as undeliverable, to the last known address recorded in a United States Post Office approved database, or, under Section 11-1306 or subsection

(p) of Section 11-208.6 or 11-208.9, or subsection

(p) of Section 11-208.8 of this Code, to the lessee of the cited vehicle at the last address known to the lessor of the cited vehicle at the time of lease or, if any notice to that address is returned as undeliverable, to the last known address recorded in a United States Post Office approved database. The service shall be deemed complete as of the date of deposit in the United States mail. The notices shall be in the following sequence and shall include, but not be limited to, the information specified herein:

(i) A second notice of parking, standing, or compliance violation if the first notice of the violation was issued by affixing the original or a facsimile of the notice to the unlawfully parked vehicle or by handing the notice to the operator. This notice shall specify or include the date and location of the violation cited in the parking, standing, or compliance violation notice, the particular regulation violated, the vehicle make or a photograph of the vehicle, the state registration number of the vehicle, any requirement to complete a traffic education program, the fine and any penalty that may be assessed for late payment or failure to complete a traffic education program, or both, when so provided by ordinance, the availability of a hearing in which the violation may be contested on its merits, and the time and manner in which the hearing may be had. The notice of violation shall also state that failure to complete a required traffic education program, to pay the indicated fine and any applicable penalty, or to appear at a hearing on the merits in the time and manner specified, will result in a final determination of violation liability for the cited violation in the amount of the fine or penalty indicated, and that, upon the occurrence of a final determination of violation liability for the failure, and the exhaustion of, or failure to exhaust, available administrative or judicial procedures for review, any incomplete traffic education program or any unpaid fine or penalty, or both, will constitute a debt due and owing the municipality or county. (ii) A notice of final determination of parking, standing, compliance, automated speed enforcement system, or automated traffic law violation liability. This notice shall be sent following a final determination of parking, standing, compliance, automated speed enforcement system, or automated traffic law violation liability and the conclusion of judicial review procedures taken under this Section. The notice shall state that the incomplete traffic education program or the unpaid fine or penalty, or both, is a debt due and owing the municipality or county. The notice shall contain warnings that failure to complete any required traffic education program or to pay any fine or penalty due and owing the municipality or county, or both, within the time specified may result in the municipality's or county's filing of a petition in the Circuit Court to have the incomplete traffic education program or unpaid fine or penalty, or both, rendered a judgment as provided by this Section, or, where applicable, may result in suspension of the person's driver's license for failure to complete a traffic education program.

(6) A notice of impending driver's license suspension. This notice shall be sent to the person liable for failure to complete a required traffic education program. The notice shall state that failure to complete a required traffic education program within 45 days of the notice's date will result in the municipality or county notifying the Secretary of State that the person is eligible for initiation of suspension proceedings under Section 6-306.5 of this Code. The notice shall also state that the person may obtain a photostatic copy of an original ticket imposing a fine or penalty by sending a self-addressed, stamped envelope to the municipality or county along with a request for the photostatic copy. The notice of impending driver's license suspension shall be sent by first class United States mail, postage prepaid, to the address recorded with the Secretary of State or, if any notice to that address is returned as undeliverable, to the last known address recorded in a United States Post Office approved database.

(7) Final determinations of violation liability. A final determination of violation liability shall occur following failure to complete the required traffic education program or to pay the fine or penalty, or both, after a hearing officer's determination of violation liability and the exhaustion of or failure to exhaust any administrative review procedures provided by ordinance. Where a person fails to appear at a hearing to contest the alleged violation in the time and manner specified in a prior mailed notice, the hearing officer's determination of violation liability shall become final: (A) upon denial of a timely petition to set aside that determination, or (B) upon expiration of the period for filing the petition without a filing having been made.

(8) A petition to set aside a determination of parking, standing, compliance, automated speed enforcement system, or automated traffic law violation liability that may be filed by a person owing an unpaid fine or penalty. A petition to set aside a determination of liability may also be filed by a person required to complete a traffic education program. The petition shall be filed with and ruled upon by the traffic compliance administrator in the manner and within the time specified by ordinance. The grounds for the petition may be limited to: (A) the person not having been the owner or lessee of the cited vehicle on the date the violation notice was issued, (B) the person having already completed the required traffic education program or paid the fine or penalty, or both, for the violation in question, and (C) excusable failure to appear at or request a new date for a hearing. With regard to municipalities or counties with a population of 1 million or more, it shall be grounds for dismissal of a parking violation if the state registration number or vehicle make, only if specified in the violation notice, is incorrect. After the determination of parking, standing, compliance, automated speed enforcement system, or automated traffic law violation liability has been set aside upon a showing of just cause, the registered owner shall be provided with a hearing on the merits for that violation.

(9) Procedures for non-residents. Procedures by which persons who are not residents of the municipality or county may contest the merits of the alleged violation without attending a hearing.

(10) A schedule of civil fines for violations of vehicular standing, parking, compliance, automated speed enforcement system, or automated traffic law regulations enacted by ordinance pursuant to this Section, and a schedule of penalties for late payment of the fines or failure to complete required traffic education programs, provided, however, that the total amount of the fine and penalty for any one violation shall not exceed \$250, except as provided in subsection

(c) of Section 11-1301.3 of this Code.

(11) Other provisions as are necessary and proper to carry into effect the powers granted and purposes stated in this Section. (b-5) An automated speed enforcement system or automated traffic law ordinance adopted under this Section by a municipality or county shall require that the determination to issue a citation be vested solely with the municipality or county and that such authority may not be delegated to any vendor retained by the municipality or county. Any contract or agreement violating such a provision in the ordinance is null and void.

(c) Any municipality or county establishing vehicular standing, parking, compliance, automated speed enforcement system, or automated traffic law regulations under this Section may also provide by ordinance for a program of vehicle immobilization for the purpose of facilitating enforcement of those regulations. The program of vehicle immobilization shall provide for immobilizing any eligible vehicle upon the public way by presence of a restraint in a manner to prevent operation of the vehicle. Any ordinance establishing a program of vehicle immobilization under this Section shall provide:

(1) Criteria for the designation of vehicles eligible for immobilization. A vehicle shall be eligible for immobilization when the registered owner of the vehicle has accumulated the number of incomplete traffic education programs or unpaid final determinations of parking, standing, compliance, automated speed enforcement system, or automated traffic law violation liability, or both, as determined by ordinance.

(2) A notice of impending vehicle immobilization and a right to a hearing to challenge the validity of the notice by disproving liability for the incomplete traffic education programs or unpaid final determinations of parking, standing, compliance, automated speed enforcement system, or automated traffic law violation liability, or both, listed on the notice.

(3) The right to a prompt hearing after a vehicle has been immobilized or subsequently towed without the completion of the required traffic education program or payment of the outstanding fines and penalties on parking, standing, compliance, automated speed enforcement system, or automated traffic law violations, or both, for which final determinations have been issued. An order issued after the hearing is a final administrative decision within the meaning of Section 3-101 of the Code of Civil Procedure.

(4) A post immobilization and post-towing notice advising the registered owner of the vehicle of the right to a hearing to challenge the validity of the impoundment.

(d) Judicial review of final determinations of parking, standing, compliance, automated speed enforcement system, or automated traffic law violations and final administrative decisions issued after hearings regarding vehicle immobilization and impoundment made under this Section shall be subject to the provisions of the Administrative Review Law.

(e) Any fine, penalty, incomplete traffic education program, or part of any fine or any penalty remaining unpaid after the exhaustion of, or the failure to exhaust, administrative remedies created under this Section and the conclusion of any judicial review procedures shall be a debt due and owing the municipality or county and, as such, may be collected in accordance with applicable law. Completion of any required traffic education program and payment in full of any fine or

penalty resulting from a standing, parking, compliance, automated speed enforcement system, or automated traffic law violation shall constitute a final disposition of that violation.

(f) After the expiration of the period within which judicial review may be sought for a final determination of parking, standing, compliance, automated speed enforcement system, or automated traffic law violation, the municipality or county may commence a proceeding in the Circuit Court for purposes of obtaining a judgment on the final determination of violation. Nothing in this Section shall prevent a municipality or county from consolidating multiple final determinations of parking, standing, compliance, automated speed enforcement system, or automated traffic law violations against a person in a proceeding. Upon commencement of the action, the municipality or county shall file a certified copy or record of the final determination of parking, standing, compliance, automated speed enforcement system, or automated traffic law violation, which shall be accompanied by a certification that recites facts sufficient to show that the final determination of violation was issued in accordance with this Section and the applicable municipal or county ordinance. Service of the summons and a copy of the petition may be by any method provided by Section 2-203 of the Code of Civil Procedure or by certified mail, return receipt requested, provided that the total amount of fines and penalties for final determinations of parking, standing, compliance, automated speed enforcement system, or automated traffic law violations does not exceed \$2500. If the court is satisfied that the final determination of parking, standing, compliance, automated speed enforcement system, or automated traffic law violation was entered in accordance with the requirements of this Section and the applicable municipal or county ordinance, and that the registered owner or the lessee, as the case may be, had an opportunity for an administrative hearing and for judicial review as provided in this Section, the court shall render judgment in favor of the municipality or county and against the registered owner or the lessee for the amount indicated in the final determination of parking, standing, compliance, automated speed enforcement system, or automated traffic law violation, plus costs. The judgment shall have the same effect and may be enforced in the same manner as other judgments for the recovery of money.

(g) The fee for participating in a traffic education program under this Section shall not exceed \$25. A low-income individual required to complete a traffic education program under this Section who provides proof of eligibility for the federal earned income tax credit under Section 32 of the Internal Revenue Code or the Illinois earned income tax credit under Section 212 of the Illinois Income Tax Act shall not be required to pay any fee for participating in a required traffic education program.

(h) Notwithstanding any other provision of law to the contrary, a person shall not be liable for violations, fees, fines, or penalties under this Section during the period in which the motor vehicle was stolen or hijacked, as indicated in a report to the appropriate law enforcement agency filed in a timely manner.

625 ILCS 5/11-208.4

Sec. 11-208.4. (Repealed).

625 ILCS 5/11-208.5 — Prosecution of felony DUI by local authorities prohibited

Sec. 11-208.5. Prosecution of felony DUI by local authorities prohibited.

(a) The powers of a local authority to enact or enforce any ordinance or rule with respect to the streets or highways under its jurisdiction relating to driving under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof is limited to the enactment and enforcement of ordinances or rules the violation of which would constitute a misdemeanor under Section 11-501 of the Illinois Vehicle Code.

(b) A local authority may not enact or enforce any ordinance or rule with respect to streets and highways under its jurisdiction if a violation of that ordinance or rule would constitute a felony under Section 11-501 of the Illinois Vehicle Code. The municipality may, however, charge an offender with a municipal misdemeanor offense if the State's Attorney rejects or denies felony charges for the conduct that comprises the charge.

(c) A municipal attorney who is aware that, based on a driver's history, the driver is subject to prosecution for a felony under Section 11-501 of the Illinois Vehicle Code, must notify the State's Attorney of that county of the driver's conduct and may not prosecute the driver on behalf of the municipality.

625 ILCS 5/11-208.6 — Automated traffic law enforcement system

Sec. 11-208.6. Automated traffic law enforcement system.

(a) As used in this Section, "automated traffic law enforcement system" means a device with one or more motor vehicle sensors working in conjunction with a red light signal to produce recorded images of motor vehicles entering an intersection against a red signal indication in violation of Section 11-306 of this Code or a similar provision of a local ordinance. An automated traffic law enforcement system is a system, in a municipality or county operated by a governmental agency, that produces a recorded image of a motor vehicle's violation of a provision of this Code or a local ordinance and is designed to obtain a clear recorded image of the vehicle and the vehicle's license plate. The recorded image must also display the time, date, and location of the violation.

(b) As used in this Section, "recorded images" means images recorded by an automated traffic law enforcement system on:

- (1) 2 or more photographs;
- (2) 2 or more microphotographs;
- (3) 2 or more electronic images; or

(4) a video recording showing the motor vehicle and, on at least one image or portion of the recording, clearly identifying the registration plate or digital registration plate number of the motor vehicle. (b-5) A municipality or county that produces a recorded image of a motor vehicle's violation of a provision of this Code or a local ordinance must make the recorded images of a violation accessible to the alleged violator by providing the alleged violator with a website address, accessible through the Internet.

(c) Except as provided under Section 11-208.8 of this Code, a county or municipality, including a home rule county or municipality, may not use an automated traffic law enforcement system to provide recorded images of a motor vehicle for the purpose of recording its speed. Except as provided under Section 11-208.8 of this Code, the regulation of the use of automated traffic law enforcement systems to record vehicle speeds is an exclusive power and function of the State. This subsection

(c) is a denial and limitation of home rule powers and functions under subsection

(h) of Section 6 of Article VII of the Illinois Constitution. (c-5) A county or municipality, including a home rule county or municipality, may not use an automated traffic law enforcement system to issue violations in instances where the motor vehicle comes to a complete stop and does not enter the intersection, as defined by Section 1-132 of this Code, during the cycle of the red signal indication unless one or more pedestrians or bicyclists are present, even if the motor vehicle stops at a point past a stop line or crosswalk where a driver is required to stop, as specified in subsection

(c) of Section 11-306 of this Code or a similar provision of a local ordinance. (c-6) A county, or a municipality with less than 2,000,000 inhabitants, including a home rule county or municipality, may not use an automated traffic law enforcement system to issue violations in instances where a motorcyclist enters an intersection against a red signal indication when the red signal fails to change to a green signal within a reasonable period of time not less than 120 seconds because of a signal malfunction or because the signal has failed to detect the arrival of the motorcycle due to the motorcycle's size or weight.

(d) For each violation of a provision of this Code or a local ordinance recorded by an automatic traffic law enforcement system, the county or municipality having jurisdiction shall issue a written notice of the violation to the registered owner of the vehicle as the alleged violator. The notice shall be delivered to the registered owner of the vehicle, by mail, within 30 days after the Secretary of State notifies the municipality or county of the identity of the owner of the vehicle, but in no event later than 90 days after the violation. The notice shall include:

- (1) the name and address of the registered owner of the vehicle;
- (2) the registration number of the motor vehicle involved in the violation;
- (3) the violation charged;
- (4) the location where the violation occurred;
- (5) the date and time of the violation;
- (6) a copy of the recorded images;
- (7) the amount of the civil penalty imposed and the requirements of any traffic education program imposed and the date by which the civil penalty should be paid and the traffic education program should be completed;
- (8) a statement that recorded images are evidence of a violation of a red light signal;

(9) a warning that failure to pay the civil penalty, to complete a required traffic education program, or to contest liability in a timely manner is an admission of liability;

(10) a statement that the person may elect to proceed by: (A) paying the fine, completing a required traffic education program, or both; or (B) challenging the charge in court, by mail, or by administrative hearing; and

(11) a website address, accessible through the Internet, where the person may view the recorded images of the violation.

(e) (Blank).

(f) Based on inspection of recorded images produced by an automated traffic law enforcement system, a notice alleging that the violation occurred shall be evidence of the facts contained in the notice and admissible in any proceeding alleging a violation under this Section.

(g) Recorded images made by an automatic traffic law enforcement system are confidential and shall be made available only to the alleged violator and governmental and law enforcement agencies for purposes of adjudicating a violation of this Section, for statistical purposes, or for other governmental purposes. Any recorded image evidencing a violation of this Section, however, may be admissible in any proceeding resulting from the issuance of the citation.

(h) The court or hearing officer may consider in defense of a violation:

(1) that the motor vehicle or registration plates or digital registration plates of the motor vehicle were stolen before the violation occurred and not under the control of or in the possession of the owner or lessee at the time of the violation; (1.5) that the motor vehicle was hijacked before the violation occurred and not under the control of or in the possession of the owner or lessee at the time of the violation;

(2) that the driver of the vehicle passed through the intersection when the light was red either

(i) in order to yield the right-of-way to an emergency vehicle or (ii) as part of a funeral procession; and

(3) any other evidence or issues provided by municipal or county ordinance.

(i) To demonstrate that the motor vehicle was hijacked or the motor vehicle or registration plates or digital registration plates were stolen before the violation occurred and were not under the control or possession of the owner or lessee at the time of the violation, the owner or lessee must submit proof that a report concerning the motor vehicle or registration plates was filed with a law enforcement agency in a timely manner.

(j) Unless the driver of the motor vehicle received a Uniform Traffic Citation from a police officer at the time of the violation, the motor vehicle owner is subject to a civil penalty not exceeding \$100 or the completion of a traffic education program, or both, plus an additional penalty of not more than \$100 for failure to pay the original penalty or to complete a required traffic education program, or both, in a timely manner, if the motor vehicle is recorded by an automated traffic law enforcement system. A violation for which a civil penalty is imposed under this Section is not a violation of a traffic regulation governing the movement of vehicles and may not be recorded on the driving record of the owner of the vehicle.

(j-3) A registered owner who is a holder of a valid commercial driver's license is not required to complete a traffic education program. (j-5) For purposes of the required traffic education program only, a registered owner may submit an affidavit to the court or hearing officer swearing that at the time of the alleged violation, the vehicle was in the custody and control of another person. The affidavit must identify the person in custody and control of the vehicle, including the person's name and current address. The person in custody and control of the vehicle at the time of the violation is required to complete the required traffic education program. If the person in custody and control of the vehicle at the time of the violation completes the required traffic education program, the registered owner of the vehicle is not required to complete a traffic education program.

(k) An intersection equipped with an automated traffic law enforcement system must be posted with a sign visible to approaching traffic indicating that the intersection is being monitored by an automated traffic law enforcement system and informing drivers whether, following a stop, a right turn at the intersection is permitted or prohibited. (k-3) A municipality or county that has one or more intersections equipped with an automated traffic law enforcement system must provide notice to drivers by posting the locations of automated traffic law systems on the municipality or county website. (k-5) An intersection equipped with an automated traffic law enforcement system must have a yellow change interval that conforms with the Illinois Manual on Uniform Traffic Control Devices (IMUTCD) published by the Illinois Department of Transportation. Beginning 6 months before it installs an automated traffic law enforcement system at an intersection, a county or municipality may not change the yellow change interval at that intersection. (k-7) A municipality or county operating an automated traffic law enforcement system shall conduct a statistical analysis to assess the safety impact of

each automated traffic law enforcement system at an intersection following installation of the system and every 2 years thereafter. Each statistical analysis shall be based upon the best available crash, traffic, and other data, and shall cover a period of time before and after installation of the system sufficient to provide a statistically valid comparison of safety impact. Each statistical analysis shall be consistent with professional judgment and acceptable industry practice. Each statistical analysis also shall be consistent with the data required for valid comparisons of before and after conditions and shall be conducted within a reasonable period following the installation of the automated traffic law enforcement system. Each statistical analysis required by this subsection (k-7) shall be made available to the public and shall be published on the website of the municipality or county. If a statistical analysis indicates that there has been an increase in the rate of crashes at the approach to the intersection monitored by the system, the municipality or county shall undertake additional studies to determine the cause and severity of the crashes, and may take any action that it determines is necessary or appropriate to reduce the number or severity of the crashes at that intersection. (k-8) Any municipality or county operating an automated traffic law enforcement system before July 28, 2023 (the effective date of Public Act 103-364) shall conduct a statistical analysis to assess the safety impact of each automated traffic law enforcement system at an intersection by no later than one year after July 28, 2023 (the effective date of Public Act 103-364) and every 2 years thereafter. The statistical analyses shall be based upon the best available crash, traffic, and other data, and shall cover a period of time before and after installation of the system sufficient to provide a statistically valid comparison of safety impact. The statistical analyses shall be consistent with professional judgment and acceptable industry practice. The statistical analyses also shall be consistent with the data required for valid comparisons of before and after conditions. The statistical analyses required by this subsection shall be made available to the public and shall be published on the website of the municipality or county. If the statistical analysis for any period following installation of the system indicates that there has been an increase in the rate of accidents at the approach to the intersection monitored by the system, the municipality or county shall undertake additional studies to determine the cause and severity of the accidents, and may take any action that it determines is necessary or appropriate to reduce the number or severity of the accidents at that intersection.

(l) The compensation paid for an automated traffic law enforcement system must be based on the value of the equipment or the services provided and may not be based on the number of traffic citations issued or the revenue generated by the system. (l-1) No member of the General Assembly and no officer or employee of a municipality or county shall knowingly accept employment or receive compensation or fees for services from a vendor that provides automated traffic law enforcement system equipment or services to municipalities or counties. No former member of the General Assembly shall, within a period of 2 years immediately after the termination of service as a member of the General Assembly, knowingly accept employment or receive compensation or fees for services from a vendor that provides automated traffic law enforcement system equipment or services to municipalities or counties. No former officer or employee of a municipality or county shall, within a period of 2 years immediately after the termination of municipal or county employment, knowingly accept employment or receive compensation or fees for services from a vendor that provides automated traffic law enforcement system equipment or services to municipalities or counties.

(m) This Section applies only to the counties of Cook, DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and to municipalities located within those counties.

(n) The fee for participating in a traffic education program under this Section shall not exceed \$25. A low-income individual required to complete a traffic education program under this Section who provides proof of eligibility for the federal earned income tax credit under Section 32 of the Internal Revenue Code or the Illinois earned income tax credit under Section 212 of the Illinois Income Tax Act shall not be required to pay any fee for participating in a required traffic education program.

(o) (Blank).

(p) No person who is the lessor of a motor vehicle pursuant to a written lease agreement shall be liable for an automated speed or traffic law enforcement system violation involving such motor vehicle during the period of the lease; provided that upon the request of the appropriate authority received within 120 days after the violation occurred, the lessor provides within 60 days after such receipt the name and address of the lessee. Upon the provision of information by the lessor pursuant to this subsection, the county or municipality may issue the violation to the lessee of the vehicle in the same manner as it would issue a violation to a registered owner of a vehicle pursuant to this Section, and the lessee may be held liable for the violation.

(q) If a county or municipality selects a new vendor for its automated traffic law enforcement system and must, as a consequence, apply for a permit, approval, or other authorization from the Department for reinstallation of one or more malfunctioning components of that system and if, at the time of the application for the permit, approval, or other authorization, the new vendor operates an automated traffic law enforcement system for any other county or municipality in the State, then the Department shall approve or deny the county or municipality's application for the permit, approval, or other authorization within 90 days after its receipt.

(r) The Department may revoke any permit, approval, or other authorization granted to a county or municipality for the placement, installation, or operation of an automated traffic law enforcement system if any official or employee who serves that county or municipality is charged with bribery, official misconduct, or a similar crime related to the placement, installation, or operation of the automated traffic law enforcement system in the county or municipality. The Department shall adopt any rules necessary to implement and administer this subsection. The rules adopted by the Department shall describe the revocation process, shall ensure that notice of the revocation is provided, and shall provide an opportunity to appeal the revocation. Any county or municipality that has a permit, approval, or other authorization revoked under this subsection may not reapply for such a permit, approval, or other authorization for a period of one year after the revocation.

(s) If an automated traffic law enforcement system is removed or rendered inoperable due to construction, then the Department shall authorize the reinstallation or use of the automated traffic law enforcement system within 30 days after the construction is complete.

625 ILCS 5/11-208.7 — Administrative fees and procedures for impounding vehicles for specified violations

Sec. 11-208.7. Administrative fees and procedures for impounding vehicles for specified violations.

(a) Any county or municipality may, consistent with this Section, provide by ordinance procedures for the release of properly impounded vehicles and for the imposition of a reasonable administrative fee related to its administrative and processing costs associated with the investigation, arrest, and detention of an offender, or the removal, impoundment, storage, and release of the vehicle. The administrative fee imposed by the county or municipality may be in addition to any fees charged for the towing and storage of an impounded vehicle. The administrative fee shall be waived by the county or municipality upon verifiable proof that the vehicle was stolen or hijacked at the time the vehicle was impounded.

(b) An ordinance establishing procedures for the release of properly impounded vehicles under this Section may impose fees only for the following violations:

(1) operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense for which a motor vehicle may be seized and forfeited pursuant to Section 36-1 of the Criminal Code of 2012; or

(2) driving under the influence of alcohol, another drug or drugs, an intoxicating compound or compounds, or any combination thereof, in violation of Section 11-501 of this Code; or

(3) operation or use of a motor vehicle in the commission of, or in the attempt to commit, a felony or in violation of the Cannabis Control Act; or

(4) operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of the Illinois Controlled Substances Act; or

(5) operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of Section 24-1, 24-1.5, or 24-3.1 of the Criminal Code of 1961 or the Criminal Code of 2012; or

(6) driving while a driver's license, permit, or privilege to operate a motor vehicle is suspended or revoked pursuant to Section 6-303 of this Code; except that vehicles shall not be subjected to seizure or impoundment if the suspension is for an unpaid citation (parking or moving) or due to failure to comply with emission testing; or

(7) operation or use of a motor vehicle while soliciting, possessing, or attempting to solicit or possess cannabis or a controlled substance, as defined by the Cannabis Control Act or the Illinois Controlled Substances Act; or

(8) operation or use of a motor vehicle with an expired driver's license, in violation of Section 6-101 of this Code, if the period of expiration is greater than one year; or

(9) operation or use of a motor vehicle without ever having been issued a driver's license or permit, in violation of Section 6-101 of this Code, or operating a motor vehicle without ever having been issued a driver's license or permit due to a

person's age; or

(10) operation or use of a motor vehicle by a person against whom a warrant has been issued by a circuit clerk in Illinois for failing to answer charges that the driver violated Section 6-101, 6-303, or 11-501 of this Code; or

(11) operation or use of a motor vehicle in the commission of, or in the attempt to commit, an offense in violation of Article 16 or 16A of the Criminal Code of 1961 or the Criminal Code of 2012; or

(12) operation or use of a motor vehicle in the commission of, or in the attempt to commit, any other misdemeanor or felony offense in violation of the Criminal Code of 1961 or the Criminal Code of 2012, when so provided by local ordinance; or

(13) operation or use of a motor vehicle in violation of Section 11-503 of this Code: (A) while the vehicle is part of a funeral procession; or (B) in a manner that interferes with a funeral procession.

(c) The following shall apply to any fees imposed for administrative and processing costs pursuant to subsection (b):

(1) All administrative fees and towing and storage charges shall be imposed on the registered owner of the motor vehicle or the agents of that owner. (1.5) No administrative fees shall be imposed on the registered owner or the agents of that owner if the motor vehicle was stolen or hijacked at the time the vehicle was impounded. To demonstrate that the motor vehicle was hijacked or stolen at the time the vehicle was impounded, the owner or the agents of the owner must submit proof that a report concerning the motor vehicle was filed with a law enforcement agency in a timely manner.

(2) The fees shall be in addition to

(i) any other penalties that may be assessed by a court of law for the underlying violations; and (ii) any towing or storage fees, or both, charged by the towing company.

(3) The fees shall be uniform for all similarly situated vehicles.

(4) The fees shall be collected by and paid to the county or municipality imposing the fees.

(5) The towing or storage fees, or both, shall be collected by and paid to the person, firm, or entity that tows and stores the impounded vehicle.

(d) Any ordinance establishing procedures for the release of properly impounded vehicles under this Section shall provide for an opportunity for a hearing, as provided in subdivision (b)(4) of Section 11-208.3 of this Code, and for the release of the vehicle to the owner of record, lessee, or a lienholder of record upon payment of all administrative fees and towing and storage fees.

(e) Any ordinance establishing procedures for the impoundment and release of vehicles under this Section shall include the following provisions concerning notice of impoundment:

(1) Whenever a police officer has cause to believe that a motor vehicle is subject to impoundment, the officer shall provide for the towing of the vehicle to a facility authorized by the county or municipality.

(2) At the time the vehicle is towed, the county or municipality shall notify or make a reasonable attempt to notify the owner, lessee, or person identifying himself or herself as the owner or lessee of the vehicle, or any person who is found to be in control of the vehicle at the time of the alleged offense, of the fact of the seizure, and of the vehicle owner's or lessee's right to an administrative hearing.

(3) The county or municipality shall also provide notice that the motor vehicle will remain impounded pending the completion of an administrative hearing, unless the owner or lessee of the vehicle or a lienholder posts with the county or municipality a bond equal to the administrative fee as provided by ordinance and pays for all towing and storage charges.

(f) Any ordinance establishing procedures for the impoundment and release of vehicles under this Section shall include a provision providing that the registered owner or lessee of the vehicle and any lienholder of record shall be provided with a notice of hearing. The notice shall:

(1) be served upon the owner, lessee, and any lienholder of record either by personal service or by first class mail to the interested party's address as registered with the Secretary of State;

(2) be served upon interested parties within 10 days after a vehicle is impounded by the municipality; and

(3) contain the date, time, and location of the administrative hearing. An initial hearing shall be scheduled and convened no later than 45 days after the date of the mailing of the notice of hearing.

(g) In addition to the requirements contained in subdivision (b)(4) of Section 11-208.3 of this Code relating to administrative hearings, any ordinance providing for the impoundment and release of vehicles under this Section shall include the following requirements concerning administrative hearings:

(1) administrative hearings shall be conducted by a hearing officer who is an attorney licensed to practice law in this State for a minimum of 3 years; (1.5) the hearing officer shall consider as a defense to the vehicle impoundment that the motor vehicle was stolen or hijacked at the time the vehicle was impounded; to demonstrate that the motor vehicle was hijacked or stolen at the time the vehicle was impounded, the owner or the agents of the owner or a lessee must submit proof that a report concerning the motor vehicle was filed with a law enforcement agency in a timely manner;

(2) at the conclusion of the administrative hearing, the hearing officer shall issue a written decision either sustaining or overruling the vehicle impoundment;

(3) if the basis for the vehicle impoundment is sustained by the administrative hearing officer, any administrative fee posted to secure the release of the vehicle shall be forfeited to the county or municipality;

(4) all final decisions of the administrative hearing officer shall be subject to review under the provisions of the Administrative Review Law, unless the county or municipality allows in the enabling ordinance for direct appeal to the circuit court having jurisdiction over the county or municipality;

(5) unless the administrative hearing officer overturns the basis for the vehicle impoundment, no vehicle shall be released to the owner, lessee, or lienholder of record until all administrative fees and towing and storage charges are paid;

(6) if the administrative hearing officer finds that a county or municipality that impounds a vehicle exceeded its authority under this Code, the county or municipality shall be liable to the registered owner or lessee of the vehicle for the cost of storage fees and reasonable attorney's fees; and

(7) notwithstanding any other provision of law to the contrary, if the administrative hearing officer finds that a county or municipality impounded a motor vehicle that was stolen or hijacked at the time the vehicle was impounded, the county or municipality shall refund any administrative fees already paid by the registered owner or lessee of the vehicle.

(h) Vehicles not retrieved from the towing facility or storage facility within 35 days after the administrative hearing officer issues a written decision shall be deemed abandoned and disposed of in accordance with the provisions of Article II of Chapter 4 of this Code.

(i) Unless stayed by a court of competent jurisdiction, any fine, penalty, or administrative fee imposed under this Section which remains unpaid in whole or in part after the expiration of the deadline for seeking judicial review under the Administrative Review Law may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.

(j) The fee limits in subsection (b), the exceptions in paragraph

(6) of subsection (b), and all of paragraph

(6) of subsection

(g) of this Section shall not apply to a home rule unit that tows a vehicle on a public way if a circumstance requires the towing of the vehicle or if the vehicle is towed due to a violation of a statute or local ordinance, and the home rule unit:

(1) owns and operates a towing facility within its boundaries for the storage of towed vehicles; and

(2) owns and operates tow trucks or enters into a contract with a third party vendor to operate tow trucks.

625 ILCS 5/11-208.8 — Automated speed enforcement systems in safety zones

Sec. 11-208.8. Automated speed enforcement systems in safety zones.

(a) As used in this Section: "Automated speed enforcement system" means a photographic device, radar device, laser device, or other electrical or mechanical device or devices installed or utilized in a safety zone and designed to record the speed of a vehicle and obtain a clear photograph or other recorded image of the vehicle and the vehicle's registration plate or digital registration plate while the driver is violating Article VI of Chapter 11 of this Code or a similar provision of a local ordinance. An automated speed enforcement system is a system, located in a safety zone which is under the jurisdiction of a municipality, that produces a recorded image of a motor vehicle's violation of a provision of this Code or a local ordinance and is designed to obtain a clear recorded image of the vehicle and the vehicle's license plate. The recorded image must also display the time, date, and location of the violation. "Owner" means the person or entity to whom the vehicle is registered. "Recorded image" means images recorded by an automated speed enforcement system

on:

- (1) 2 or more photographs;
- (2) 2 or more microphotographs;
- (3) 2 or more electronic images; or

(4) a video recording showing the motor vehicle and, on at least one image or portion of the recording, clearly identifying the registration plate or digital registration plate number of the motor vehicle. "Safety zone" means an area that is within one-eighth of a mile from the nearest property line of any public or private elementary or secondary school, or from the nearest property line of any facility, area, or land owned by a school district that is used for educational purposes approved by the Illinois State Board of Education, not including school district headquarters or administrative buildings. A safety zone also includes an area that is within one-eighth of a mile from the nearest property line of any facility, area, or land owned by a park district used for recreational purposes. However, if any portion of a roadway is within either one-eighth mile radius, the safety zone also shall include the roadway extended to the furthest portion of the next furthest intersection. The term "safety zone" does not include any portion of the roadway known as Lake Shore Drive or any controlled access highway with 8 or more lanes of traffic. (a-5) The automated speed enforcement system shall be operational and violations shall be recorded only at the following times:

(i) if the safety zone is based upon the property line of any facility, area, or land owned by a school district, only on school days and no earlier than 6 a.m. and no later than 8:30 p.m. if the school day is during the period of Monday through Thursday, or 9 p.m. if the school day is a Friday; and (ii) if the safety zone is based upon the property line of any facility, area, or land owned by a park district, no earlier than one hour prior to the time that the facility, area, or land is open to the public or other patrons, and no later than one hour after the facility, area, or land is closed to the public or other patrons.

(b) A municipality that produces a recorded image of a motor vehicle's violation of a provision of this Code or a local ordinance must make the recorded images of a violation accessible to the alleged violator by providing the alleged violator with a website address, accessible through the Internet.

(c) Notwithstanding any penalties for any other violations of this Code, the owner of a motor vehicle used in a traffic violation recorded by an automated speed enforcement system shall be subject to the following penalties:

(1) if the recorded speed is no less than 6 miles per hour and no more than 10 miles per hour over the legal speed limit, a civil penalty not exceeding \$50, plus an additional penalty of not more than \$50 for failure to pay the original penalty in a timely manner; or

(2) if the recorded speed is more than 10 miles per hour over the legal speed limit, a civil penalty not exceeding \$100, plus an additional penalty of not more than \$100 for failure to pay the original penalty in a timely manner. A penalty may not be imposed under this Section if the driver of the motor vehicle received a Uniform Traffic Citation from a police officer for a speeding violation occurring within one-eighth of a mile and 15 minutes of the violation that was recorded by the system. A violation for which a civil penalty is imposed under this Section is not a violation of a traffic regulation governing the movement of vehicles and may not be recorded on the driving record of the owner of the vehicle. A law enforcement officer is not required to be present or to witness the violation. No penalty may be imposed under this Section if the recorded speed of a vehicle is 5 miles per hour or less over the legal speed limit. The municipality may send, in the same manner that notices are sent under this Section, a speed violation warning notice where the violation involves a speed of 5 miles per hour or less above the legal speed limit.

(d) The net proceeds that a municipality receives from civil penalties imposed under an automated speed enforcement system, after deducting all non-personnel and personnel costs associated with the operation and maintenance of such system, shall be expended or obligated by the municipality for the following purposes:

(i) public safety initiatives to ensure safe passage around schools, and to provide police protection and surveillance around schools and parks, including but not limited to:

(1) personnel costs; and

(2) non-personnel costs such as construction and maintenance of public safety infrastructure and equipment; (ii) initiatives to improve pedestrian and traffic safety; (iii) construction and maintenance of infrastructure within the municipality, including but not limited to roads and bridges; and (iv) after school programs.

(e) For each violation of a provision of this Code or a local ordinance recorded by an automated speed enforcement system, the municipality having jurisdiction shall issue a written notice of the violation to the registered owner of the

vehicle as the alleged violator. The notice shall be delivered to the registered owner of the vehicle, by mail, within 30 days after the Secretary of State notifies the municipality of the identity of the owner of the vehicle, but in no event later than 90 days after the violation.

(f) The notice required under subsection

(e) of this Section shall include:

- (1) the name and address of the registered owner of the vehicle;
- (2) the registration number of the motor vehicle involved in the violation;
- (3) the violation charged;
- (4) the date, time, and location where the violation occurred;
- (5) a copy of the recorded image or images;
- (6) the amount of the civil penalty imposed and the date by which the civil penalty should be paid;
- (7) a statement that recorded images are evidence of a violation of a speed restriction;
- (8) a warning that failure to pay the civil penalty or to contest liability in a timely manner is an admission of liability;
- (9) a statement that the person may elect to proceed by: (A) paying the fine; or (B) challenging the charge in court, by mail, or by administrative hearing; and
- (10) a website address, accessible through the Internet, where the person may view the recorded images of the violation.

(g) (Blank).

(h) Based on inspection of recorded images produced by an automated speed enforcement system, a notice alleging that the violation occurred shall be evidence of the facts contained in the notice and admissible in any proceeding alleging a violation under this Section.

(i) Recorded images made by an automated speed enforcement system are confidential and shall be made available only to the alleged violator and governmental and law enforcement agencies for purposes of adjudicating a violation of this Section, for statistical purposes, or for other governmental purposes. Any recorded image evidencing a violation of this Section, however, may be admissible in any proceeding resulting from the issuance of the citation.

(j) The court or hearing officer may consider in defense of a violation:

- (1) that the motor vehicle or registration plates or digital registration plates of the motor vehicle were stolen before the violation occurred and not under the control or in the possession of the owner or lessee at the time of the violation; (1.5) that the motor vehicle was hijacked before the violation occurred and not under the control of or in the possession of the owner or lessee at the time of the violation;
- (2) that the driver of the motor vehicle received a Uniform Traffic Citation from a police officer for a speeding violation occurring within one-eighth of a mile and 15 minutes of the violation that was recorded by the system; and
- (3) any other evidence or issues provided by municipal ordinance.

(k) To demonstrate that the motor vehicle was hijacked or the motor vehicle or registration plates or digital registration plates were stolen before the violation occurred and were not under the control or possession of the owner or lessee at the time of the violation, the owner or lessee must submit proof that a report concerning the motor vehicle or registration plates was filed with a law enforcement agency in a timely manner.

(l) A roadway equipped with an automated speed enforcement system shall be posted with a sign conforming to the national Manual on Uniform Traffic Control Devices that is visible to approaching traffic stating that vehicle speeds are being photo-enforced and indicating the speed limit. The municipality shall install such additional signage as it determines is necessary to give reasonable notice to drivers as to where automated speed enforcement systems are installed.

(m) A roadway where a new automated speed enforcement system is installed shall be posted with signs providing 30 days notice of the use of a new automated speed enforcement system prior to the issuance of any citations through the automated speed enforcement system.

(n) The compensation paid for an automated speed enforcement system must be based on the value of the equipment or the services provided and may not be based on the number of traffic citations issued or the revenue generated by the system. (n-1) No member of the General Assembly and no officer or employee of a municipality or county shall knowingly accept employment or receive compensation or fees for services from a vendor that provides automated speed

enforcement system equipment or services to municipalities or counties. No former member of the General Assembly shall, within a period of 2 years immediately after the termination of service as a member of the General Assembly, knowingly accept employment or receive compensation or fees for services from a vendor that provides automated speed enforcement system equipment or services to municipalities or counties. No former officer or employee of a municipality or county shall, within a period of 2 years immediately after the termination of municipal or county employment, knowingly accept employment or receive compensation or fees for services from a vendor that provides automated speed enforcement system equipment or services to municipalities or counties.

(o) (Blank).

(p) No person who is the lessor of a motor vehicle pursuant to a written lease agreement shall be liable for an automated speed or traffic law enforcement system violation involving such motor vehicle during the period of the lease; provided that upon the request of the appropriate authority received within 120 days after the violation occurred, the lessor provides within 60 days after such receipt the name and address of the lessee. The drivers license number of a lessee may be subsequently individually requested by the appropriate authority if needed for enforcement of this Section. Upon the provision of information by the lessor pursuant to this subsection, the municipality may issue the violation to the lessee of the vehicle in the same manner as it would issue a violation to a registered owner of a vehicle pursuant to this Section, and the lessee may be held liable for the violation.

(q) A municipality using an automated speed enforcement system must provide notice to drivers by publishing the locations of all safety zones where system equipment is installed on the website of the municipality.

(r) A municipality operating an automated speed enforcement system shall conduct a statistical analysis to assess the safety impact of the system following installation of the system and every 2 years thereafter. A municipality operating an automated speed enforcement system before the effective date of this amendatory Act of the 103rd General Assembly shall conduct a statistical analysis to assess the safety impact of the system by no later than one year after the effective date of this amendatory Act of the 103rd General Assembly and every 2 years thereafter. Each statistical analysis shall be based upon the best available crash, traffic, and other data, and shall cover a period of time before and after installation of the system sufficient to provide a statistically valid comparison of safety impact. Each statistical analysis shall be consistent with professional judgment and acceptable industry practice. Each statistical analysis also shall be consistent with the data required for valid comparisons of before and after conditions and shall be conducted within a reasonable period following the installation of the automated traffic law enforcement system. Each statistical analysis required by this subsection shall be made available to the public and shall be published on the website of the municipality.

(s) This Section applies only to municipalities with a population of 1,000,000 or more inhabitants.

(t) If a county or municipality selects a new vendor for its automated speed enforcement system and must, as a consequence, apply for a permit, approval, or other authorization from the Department for reinstallation of one or more malfunctioning components of that system and if, at the time of the application for the permit, approval, or other authorization, the new vendor operates an automated speed enforcement system for any other county or municipality in the State, then the Department shall approve or deny the county or municipality's application for the permit, approval, or other authorization within 90 days after its receipt.

(u) The Department may revoke any permit, approval, or other authorization granted to a county or municipality for the placement, installation, or operation of an automated speed enforcement system if any official or employee who serves that county or municipality is charged with bribery, official misconduct, or a similar crime related to the placement, installation, or operation of the automated speed enforcement system in the county or municipality. The Department shall adopt any rules necessary to implement and administer this subsection. The rules adopted by the Department shall describe the revocation process, shall ensure that notice of the revocation is provided, and shall provide an opportunity to appeal the revocation. Any county or municipality that has a permit, approval, or other authorization revoked under this subsection may not reapply for such a permit, approval, or other authorization for a period of 1 year after the revocation.

(v) The University of Illinois Chicago Urban Transportation Center shall conduct a study that includes the following:

(1) a comprehensive review of the City of Chicago's website multi-year crash data on North and South DuSable Lake Shore Drive;

(2) the available research on potential effectiveness of cameras powered by artificial intelligence in improving compliance and reducing crashes and road fatalities on North and South DuSable Lake Shore Drive;

- (3) an analysis of driving behavior to detect risky driving patterns and to address the DuSable Lake Shore Drive crash corridors;
- (4) an assessment of the effectiveness of psychological deterrence in reducing habitual speeding; and
- (5) an assessment of how fatalities can be reduced using these cameras powered by artificial intelligence and other technical options that may be available in place of cameras powered by artificial intelligence. The Department shall adopt any rules necessary to implement this subsection (v).

625 ILCS 5/11-208.9 — Automated traffic law enforcement system; approaching, overtaking, and passing a school bus

Sec. 11-208.9. Automated traffic law enforcement system; approaching, overtaking, and passing a school bus.

(a) As used in this Section, "automated traffic law enforcement system" means a device with one or more motor vehicle sensors working in conjunction with the visual signals on a school bus, as specified in Sections 12-803 and 12-805 of this Code, to produce recorded images of motor vehicles that fail to stop before meeting or overtaking, from either direction, any school bus stopped at any location for the purpose of receiving or discharging pupils in violation of Section 11-1414 of this Code or a similar provision of a local ordinance. An automated traffic law enforcement system is a system, in a municipality or county operated by a governmental agency, that produces a recorded image of a motor vehicle's violation of a provision of this Code or a local ordinance and is designed to obtain a clear recorded image of the vehicle and the vehicle's license plate. The recorded image must also display the time, date, and location of the violation.

(b) As used in this Section, "recorded images" means images recorded by an automated traffic law enforcement system on:

- (1) 2 or more photographs;
 - (2) 2 or more microphotographs;
 - (3) 2 or more electronic images; or
 - (4) a video recording showing the motor vehicle and, on at least one image or portion of the recording, clearly identifying the registration plate or digital registration plate number of the motor vehicle.
- (c) A municipality or county that produces a recorded image of a motor vehicle's violation of a provision of this Code or a local ordinance must make the recorded images of a violation accessible to the alleged violator by providing the alleged violator with a website address, accessible through the Internet.
- (d) For each violation of a provision of this Code or a local ordinance recorded by an automated traffic law enforcement system, the county or municipality having jurisdiction shall issue a written notice of the violation to the registered owner of the vehicle as the alleged violator. The notice shall be delivered to the registered owner of the vehicle, by mail, within 30 days after the Secretary of State notifies the municipality or county of the identity of the owner of the vehicle, but in no event later than 90 days after the violation.

(e) The notice required under subsection

(d) shall include:

- (1) the name and address of the registered owner of the vehicle;
- (2) the registration number of the motor vehicle involved in the violation;
- (3) the violation charged;
- (4) the location where the violation occurred;
- (5) the date and time of the violation;
- (6) a copy of the recorded images;
- (7) the amount of the civil penalty imposed and the date by which the civil penalty should be paid;
- (8) a statement that recorded images are evidence of a violation of overtaking or passing a school bus stopped for the purpose of receiving or discharging pupils;
- (9) a warning that failure to pay the civil penalty or to contest liability in a timely manner is an admission of liability;
- (10) a statement that the person may elect to proceed by: (A) paying the fine; or (B) challenging the charge in court, by mail, or by administrative hearing; and

(11) a website address, accessible through the Internet, where the person may view the recorded images of the violation.

(f) (Blank).

(g) Based on inspection of recorded images produced by an automated traffic law enforcement system, a notice alleging that the violation occurred shall be evidence of the facts contained in the notice and admissible in any proceeding alleging a violation under this Section.

(h) Recorded images made by an automated traffic law enforcement system are confidential and shall be made available only to the alleged violator and governmental and law enforcement agencies for purposes of adjudicating a violation of this Section, for statistical purposes, or for other governmental purposes. Any recorded image evidencing a violation of this Section, however, may be admissible in any proceeding resulting from the issuance of the citation.

(i) The court or hearing officer may consider in defense of a violation:

(1) that the motor vehicle or registration plates or digital registration plates of the motor vehicle were stolen before the violation occurred and not under the control of or in the possession of the owner or lessee at the time of the violation; (1.5) that the motor vehicle was hijacked before the violation occurred and not under the control of or in the possession of the owner or lessee at the time of the violation;

(2) that the driver of the motor vehicle received a Uniform Traffic Citation from a police officer for a violation of Section 11-1414 of this Code within one-eighth of a mile and 15 minutes of the violation that was recorded by the system;

(3) that the visual signals required by Sections 12-803 and 12-805 of this Code were damaged, not activated, not present in violation of Sections 12-803 and 12-805, or inoperable; and

(4) any other evidence or issues provided by municipal or county ordinance.

(j) To demonstrate that the motor vehicle was hijacked or the motor vehicle or registration plates or digital registration plates were stolen before the violation occurred and were not under the control or possession of the owner or lessee at the time of the violation, the owner or lessee must submit proof that a report concerning the motor vehicle or registration plates was filed with a law enforcement agency in a timely manner.

(k) Unless the driver of the motor vehicle received a Uniform Traffic Citation from a police officer at the time of the violation, the motor vehicle owner is subject to a civil penalty not exceeding \$150 for a first time violation or \$500 for a second or subsequent violation, plus an additional penalty of not more than \$100 for failure to pay the original penalty in a timely manner, if the motor vehicle is recorded by an automated traffic law enforcement system. A violation for which a civil penalty is imposed under this Section is not a violation of a traffic regulation governing the movement of vehicles and may not be recorded on the driving record of the owner of the vehicle, but may be recorded by the municipality or county for the purpose of determining if a person is subject to the higher fine for a second or subsequent offense.

(l) A school bus equipped with an automated traffic law enforcement system must be posted with a sign indicating that the school bus is being monitored by an automated traffic law enforcement system.

(m) A municipality or county that has one or more school buses equipped with an automated traffic law enforcement system must provide notice to drivers by posting a list of school districts using school buses equipped with an automated traffic law enforcement system on the municipality or county website. School districts that have one or more school buses equipped with an automated traffic law enforcement system must provide notice to drivers by posting that information on their websites.

(n) A municipality or county operating an automated traffic law enforcement system shall conduct a statistical analysis to assess the safety impact in each school district using school buses equipped with an automated traffic law enforcement system following installation of the system and every 2 years thereafter. A municipality or county operating an automated speed enforcement system before the effective date of this amendatory Act of the 103rd General Assembly shall conduct a statistical analysis to assess the safety impact of the system by no later than one year after the effective date of this amendatory Act of the 103rd General Assembly and every 2 years thereafter. Each statistical analysis shall be based upon the best available crash, traffic, and other data, and shall cover a period of time before and after installation of the system sufficient to provide a statistically valid comparison of safety impact. Each statistical analysis shall be consistent with professional judgment and acceptable industry practice. Each statistical analysis also shall be consistent with the data required for valid comparisons of before and after conditions and shall be conducted within a reasonable period following the installation of the automated traffic law enforcement system. Each statistical analysis required by this subsection shall be made available to the public and shall be published on the website of the municipality or county. If a

statistical analysis indicates that there has been an increase in the rate of crashes at the approach to school buses monitored by the system, the municipality or county shall undertake additional studies to determine the cause and severity of the crashes, and may take any action that it determines is necessary or appropriate to reduce the number or severity of the crashes involving school buses equipped with an automated traffic law enforcement system.

(o) The compensation paid for an automated traffic law enforcement system must be based on the value of the equipment or the services provided and may not be based on the number of traffic citations issued or the revenue generated by the system. (o-1) No member of the General Assembly and no officer or employee of a municipality or county shall knowingly accept employment or receive compensation or fees for services from a vendor that provides automated traffic law enforcement system equipment or services to municipalities or counties. No former member of the General Assembly shall, within a period of 2 years immediately after the termination of service as a member of the General Assembly, knowingly accept employment or receive compensation or fees for services from a vendor that provides automated traffic law enforcement system equipment or services to municipalities or counties. No former officer or employee of a municipality or county shall, within a period of 2 years immediately after the termination of municipal or county employment, knowingly accept employment or receive compensation or fees for services from a vendor that provides automated traffic law enforcement system equipment or services to municipalities or counties.

(p) No person who is the lessor of a motor vehicle pursuant to a written lease agreement shall be liable for an automated speed or traffic law enforcement system violation involving such motor vehicle during the period of the lease; provided that upon the request of the appropriate authority received within 120 days after the violation occurred, the lessor provides within 60 days after such receipt the name and address of the lessee. Upon the provision of information by the lessor pursuant to this subsection, the county or municipality may issue the violation to the lessee of the vehicle in the same manner as it would issue a violation to a registered owner of a vehicle pursuant to this Section, and the lessee may be held liable for the violation.

(q) (Blank).

(r) After a municipality or county enacts an ordinance providing for automated traffic law enforcement systems under this Section, each school district within that municipality or county's jurisdiction may implement an automated traffic law enforcement system under this Section. The elected school board for that district must approve the implementation of an automated traffic law enforcement system. The school district shall be responsible for entering into a contract, approved by the elected school board of that district, with vendors for the installation, maintenance, and operation of the automated traffic law enforcement system. The school district must enter into an intergovernmental agreement, approved by the elected school board of that district, with the municipality or county with jurisdiction over that school district for the administration of the automated traffic law enforcement system. The proceeds from a school district's automated traffic law enforcement system's fines shall be divided equally between the school district and the municipality or county administering the automated traffic law enforcement system.

(s) If a county or municipality changes the vendor it uses for its automated traffic law enforcement system and must, as a consequence, apply for a permit, approval, or other authorization from the Department for reinstallation of one or more malfunctioning components of that system and if, at the time of the application, the new vendor operates an automated traffic law enforcement system for any other county or municipality in the State, then the Department shall approve or deny the county or municipality's application for that permit, approval, or other authorization within 90 days after its receipt.

(t) The Department may revoke any permit, approval, or other authorization granted to a county or municipality for the placement, installation, or operation of an automated traffic law enforcement system if any official or employee who serves that county or municipality is charged with bribery, official misconduct, or a similar crime related to the placement, installation, or operation of the automated traffic law enforcement system in the county or municipality. The Department shall adopt any rules necessary to implement and administer this subsection. The rules adopted by the Department shall describe the revocation process, shall ensure that notice of the revocation is provided, and shall provide an opportunity to appeal the revocation. Any county or municipality that has a permit, approval, or other authorization revoked under this subsection may not reapply for such a permit, approval, or other authorization for a period of 1 year after the revocation.

625 ILCS 5/11-209

Sec. 11-209. Powers of municipalities and counties - Contract with school boards, hospitals, churches, condominium complex unit owners' associations, and commercial and industrial facility, shopping center, and apartment complex

owners for regulation of traffic.

(a) The corporate authorities of any municipality or the county board of any county, and a school board, hospital, church, condominium complex unit owners' association, or owner of any commercial and industrial facility, shopping center, or apartment complex which controls a parking area located within the limits of the municipality, or outside the limits of the municipality and within the boundaries of the county, may, by contract, empower the municipality or county to regulate the parking of automobiles and the traffic at such parking area. Such contract shall empower the municipality or county to accomplish all or any part of the following: 1. The erection of stop signs, flashing signals, person with disabilities parking area signs or yield signs at specified locations in a parking area and the adoption of appropriate regulations thereto pertaining, or the designation of any intersection in the parking area as a stop intersection or as a yield intersection and the ordering of like signs or signals at one or more entrances to such intersection, subject to the provisions of this Chapter. 2. The prohibition or regulation of the turning of vehicles or specified types of vehicles at intersections or other designated locations in the parking area. 3. The regulation of a crossing of any roadway in the parking area by pedestrians. 4. The designation of any separate roadway in the parking area for one-way traffic. 5. The establishment and regulation of loading zones. 6. The prohibition, regulation, restriction or limitation of the stopping, standing or parking of vehicles in specified areas of the parking area. 7. The designation of safety zones in the parking area and fire lanes. 8. Providing for the removal and storage of vehicles parked or abandoned in the parking area during snowstorms, floods, fires, or other public emergencies, or found unattended in the parking area,

(a) where they constitute an obstruction to traffic, or

(b) where stopping, standing or parking is prohibited, and for the payment of reasonable charges for such removal and storage by the owner or operator of any such vehicle. 9. Providing that the cost of planning, installation, maintenance and enforcement of parking and traffic regulations pursuant to any contract entered into under the authority of this paragraph

(a) of this Section be borne by the municipality or county, or by the school board, hospital, church, property owner, apartment complex owner, or condominium complex unit owners' association, or that a percentage of the cost be shared by the parties to the contract. 10. Causing the installation of parking meters on the parking area and establishing whether the expense of installing said parking meters and maintenance thereof shall be that of the municipality or county, or that of the school board, hospital, church, condominium complex unit owners' association, shopping center or apartment complex owner. All moneys obtained from such parking meters as may be installed on any parking area shall belong to the municipality or county. 11. Causing the installation of parking signs in accordance with Section 11-301 in areas of the parking lots covered by this Section and where desired by the person contracting with the appropriate authority listed in paragraph

(a) of this Section, indicating that such parking spaces are reserved for persons with disabilities. 12. Contracting for such additional reasonable rules and regulations with respect to traffic and parking in a parking area as local conditions may require for the safety and convenience of the public or of the users of the parking area.

(b) No contract entered into pursuant to this Section shall exceed a period of 20 years. No lessee of a shopping center or apartment complex shall enter into such a contract for a longer period of time than the length of his lease.

(c) Any contract entered into pursuant to this Section shall be recorded in the office of the recorder in the county in which the parking area is located, and no regulation made pursuant to the contract shall be effective or enforceable until 3 days after the contract is so recorded.

(d) At such time as parking and traffic regulations have been established at any parking area pursuant to the contract as provided for in this Section, then it shall be a petty offense for any person to do any act forbidden or to fail to perform any act required by such parking or traffic regulation. If the violation is the parking in a parking space reserved for persons with disabilities under paragraph

(11) of this Section, by a person without special registration plates issued to a person with disabilities, as defined by Section 1-159.1, pursuant to Section 3-616 of this Code, or to a veteran with a disability pursuant to Section 3-609 of this Code, the local police of the contracting corporate municipal authorities shall issue a parking ticket to such parking violator and issue a fine in accordance with Section 11-1301.3.

(e) The term "shopping center", as used in this Section, means premises having one or more stores or business establishments in connection with which there is provided on privately-owned property near or contiguous thereto an area, or areas, of land used by the public as the means of access to and egress from the stores and business establishments on such premises and for the parking of motor vehicles of customers and patrons of such stores and

business establishments on such premises.

(f) The term "parking area", as used in this Section, means an area, or areas, of land near or contiguous to a school, church, or hospital building, shopping center, apartment complex, or condominium complex, but not the public highways or alleys, and used by the public as the means of access to and egress from such buildings and the stores and business establishments at a shopping center and for the parking of motor vehicles.

(g) The terms "owner", "property owner", "shopping center owner", and "apartment complex owner", as used in this Section, mean the actual legal owner of the shopping center parking area or apartment complex, the trust officer of a banking institution having the right to manage and control such property, or a person having the legal right, through lease or otherwise, to manage or control the property. (g-5) The term "condominium complex unit owners' association", as used in this Section, means a "unit owners' association" as defined in Section 2 of the Condominium Property Act.

(h) The term "fire lane", as used in this Section, means travel lanes for the fire fighting equipment upon which there shall be no standing or parking of any motor vehicle at any time so that fire fighting equipment can move freely thereon.

(i) The term "apartment complex", as used in this Section, means premises having one or more apartments in connection with which there is provided on privately-owned property near or contiguous thereto an area, or areas, of land used by occupants of such apartments or their guests as a means of access to and egress from such apartments or for the parking of motor vehicles of such occupants or their guests.

(j) The term "condominium complex", as used in this Section, means the units, common elements, and limited common elements that are located on the parcels, as those terms are defined in Section 2 of the Condominium Property Act.

(k) The term "commercial and industrial facility", as used in this Section, means a premises containing one or more commercial and industrial facility establishments in connection with which there is provided on privately-owned property near or contiguous to the premises an area or areas of land used by the public as the means of access to and egress from the commercial and industrial facility establishment on the premises and for the parking of motor vehicles of customers, patrons, and employees of the commercial and industrial facility establishment on the premises.

(l) The provisions of this Section shall not be deemed to prevent local authorities from enforcing, on private property, local ordinances imposing fines, in accordance with Section 11-1301.3, as penalties for use of any parking place reserved for persons with disabilities, as defined by Section 1-159.1, or veterans with disabilities by any person using a motor vehicle not bearing registration plates specified in Section 11-1301.1 or a special decal or device as defined in Section 11-1301.2 as evidence that the vehicle is operated by or for a person with disabilities or a veteran with a disability. This amendatory Act of 1972 is not a prohibition upon the contractual and associational powers granted by Article VII, Section 10 of the Illinois Constitution.

625 ILCS 5/11-209.1 — Powers of local authorities - enforcing the provisions of this Code on private streets and roads

Sec. 11-209.1. Powers of local authorities - enforcing the provisions of this Code on private streets and roads.

(a) Any person or board of directors owning, operating or representing a residential subdivision, development, apartment house or apartment project; containing a minimum of 10 apartments or single family residences may file a written request, with the appropriate local authority wherein such property is situated, requesting their law enforcement agency enforce the provisions of this Code on all private streets or roads open to or used by the tenants, owners, employees or the public for the purposes of vehicular traffic by permission of such person or board of directors and not as a matter of public right. Notwithstanding Section 1-126 and Section 1-201 of this Code, if the local authority grants such request by the adoption of an enabling ordinance then all such private streets or roads shall be considered "highways" only for the enforcement purposes of this Code.

(b) All regulations adopted and traffic control devices employed by a local authority in the enforcement of this Code on such streets or roads within a private area, pursuant to this Section, shall be consistent with the provisions of this Code and shall conform to the Illinois Manual on Uniform Traffic Control Devices. A local authority may require that any person who files a request for the installation of traffic signs pay for the cost of such traffic signs. Such traffic signs shall be in conformity with Section 11-604 of this Code.

(c) Any person or board of directors which has filed such a request under this Section, may rescind that request by filing with the appropriate local authority a written request for such rescission. Upon receipt of the written request, the local authority shall subsequently repeal the original enabling ordinance. Such repeal shall not take effect until the first day of

January following any such action by the local authorities. However, no such rescission request may be filed within 12 months of the date of the original written request.

(d) The filing of a written request or the adoption of the enabling ordinance under this Section in no way constitutes a dedication to public use of any street, road, driveway, trail, terrace, bridle path, parkway, parking area, or other roadway open to or used by vehicular traffic, nor does it prevent such person or board of directors, as owners of such property, from requiring additional regulations than those specified by the local authorities or otherwise regulating such use as may seem best to such person or board of directors as long as they do not conflict with the powers granted to local authorities under Section 11-208 of this Code.

(e) This amendatory act of 1972 is not a prohibition upon the contractual and associational powers granted by Article VII, Section 10 of the Illinois Constitution.

625 ILCS 5/11-210 — This Chapter not to interfere with rights of owners of real property with reference thereto

Sec. 11-210. This Chapter not to interfere with rights of owners of real property with reference thereto. Nothing in this Chapter shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as matter of right from prohibiting such use, or from requiring other or different or additional conditions than those specified in this Chapter, or otherwise regulating such use as may seem best to such owner.

625 ILCS 5/11-211 — Local Laws

Sec. 11-211. Local Laws. No owner of a motor vehicle shall be limited as to speed upon any public place, at any time when the same is or may hereafter be opened to the use of persons having or using other vehicles, nor be required to comply with other provisions or conditions as to the use of such motor vehicles except as in this Chapter provided, and except as is provided in this Act.

625 ILCS 5/11-212 — Traffic and pedestrian stop statistical study

Sec. 11-212. Traffic and pedestrian stop statistical study.

(a) Whenever a State or local law enforcement officer issues a uniform traffic citation or warning citation for an alleged violation of the Illinois Vehicle Code, he or she shall record at least the following:

- (1) the name, address, gender, and the officer's subjective determination of the race of the person stopped; the person's race shall be selected from the following list: American Indian or Alaska Native, Asian, Black or African American, Hispanic or Latino, Native Hawaiian or Other Pacific Islander, or White;
- (2) the alleged traffic violation that led to the stop of the motorist;
- (3) the make and year of the vehicle stopped;
- (4) the date and time of the stop, beginning when the vehicle was stopped and ending when the driver is free to leave or taken into physical custody;
- (5) the location of the traffic stop; (5.5) whether or not a consent search contemporaneous to the stop was requested of the vehicle, driver, passenger, or passengers; and, if so, whether consent was given or denied;
- (6) whether or not a search contemporaneous to the stop was conducted of the vehicle, driver, passenger, or passengers; and, if so, whether it was with consent or by other means; (6.2) whether or not a police dog performed a sniff of the vehicle; and, if so, whether or not the dog alerted to the presence of contraband; and, if so, whether or not an officer searched the vehicle; and, if so, whether or not contraband was discovered; and, if so, the type and amount of contraband; (6.5) whether or not contraband was found during a search; and, if so, the type and amount of contraband seized; and
- (7) the name and badge number of the issuing officer.

(b) Whenever a State or local law enforcement officer stops a motorist for an alleged violation of the Illinois Vehicle Code and does not issue a uniform traffic citation or warning citation for an alleged violation of the Illinois Vehicle Code, he or she shall complete a uniform stop card, which includes field contact cards, or any other existing form currently used by law enforcement containing information required pursuant to this Act, that records at least the following:

- (1) the name, address, gender, and the officer's subjective determination of the race of the person stopped; the person's race shall be selected from the following list: American Indian or Alaska Native, Asian, Black or African American, Hispanic or Latino, Native Hawaiian or Other Pacific Islander, or White;
- (2) the reason that led to the stop of the motorist;
- (3) the make and year of the vehicle stopped;
- (4) the date and time of the stop, beginning when the vehicle was stopped and ending when the driver is free to leave or taken into physical custody;
- (5) the location of the traffic stop; (5.5) whether or not a consent search contemporaneous to the stop was requested of the vehicle, driver, passenger, or passengers; and, if so, whether consent was given or denied;
- (6) whether or not a search contemporaneous to the stop was conducted of the vehicle, driver, passenger, or passengers; and, if so, whether it was with consent or by other means; (6.2) whether or not a police dog performed a sniff of the vehicle; and, if so, whether or not the dog alerted to the presence of contraband; and, if so, whether or not an officer searched the vehicle; and, if so, whether or not contraband was discovered; and, if so, the type and amount of contraband; (6.5) whether or not contraband was found during a search; and, if so, the type and amount of contraband seized; and
- (7) the name and badge number of the issuing officer. (b-5) For purposes of this subsection (b-5), "detention" means all frisks, searches, summonses, and arrests. Whenever a law enforcement officer subjects a pedestrian to detention in a public place, he or she shall complete a uniform pedestrian stop card, which includes any existing form currently used by law enforcement containing all the information required under this Section, that records at least the following:
 - (1) the gender, and the officer's subjective determination of the race of the person stopped; the person's race shall be selected from the following list: American Indian or Alaska Native, Asian, Black or African American, Hispanic or Latino, Native Hawaiian or Other Pacific Islander, or White;
 - (2) all the alleged reasons that led to the stop of the person;
 - (3) the date and time of the stop;
 - (4) the location of the stop;
 - (5) whether or not a protective pat down or frisk was conducted of the person; and, if so, all the alleged reasons that led to the protective pat down or frisk, and whether it was with consent or by other means;
 - (6) whether or not contraband was found during the protective pat down or frisk; and, if so, the type and amount of contraband seized;
 - (7) whether or not a search beyond a protective pat down or frisk was conducted of the person or his or her effects; and, if so, all the alleged reasons that led to the search, and whether it was with consent or by other means;
 - (8) whether or not contraband was found during the search beyond a protective pat down or frisk; and, if so, the type and amount of contraband seized;
 - (9) the disposition of the stop, such as a warning, a ticket, a summons, or an arrest;
 - (10) if a summons or ticket was issued, or an arrest made, a record of the violations, offenses, or crimes alleged or charged; and
 - (11) the name and badge number of the officer who conducted the detention. This subsection (b-5) does not apply to searches or inspections for compliance authorized under the Fish and Aquatic Life Code, the Wildlife Code, the Herpetiles-Herps Act, or searches or inspections during routine security screenings at facilities or events.
- (c) The Illinois Department of Transportation shall provide a standardized law enforcement data compilation form on its website.
- (d) Every law enforcement agency shall, by February 1 with regard to data collected during July through December of the previous calendar year and by August 1 with regard to data collected during January through June of the current calendar year, compile the data described in subsections (a), (b), and (b-5) on the standardized law enforcement data compilation form provided by the Illinois Department of Transportation and transmit the data to the Department.
- (e) The Illinois Department of Transportation shall analyze the data provided by law enforcement agencies required by this Section and submit a report of the previous year's findings to the Governor, the General Assembly, the Racial Profiling Prevention and Data Oversight Board, and each law enforcement agency no later than July 1 of each year. The

Illinois Department of Transportation may contract with an outside entity for the analysis of the data provided. In analyzing the data collected under this Section, the analyzing entity shall scrutinize the data for evidence of statistically significant aberrations. The following list, which is illustrative, and not exclusive, contains examples of areas in which statistically significant aberrations may be found:

(1) The percentage of minority drivers, passengers, or pedestrians being stopped in a given area is substantially higher than the proportion of the overall population in or traveling through the area that the minority constitutes.

(2) A substantial number of false stops including stops not resulting in the issuance of a traffic ticket or the making of an arrest.

(3) A disparity between the proportion of citations issued to minorities and proportion of minorities in the population.

(4) A disparity among the officers of the same law enforcement agency with regard to the number of minority drivers, passengers, or pedestrians being stopped in a given area.

(5) A disparity between the frequency of searches performed on minority drivers or pedestrians and the frequency of searches performed on non-minority drivers or pedestrians.

(f) Any law enforcement officer identification information and driver or pedestrian identification information that is compiled by any law enforcement agency or the Illinois Department of Transportation pursuant to this Act for the purposes of fulfilling the requirements of this Section shall be confidential and exempt from public inspection and copying, as provided under Section 7 of the Freedom of Information Act, and the information shall not be transmitted to anyone except as needed to comply with this Section. This Section shall not exempt those materials that, prior to the effective date of this amendatory Act of the 93rd General Assembly, were available under the Freedom of Information Act. This subsection

(f) shall not preclude law enforcement agencies from reviewing data to perform internal reviews.

(g) Funding to implement this Section shall come from federal highway safety funds available to Illinois, as directed by the Governor.

(h) The Illinois Criminal Justice Information Authority, in consultation with law enforcement agencies, officials, and organizations, including Illinois chiefs of police, the Illinois State Police, the Illinois Sheriffs Association, and the Chicago Police Department, and community groups and other experts, shall undertake a study to determine the best use of technology to collect, compile, and analyze the traffic stop statistical study data required by this Section. The Department shall report its findings and recommendations to the Governor and the General Assembly by March 1, 2022. (h-1) The Traffic and Pedestrian Stop Data Use and Collection Task Force is hereby created.

(1) The Task Force shall undertake a study to determine the best use of technology to collect, compile, and analyze the traffic stop statistical study data required by this Section.

(2) The Task Force shall be an independent Task Force under the Illinois Criminal Justice Information Authority for administrative purposes, and shall consist of the following members: (A) 2 academics or researchers who have studied issues related to traffic or pedestrian stop data collection and have education or expertise in statistics; (B) one professor from an Illinois university who specializes in policing and racial equity; (C) one representative from the Illinois State Police; (D) one representative from the Chicago Police Department; (E) one representative from the Illinois Chiefs of Police; (F) one representative from the Illinois Sheriffs Association; (G) one representative from the Chicago Fraternal Order of Police; (H) one representative from the Illinois Fraternal Order of Police; (I) the Executive Director of the American Civil Liberties Union of Illinois, or his or her designee; and (J) 5 representatives from different community organizations who specialize in civil or human rights, policing, or criminal justice reform work, and that represent a range of minority interests or different parts of the State.

(3) The Illinois Criminal Justice Information Authority may consult, contract, work in conjunction with, and obtain any information from any individual, agency, association, or research institution deemed appropriate by the Authority.

(4) The Task Force shall report its findings and recommendations to the Governor and the General Assembly by March 1, 2022 and every 3 years after. (h-5) For purposes of this Section:

(1) "American Indian or Alaska Native" means a person having origins in any of the original peoples of North and South America, including Central America, and who maintains tribal affiliation or community attachment.

(2) "Asian" means a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, but not limited to, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam. (2.5) "Badge" means an officer's department issued identification number associated with

his or her position as a police officer with that department.

(3) "Black or African American" means a person having origins in any of the black racial groups of Africa.

(4) "Hispanic or Latino" means a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.

(5) "Native Hawaiian or Other Pacific Islander" means a person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

(6) "White" means a person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

(i) (Blank).

625 ILCS 5/11-213 — Power of a fire department officer; highway or lane closure

Sec. 11-213. Power of a fire department officer; highway or lane closure. In the absence of a law enforcement officer or a representative of the highway agency having jurisdiction over the highway, an officer of a fire department, in the performance of his or her official duties, has the authority to close to traffic a highway, or a lane or lanes of a highway, as necessary to protect the safety of persons or property. In order to promote the safe implementation of this Section, the fire department officer shall utilize an official fire department vehicle with oscillating, rotating, or flashing lights in accordance with Section 12-215 of this Code and proper temporary traffic control in accordance with the sections of the Illinois Manual on Uniform Traffic Control Devices concerning temporary traffic control and incident management. The officer should also receive training in safe practices for accomplishing these tasks near traffic. This Section does not apply to highways under the jurisdiction of the Illinois State Toll Highway Authority. As used in this Section, "highway" has the meaning set forth in Section 1-126 of this Code.

625 ILCS 5/11-214

Sec. 11-214. (Repealed).

625 ILCS 5/11-215 — Secretary of State to provide information on use of truck global positioning systems

Sec. 11-215. Secretary of State to provide information on use of truck global positioning systems.

(a) The Secretary of State shall include in its commercial drivers license curriculum and study guide the distinctions between utilizing a truck-attributed global positioning system device and other non-truck-attributed global positioning system devices.

(b) The Secretary of State shall develop a brochure regarding the distinctions between utilizing a truck-attributed global positioning system device and other non-truck-attributed global positioning system devices and shall make this brochure available at all Secretary of State facilities where an applicant may obtain or renew a commercial drivers license.

625 ILCS 5/11-216 — Secretary of State to provide information on human trafficking

Sec. 11-216. Secretary of State to provide information on human trafficking. The Secretary of State shall include in its commercial drivers license curriculum and study guide information on the human trafficking problem in this State. The Secretary shall adopt rules to implement this Section.

625 ILCS 5/11-301 — Department to adopt sign manual

Sec. 11-301. Department to adopt sign manual.

(a) The Department shall adopt a State manual and specifications for a uniform system of traffic-control devices consistent with this Chapter for use upon highways within this State. Such manual shall include the adoption of the R 7-8 sign adopted by the United States Department of Transportation to designate the reservation of parking facilities for a person with disabilities. Non-conforming signs in use prior to January 1, 1985 shall not constitute a violation during their useful lives, which shall not be extended by other means than normal maintenance. The manual shall also specify insofar as practicable the minimum warrants justifying the use of the various traffic control devices. Such uniform system shall correlate with and, where not inconsistent with Illinois highway conditions, conform to the system set forth in the most recent edition of the national manual on Uniform Traffic Control Devices for Streets and Highways.

(b) Signs adopted by the Department to designate the reservation of parking facilities for a person with disabilities shall also exhibit, in a manner determined by the Department, the words "\$100 Fine".

(c) If the amount of a fine is changed, the Department shall change the design of the signs to indicate the current amount of the fine.

625 ILCS 5/11-301.1

Sec. 11-301.1. Beginning July 1, 1988, all signs erected and used to designate the reservation of parking facilities for a person with disabilities shall be in a form and manner prescribed under Section 11-301 of this Code, and all parking spaces reserved for a person with disabilities, except those reserving on-street parking areas, shall be at least 16 feet wide. Non-conforming signs in use prior to July 1, 1988 shall not constitute a violation during their useful lives, which shall not be extended by means other than normal maintenance. Beginning October 1, 1992, all parking spaces reserved for a person with disabilities, except those reserving on-street parking areas, shall be at least 16 feet wide.

625 ILCS 5/11-302 — Authority to designate through highway and stop and yield intersections

Sec. 11-302. Authority to designate through highway and stop and yield intersections.

(a) The Department with reference to State highways under its jurisdiction, and local authorities with reference to other highways under their jurisdiction, may designate through highways and erect stop signs or yield signs at specified entrances thereto, or may designate any intersection as a stop intersection or as a yield intersection and erect stop signs or yield signs at one or more entrances to such intersection. Designation of through highways and stop or yield intersections and the erection of stop signs or yield signs on township or road district roads are subject to the written approval of the county engineer or superintendent of highways.

(b) Every stop sign and yield sign shall conform to the State Manual and Specifications and shall be located as near as practicable to the nearest line of the crosswalk on the near side of the intersection or, if there is no crosswalk, then as close as practicable to the nearest line of the intersecting roadway.

(c) The Department may in its discretion and when traffic conditions warrant such action give preference to traffic upon any of the State highways under its jurisdiction over traffic crossing or entering such highway by erecting appropriate traffic control devices.

625 ILCS 5/11-303 — The Department to place signs on all State highways

Sec. 11-303. The Department to place signs on all State highways.

(a) The Department shall place and maintain such traffic-control devices, conforming to its manual and specifications on all highways under its jurisdiction as it shall deem necessary to indicate and to carry out the provisions of this Chapter or to regulate, warn or guide traffic. These traffic control devices shall include temporary stop signs placed as a substitute for missing or damaged permanent stop signs required by the State Manual. Temporary stop signs shall be placed in a manner to provide adequate visibility and legibility, and shall be placed within duration recommendations in the State Manual, unless circumstances require longer placement.

(b) No local authority shall place or maintain any traffic-control device upon any highway under the jurisdiction of the Department except by the latter's permission.

(c) The Department shall erect and maintain guide, warning and direction signs upon highways in cities, towns and villages of which portions or lanes of such highways are under the control and jurisdiction of the Department or for which the Department has maintenance responsibility.

(d) Nothing in this Chapter shall divest the corporate authorities of park districts of power to prohibit or restrict the use of highways under their jurisdiction by certain types or weights of motor vehicles or the power of cities, villages, incorporated towns and park districts to designate highways for one-way traffic or the power of such municipal corporations to erect and maintain appropriate signs respecting such uses.

(e) Nothing in this Section shall prohibit a municipality, township, or county from erecting signs as required under the Illinois Adopt-A-Highway Act.

625 ILCS 5/11-304 — Local traffic-control devices; tourist oriented businesses signs

Sec. 11-304. Local traffic-control devices; tourist oriented businesses signs. Local authorities in their respective maintenance jurisdiction shall place and maintain such traffic-control devices, including temporary stop signs placed as a substitute for missing or damaged permanent stop signs required by the State Manual, upon highways under their maintenance jurisdiction as are required to indicate and carry out the provisions of this Chapter, and local traffic

ordinances or to regulate, warn, or guide traffic. All such traffic control devices shall conform to the State Manual and Specifications and shall be justified by traffic warrants stated in the Manual. Temporary stop signs shall be placed in a manner to provide adequate visibility and legibility, and shall be placed within duration recommendations in the State Manual, unless circumstances require longer placement. Placement of traffic-control devices on township or road district roads also shall be subject to the written approval of the county engineer or superintendent of highways. Local authorities in their respective maintenance jurisdictions shall have the authority to install signs, in conformance with the State Manual and specifications, alerting motorists of the tourist oriented businesses available on roads under local jurisdiction in rural areas as may be required to guide motorists to the businesses. The local authorities and road district highway commissioners shall also have the authority to sell or lease space on these signs to the owners or operators of the businesses.

625 ILCS 5/11-305 — Obedience to and required traffic-control devices

Sec. 11-305. Obedience to and required traffic-control devices.

(a) The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed or held in accordance with the provisions of this Act, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this Act.

(b) It is unlawful for any person to leave the roadway and travel across private property to avoid an official traffic-control device.

(c) No provision of this Act for which official traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic-control devices are required, such section shall be effective even though no devices are erected or in place.

(d) Whenever any official traffic-control device is placed or held in position approximately conforming to the requirements of this Act and purports to conform to the lawful requirements pertaining to such device, such device shall be presumed to have been so placed or held by the official act or direction of lawful authority, and comply with the requirements of this Act, unless the contrary shall be established by competent evidence.

(e) The driver of a vehicle approaching a traffic control signal on which no signal light facing such vehicle is illuminated shall stop before entering the intersection in accordance with rules applicable in making a stop at a stop sign. This provision does not apply to the driver of a vehicle approaching a pedestrian hybrid beacon.

(f) Any violation of subsection

(a) that occurs within a designated highway construction zone or maintenance zone shall result in a fine of no less than \$100 and no more than \$1,000.

625 ILCS 5/11-306 — Traffic-control signal legend

Sec. 11-306. Traffic-control signal legend. Whenever traffic is controlled by traffic-control signals exhibiting different colored lights or color lighted arrows, successively one at a time or in combination, only the colors green, red, and yellow shall be used, except for special pedestrian signals carrying a word legend, and the lights shall indicate and apply to drivers of vehicles, bicyclists, and pedestrians as follows:

(a) Green indication. 1. Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. Vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles, to bicyclists, and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited. 2. Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right of way to bicyclists and pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection. 3. Unless otherwise directed by a pedestrian-control signal, as provided in Section 11-307, pedestrians or bicyclists facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(b) Steady yellow indication. 1. Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter. 2. Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian-control

signal as provided in Section 11-307, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway. (b-5) Flashing yellow arrow indication. 1. Vehicular traffic facing a flashing yellow arrow indication may cautiously enter the intersection only to make the movement indicated by the arrow and shall yield the right-of-way to other vehicles and pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited. 2. Pedestrians facing a flashing yellow arrow indication, unless otherwise directed by a pedestrian-control signal as provided in Section 11-307, may proceed across the roadway within any marked or unmarked crosswalk that crosses the lane or lanes used to depart the intersection by traffic controlled by the flashing yellow arrow indication. Pedestrians shall yield the right-of-way to vehicles lawfully within the intersection at the time that the flashing yellow signal indication is first displayed.

(c) Steady red indication. 1. Except as provided in paragraphs 3 and 3.5 of this subsection (c), vehicular traffic facing a steady circular red signal alone shall stop at a clearly marked stop line, but if there is no such stop line, before entering the crosswalk on the near side of the intersection, or if there is no such crosswalk, then before entering the intersection, and shall remain standing until an indication to proceed is shown. 2. Except as provided in paragraphs 3 and 3.5 of this subsection (c), vehicular traffic facing a steady red arrow signal shall not enter the intersection to make the movement indicated by the arrow and, unless entering the intersection to make a movement permitted by another signal, shall stop at a clearly marked stop line, but if there is no such stop line, before entering the crosswalk on the near side of the intersection, or if there is no such crosswalk, then before entering the intersection, and shall remain standing until an indication permitting the movement indicated by such red arrow is shown. 3. Except when a sign is in place prohibiting a turn and local authorities by ordinance or State authorities by rule or regulation prohibit any such turn, vehicular traffic facing any steady red signal may cautiously enter the intersection to turn right, or to turn left from a one-way street into a one-way street, after stopping as required by paragraph 1 or paragraph 2 of this subsection. After stopping, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction or roadways. Such driver shall yield the right of way to pedestrians or bicyclists within the intersection or an adjacent crosswalk. 3.5. The driver of a motorcycle or bicycle, facing a steady red signal which fails to change to a green signal within a reasonable period of time not less than 120 seconds because of a signal malfunction or because the signal has failed to detect the arrival of the motorcycle or bicycle due to the vehicle's size or weight, shall have the right to proceed, after yielding the right of way to oncoming traffic facing a green signal, subject to the rules applicable after making a stop at a stop sign as required by Section 11-1204 of this Code. 4. Unless otherwise directed by a pedestrian-control signal as provided in Section 11-307, pedestrians facing a steady circular red or red arrow signal alone shall not enter the roadway.

(d) In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this Section shall be applicable except as to provisions which by their nature can have no application. Any stop required shall be at a traffic sign or a marking on the pavement indicating where the stop shall be made or, in the absence of such sign or marking, the stop shall be made at the signal.

(e) The motorman of any streetcar shall obey the above signals as applicable to vehicles.

(f) If an official traffic control signal is erected and maintained as a dedicated signal for bicyclists, that signal shall take precedence for bicyclists over other signals outlined in this Section.

625 ILCS 5/11-307 — Pedestrian-control signals

Sec. 11-307. Pedestrian-control signals. Whenever special pedestrian-control signals exhibiting the words "Walk" or "Don't Walk" or the illuminated symbols of a walking person or an upraised palm are in place such signals shall indicate as follows:

(a) Walk or walking person symbol. Pedestrians facing such signal may proceed across the roadway in the direction of the signal, and shall be given the right of way by the drivers of all vehicles. Bicyclists may proceed across the roadway in the direction of the signal, shall be given the right of way by the drivers of all vehicles, and shall yield the right of way to all pedestrians.

(b) Don't Walk or upraised palm symbol. No pedestrian or bicyclist shall start to cross the roadway in the direction of such signal, but any pedestrian or bicyclist who has partly completed his crossing on the Walk signal or walking person symbol shall proceed to a sidewalk or safety island while the "Don't Walk" signal or upraised palm symbol is illuminated, steady, or flashing.

625 ILCS 5/11-308 — Lane-control signals

Sec. 11-308. Lane-control signals. Whenever lane-control signals are used in conjunction with official signs, they shall have the following meanings:

- (a) Downward-pointing green arrow. A driver facing this indication is permitted to drive in the lane over which the arrow signal is located. Otherwise he shall obey all other traffic controls present and follow normal safe driving practices.
- (b) Red X symbol. A driver facing this indication shall not drive in the lane over which the signal is located, and this indication shall modify accordingly the meaning of all other traffic controls present. Otherwise he shall obey all other traffic controls and follow normal safe driving practices.
- (c) Yellow X (steady). A driver facing this indication should prepare to vacate the lane over which the signal is located, in a safe manner to avoid, if possible, occupying that lane when a steady red X is displayed.
- (d) Flashing yellow arrow. A driver facing this indication may use the lane only for the purpose of approaching and making a left turn.

625 ILCS 5/11-309 — Flashing Signals

Sec. 11-309. Flashing Signals. Whenever an illuminated flashing red or yellow signal is used in conjunction with a traffic control device it shall require obedience by vehicular traffic as follows: 1. Flashing red (stop signal). When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, but if none, before entering the cross walk on the near side of the intersection, or if none, then at a point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign. 2. Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution. 3. This section does not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by Section 11-1201 of this Act.

625 ILCS 5/11-310 — Display of Unauthorized Signs, Signals or Markings

Sec. 11-310. Display of Unauthorized Signs, Signals or Markings.

- (a) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the movement of traffic or the effectiveness of an official traffic-control device or any railroad sign or signal.
- (b) No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.
- (c) Every such prohibited sign, signal or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice.
- (d) No person shall sell or offer for sale any traffic control device to be used on any street or highway in this State which does not conform to the requirements of this Chapter.
- (e) This Section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.
- (f) This Section shall not be deemed to prohibit the erection of Illinois Adopt-A-Highway signs by municipalities, townships, or counties as provided in the Illinois Adopt-A-Highway Act.
- (g) Any person failing to comply with this Section shall be guilty of a Class A misdemeanor.

625 ILCS 5/11-311 — Interference with official traffic-control devices or railroad signs or signals

Sec. 11-311. Interference with official traffic-control devices or railroad signs or signals. No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device, or any railroad sign or signal or any inscription, shield, or insignia thereon, or any other part thereof. Every person who is convicted of a violation of this Section shall be guilty of a Class A misdemeanor, punishable by a fine of at least \$250 in addition to any other penalties which may be imposed.

625 ILCS 5/11-312 — Unlawful Use or Damage to Highways, Appurtenances and Structures

Sec. 11-312. Unlawful Use or Damage to Highways, Appurtenances and Structures. It shall be unlawful for any person to wilfully injure or damage any public highway or street or any bridge or culvert, or to wilfully damage, injure or remove any sign, signpost, or structure upon or used or constructed in connection with any public highway or street for the protection thereof or for protection or regulation of traffic thereon by any wilfully unusual, improper or unreasonable use thereof, or by wilfully careless driving or use of any vehicle thereon, or by the wilful mutilation, defacing, destruction or removal thereof. Every person who is convicted of a violation of this Section shall be guilty of a Class A misdemeanor, punishable by a fine of at least \$250 in addition to any other penalty which may be imposed.

625 ILCS 5/11-313 — Unlawful possession of highway sign or marker

Sec. 11-313. Unlawful possession of highway sign or marker. The Department and local authorities, with reference to traffic control signs, signals, or markers owned by the Department or local authority, are authorized to indicate the ownership of the signs, signals, or markers in letters not less than 3/8 inch or more than 3/4 inch in height, by use of a metal stamp, etching, or other permanent means and, except for employees of the Department or local authorities, police officers, contractors and their employees engaged in a highway construction contract or work on the highway approved by the Department or local authority, it is unlawful for any person to possess such sign, signal, or marker so identified.

625 ILCS 5/11-315 — Paved bicycle trail signage

Sec. 11-315. Paved bicycle trail signage. For the purposes of this Section, "paved bicycle trail" includes trails accommodating bicycle traffic composed of aggregate, asphalt, bituminous treatment, concrete, crushed limestone, or any combination thereof. The authority having maintenance jurisdiction over publicly owned paved bicycle trails in the State shall erect permanent regulatory or warning signage alerting pedestrians or cyclists of highway crossings, unless the crossing is controlled by an official traffic control device or sign. If the authority having maintenance jurisdiction over publicly owned bicycle trails has actual knowledge of an emergency or safety hazard that creates a dangerous condition on a publicly owned paved bicycle trail, the authority shall take reasonable steps to erect temporary signage or other warning markers, including, but not limited to, cones, barricades, drums, or painted markings alerting pedestrians or cyclists of the dangerous condition. The Department with reference to State highways under its jurisdiction, and the local authority with reference to other highways under its jurisdiction, shall erect or install permanent signage or markings warning vehicular traffic in advance of bicycle trail crossings, unless the highway approaches to the crossing are controlled by an official traffic control device. Permanent signage erected or installed along the highways to warn vehicular traffic as part of this Section shall conform with the State manual and shall be located at least 150 feet in advance of the crossing. This Section shall not apply to rustic or primitive trails.

625 ILCS 5/11-401 — Motor vehicle crashes involving death or personal injuries

Sec. 11-401. Motor vehicle crashes involving death or personal injuries.

(a) The driver of any vehicle involved in a motor vehicle crashes resulting in personal injury to or death of any person shall immediately stop such vehicle at the scene of such crash, or as close thereto as possible and shall then forthwith return to, and in every event shall remain at the scene of the crash until the requirements of Section 11-403 have been fulfilled. Every such stop shall be made without obstructing traffic more than is necessary.

(b) Any person who has failed to stop or to comply with the requirements of paragraph

(a) shall, as soon as possible but in no case later than one-half hour after such motor vehicle crash, or, if hospitalized and incapacitated from reporting at any time during such period, as soon as possible but in no case later than one-half hour after being discharged from the hospital, report the place of the crash, the date, the approximate time, the driver's name and address, the registration number of the vehicle driven, and the names of all other occupants of such vehicle, at a police station or sheriff's office near the place where such crash occurred. No report made as required under this paragraph shall be used, directly or indirectly, as a basis for the prosecution of any violation of paragraph (a). (b-1) Any person arrested for violating this Section is subject to chemical testing of his or her blood, breath, other bodily substance, or urine for the presence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof, as provided in Section 11-501.1, if the testing occurs within 12 hours of the time of the occurrence of the crash that led to his or her arrest. The person's driving privileges are subject to statutory summary suspension under Section 11-501.1 if he or she fails testing or statutory summary revocation under Section 11-501.1 if he or she refuses to undergo the testing. For purposes of this Section, personal injury shall mean any injury requiring immediate professional treatment in a medical facility or doctor's office.

(c) Any person failing to comply with paragraph

(a) shall be guilty of a Class 4 felony.

(d) Any person failing to comply with paragraph

(b) is guilty of a Class 2 felony if the motor vehicle crash does not result in the death of any person. Any person failing to comply with paragraph

(b) when the crash results in the death of any person is guilty of a Class 1 felony.

(e) The Secretary of State shall revoke the driving privilege of any person convicted of a violation of this Section.

625 ILCS 5/11-402 — Motor vehicle crash involving damage to vehicle

Sec. 11-402. Motor vehicle crash involving damage to vehicle.

(a) The driver of any vehicle involved in a motor vehicle crash resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such motor vehicle crash or as close thereto as possible, but shall forthwith return to and in every event shall remain at the scene of such motor vehicle crash until the requirements of Section 11-403 have been fulfilled. A driver does not violate this Section if the driver moves the vehicle as soon as possible off the highway to the nearest safe location on an exit ramp shoulder, a frontage road, the nearest suitable cross street, or other suitable location that does not obstruct traffic and remains at that location until the driver has fulfilled the requirements of Section 11-403. Every such stop shall be made without obstructing traffic more than is necessary. If a damaged vehicle is obstructing traffic lanes, the driver of the vehicle must make every reasonable effort to move the vehicle or have it moved so as not to block the traffic lanes. Any person failing to comply with this Section shall be guilty of a Class A misdemeanor.

(b) Upon conviction of a violation of this Section, the court shall make a finding as to whether the damage to a vehicle is in excess of \$1,000, and in such case a statement of this finding shall be reported to the Secretary of State with the report of conviction as required by Section 6-204 of this Code. Upon receipt of such report of conviction and statement of finding that the damage to a vehicle is in excess of \$1,000, the Secretary of State shall suspend the driver's license or any nonresident's driving privilege.

(c) If any peace officer or highway authority official finds

(i) a vehicle standing upon a highway or toll highway in violation of a prohibition, limitation, or restriction on stopping, standing, or parking imposed under this Code or (ii) a disabled vehicle that obstructs the roadway of a highway or toll highway, the peace officer or highway authority official is authorized to move the vehicle or to require the operator of the vehicle to move the vehicle to the shoulder of the road, to a position where parking is permitted, or to public parking or storage premises. The removal may be performed by, or under the direction of, the peace officer or highway authority official or may be contracted for by local authorities. After the vehicle has been removed, the peace officer or highway authority official shall follow appropriate procedures, as provided in Section 4-203 of this Code.

(d) A towing service, its officers, and its employees are not liable for loss of or damages to any real or personal property that occurs as the result of the removal or towing of any vehicle under subsection (c), as provided in subsection

(b) of Section 4-213.

625 ILCS 5/11-403 — Duty to give information and render aid

Sec. 11-403. Duty to give information and render aid. The driver of any vehicle involved in a motor vehicle crash resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give the driver's name, address, registration number and owner of the vehicle the driver is operating and shall upon request and if available exhibit such driver's license to the person struck or the driver or occupant of or person attending any vehicle collided with and shall render to any person injured in such crash reasonable assistance, including the carrying or the making of arrangements for the carrying of such person to a physician, surgeon or hospital for medical or surgical treatment, if it is apparent that such treatment is necessary or if such carrying is requested by the injured person. If none of the persons entitled to information pursuant to this Section is in condition to receive and understand such information and no police officer is present, such driver after rendering reasonable assistance shall forthwith report such motor vehicle crash at the nearest office of a duly authorized police authority, disclosing the information required by this Section. Any person failing to comply with this Section shall be guilty of a Class A misdemeanor.

625 ILCS 5/11-404 — Duty upon damaging unattended vehicle or other property

Sec. 11-404. Duty upon damaging unattended vehicle or other property.

(a) The driver of any vehicle which collides with or is involved in a motor vehicle crash with any vehicle which is unattended, or other property, resulting in any damage to such other vehicle or property shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle or other property of the driver's name, address, registration number and owner of the vehicle the driver was operating or shall attach securely in a conspicuous place on or in the vehicle or other property struck a written notice giving the driver's name, address, registration number and owner of the vehicle the driver was driving and shall without unnecessary delay notify the nearest office of a duly authorized police authority and shall make a written report of such crash when and as required in Section 11-407. Every such stop shall be made without obstructing traffic more than is necessary. If a damaged vehicle is obstructing traffic lanes, the driver of the vehicle must make every reasonable effort to move the vehicle or have it moved so as not to block the traffic lanes.

(b) Any person failing to comply with this Section shall be guilty of a Class A misdemeanor.

(c) If any peace officer or highway authority official finds

(i) a vehicle standing upon a highway or toll highway in violation of a prohibition, limitation, or restriction on stopping, standing, or parking imposed under this Code or (ii) a disabled vehicle that obstructs the roadway of a highway or toll highway, the peace officer or highway authority official is authorized to move the vehicle or to require the operator of the vehicle to move the vehicle to the shoulder of the road, to a position where parking is permitted, or to public parking or storage premises. The removal may be performed by, or under the direction of, the peace officer or highway authority official or may be contracted for by local authorities. After the vehicle has been removed, the peace officer or highway authority official shall follow appropriate procedures, as provided in Section 4-203 of this Code.

(d) A towing service, its officers, and its employees are not liable for loss of or damages to any real or personal property that occurs as the result of the removal or towing of any vehicle under subsection (c), as provided in subsection

(b) of Section 4-213.

625 ILCS 5/11-406

Sec. 11-406. (Repealed).

625 ILCS 5/11-407 — Immediate notice of crash

Sec. 11-407. Immediate notice of crash.

(a) The driver of a vehicle that is in any manner involved in a crash in this State that requires notice to be given to the local police department, the county sheriff, or the Illinois State Police under this Section shall, if no police officer is present, give notice of the crash by the fastest available means of communication to the local police department if such crash occurs within a municipality or otherwise to the nearest office of the county sheriff or nearest headquarters of the Illinois State Police. Notice is required to be given under this subsection

(a) if the crash:

(1) results in injury to or death of any person;

(2) results in damage to the property of any person, including the driver, in excess of \$1,500 (or \$500 if any of the vehicles involved in the accident is subject to Section 7-601 but is not covered by a liability insurance policy) in accordance with Section 7-601;

(3) if a school bus is involved in the crash and the crash is caused by a collision, a sudden stop, or otherwise, and the crash results in any property damage, personal injury, or death; or

(4) if the crash occurs within 50 feet of a school bus and results in personal injury to or death of any person who is awaiting or preparing to board the school bus or immediately after the person exits the school bus.

(b) Whenever the driver of a vehicle is physically incapable of giving immediate notice of a crash as required in Subsection

(a) and there was another occupant in the vehicle at the time of the crash capable of doing so, that occupant must give notice as required in Subsection (a).

625 ILCS 5/11-408 — Police to report motor vehicle crash investigations

Sec. 11-408. Police to report motor vehicle crash investigations.

(a) Every law enforcement officer who investigates a motor vehicle crash for which a report is required by this Article or who prepares a written report as a result of an investigation either at the time and scene of such motor vehicle crash or thereafter by interviewing participants or witnesses shall forward a written report of such motor vehicle crash to the Administrator on forms provided by the Administrator under Section 11-411 within 10 days after investigation of the motor vehicle crash, or within such other time as is prescribed by the Administrator. Such written reports and the information contained in those reports required to be forwarded by law enforcement officers shall not be held confidential by the reporting law enforcement officer or agency. The Secretary of State may also disclose notations of crash involvement maintained on individual driving records. However, the Administrator or the Secretary of State may require a supplemental written report from the reporting law enforcement officer.

(b) The Department at its discretion may require a supplemental written report from the reporting law enforcement officer on a form supplied by the Department to be submitted directly to the Department. Such supplemental report may be used only for crash studies and statistical or analytical purposes under Section 11-412 or 11-414 of this Code.

(c) The Department at its discretion may provide for in-depth investigations of crashes involving Department employees or other motor vehicle crashes by individuals or special investigation groups, including but not limited to police officers, photographers, engineers, doctors, mechanics, and as a result of the investigation may require the submission of written reports, photographs, charts, sketches, graphs, or a combination of all. Such individual written reports, photographs, charts, sketches, or graphs may be used only for crash studies and statistical or analytical purposes under Section 11-412 or 11-414 of this Code.

(d) On and after July 1, 1997, law enforcement officers who have reason to suspect that the motor vehicle crash was the result of a driver's loss of consciousness due to a medical condition, as defined by the Driver's License Medical Review Law of 1992, or the result of any medical condition that impaired the driver's ability to safely operate a motor vehicle shall notify the Secretary of this determination. The Secretary, in conjunction with the Driver's License Medical Advisory Board, shall determine by administrative rule the temporary conditions not required to be reported under the provisions of this Section. The Secretary shall, in conjunction with the Illinois State Police and representatives of local and county law enforcement agencies, promulgate any rules necessary and develop the procedures and documents that may be required to obtain written, electronic, or other agreed upon methods of notification to implement the provisions of this Section.

(e) Law enforcement officers reporting under the provisions of subsection

(d) of this Section shall enjoy the same immunities granted members of the Driver's License Medical Advisory Board under Section 6-910 of this Code.

(f) All information furnished to the Secretary under subsection

(d) of this Section shall be deemed confidential and for the privileged use of the Secretary in accordance with the provisions of subsection

(j) of Section 2-123 of this Code.

625 ILCS 5/11-409 — False motor vehicle crash reports or notices

Sec. 11-409. False motor vehicle crash reports or notices. Any person who provides information in an oral or written report required by this Code with knowledge or reason to believe that such information is false shall be guilty of a Class C misdemeanor.

625 ILCS 5/11-410

Sec. 11-410. (Repealed).

625 ILCS 5/11-411 — Crash report forms

Sec. 11-411. Crash report forms.

(a) The Administrator must prepare and upon request supply to police departments, sheriffs and other appropriate agencies or individuals, forms for written crash reports as required hereunder, suitable with respect to the persons required to make such reports and the purposes to be served. The written reports must call for sufficiently detailed information to disclose with reference to a vehicle crash the cause, conditions then existing, and the persons and vehicles involved or any other data concerning such crash that may be required for a complete analysis of all related circumstances and events leading to the crash or subsequent to the occurrence.

(b) Every crash report required to be made in writing must be made on an approved form or in an approved electronic format provided by the Administrator and must contain all the information required therein unless that information is not available. The Department shall adopt any rules necessary to implement this subsection (b).

(c) Should special crash studies be required by the Administrator, the Administrator may provide the supplemental forms for the special studies. (Text of Section after amendment by P.A. 104-404) Sec. 11-411. Crash report electronic submission requirements.

(a) The Administrator must prepare and upon request supply to police departments, sheriffs and other appropriate agencies or individuals, the requirements for electronically submitting written crash reports as required hereunder, suitable with respect to the persons required to make such reports and the purposes to be served. The written reports must call for sufficiently detailed information to disclose with reference to a vehicle crash the cause, conditions then existing, and the persons and vehicles involved or any other data concerning such crash that may be required for a complete analysis of all related circumstances and events leading to the crash or subsequent to the occurrence.

(b) Every crash report required to be made in writing must be electronically submitted to the Administrator using an electronic format approved by the Administrator and must contain all the information required therein unless that information is not available. The Department shall adopt any rules necessary to implement this subsection (b).

(c) Should special crash studies be required by the Administrator, the Administrator may provide the supplemental forms for the special studies.

625 ILCS 5/11-412 — Motor vehicle crash reports confidential

Sec. 11-412. Motor vehicle crash reports confidential.

(a) All required written motor vehicle crash reports and supplemental reports shall be without prejudice to the individual so reporting and shall be for the confidential use of the Department and the Secretary of State and, in the case of second division vehicles operated under certificate of convenience and necessity issued by the Illinois Commerce Commission, of the Commission, except that the Administrator or the Secretary of State or the Commission may disclose the identity of a person involved in a motor vehicle crash when such identity is not otherwise known or when such person denies his presence at such motor vehicle crash and the Department shall disclose the identity of the insurance carrier, if any, upon demand. The Secretary of State may also disclose notations of crash involvement maintained on individual driving records.

(b) Upon written request, the Department shall furnish copies of its written crash reports or any supplemental reports to federal, State, and local agencies that are engaged in highway safety research and studies and to any person or entity that has a contractual agreement with the Department or a federal, State, or local agency to complete a highway safety research and study for the Department or the federal, State, or local agency. Reports furnished to any agency, person, or entity other than the Secretary of State or the Illinois Commerce Commission may be used only for statistical or analytical purposes and shall be held confidential by that agency, person, or entity. These reports shall be exempt from inspection and copying under the Freedom of Information Act and shall not be used as evidence in any trial, civil or criminal, arising out of a motor vehicle crash, except that the Administrator shall furnish upon demand of any person who has, or claims to have, made such a written or supplemental report, or upon demand of any court, a certificate showing that a specified written crash report or supplemental report has or has not been made to the Administrator solely to prove a compliance or a failure to comply with the requirement that such a written or supplemental report be made to the Administrator.

(c) Upon written request, the Department shall furnish motor vehicle crash data to a federal, State, or local agency, the Secretary of State, the Illinois Commerce Commission, or any other person or entity under Section 11-417 of this Code.

(d) The Department at its discretion may provide for in-depth investigations of crashes involving Department employees or other motor vehicle crashes. A written report describing the preventability of such a crash may be prepared to enhance the safety of Department employees or the traveling public. Such reports and the information contained in those reports and any opinions expressed in the review of the crash as to the preventability of the crash shall be for the privileged use of the Department and held confidential and shall not be obtainable or used in any civil or criminal proceeding.

625 ILCS 5/11-413 — Coroners to report

Sec. 11-413. Coroners to report. All coroners shall on or before the 10th day of each month report in writing to the Administrator the death of any person within their respective jurisdiction, during the preceding calendar month, as the result of a traffic crash giving the time and place of the crash and the circumstances relating thereto.

625 ILCS 5/11-414 — Department to tabulate and analyze motor vehicle crash reports

Sec. 11-414. Department to tabulate and analyze motor vehicle crash reports. The Department shall tabulate and may analyze all written motor vehicle crash reports received in compliance with this Code and shall publish annually or at more frequent intervals motor vehicle crash data. The Department: 1. (blank); 2. shall, upon written request, make available to the public motor vehicle crash data that shall be distributed under Sections 11-412 and 11-417 of this Code; 3. may conduct special investigations of motor vehicle crashes and may solicit supplementary reports from drivers, owners, police departments, sheriffs, coroners, or any other individual. Failure of any individual to submit a supplementary report subjects such individual to the same penalties for failure to report as designated under Section 11-407.

625 ILCS 5/11-415 — Municipalities may require traffic crash reports

Sec. 11-415. Municipalities may require traffic crash reports. Municipalities may by ordinance require that the driver or owner of a vehicle involved in a traffic crash file with the designated municipal office a written report of such crash. All such reports shall be for the confidential use of the municipal office and subject to the provisions of Section 11-412.

625 ILCS 5/11-416 — Furnishing copies; fees

Sec. 11-416. Furnishing copies; fees. The Illinois State Police may furnish copies of an Illinois State Police Traffic Crash Report that has been investigated by the Illinois State Police and shall be paid a fee of \$5 for each such copy, or in the case of a crash which was investigated by a crash reconstruction officer or crash reconstruction team, a fee of \$20 shall be paid. These fees shall be deposited into the State Police Services Fund. The Department may use an online payment system for these fees. Other State law enforcement agencies or law enforcement agencies of local authorities may furnish copies of traffic crash reports prepared by such agencies and may receive a fee not to exceed \$5 for each copy or in the case of a crash which was investigated by a crash reconstruction officer or crash reconstruction team, the State or local law enforcement agency may receive a fee not to exceed \$20. Any written crash report required or requested to be furnished the Administrator shall be provided without cost or fee charges authorized under this Section or any other provision of law.

625 ILCS 5/11-417 — Motor vehicle crash report and motor vehicle crash data

Sec. 11-417. Motor vehicle crash report and motor vehicle crash data.

(a) Upon written request and payment of the required fee, the Department shall make available to the public motor vehicle crash data received in compliance with this Code. The Department shall adopt any rules necessary to establish a fee schedule for motor vehicle crash data made available under Section 11-414 of this Code.

(b) The Department shall provide copies of a written motor vehicle crash report or motor vehicle crash data without any cost or fees authorized under any provision of law to a federal, State, or local agency, the Secretary of State, the Illinois Commerce Commission, or any other person or entity that has a contractual agreement with the Department or a federal, State, or local agency to complete a highway safety research and study for the Department or the federal, State, or local agency.

(c) All fees collected under this Section shall be placed in the Road Fund to be used, subject to appropriation, for the costs associated with motor vehicle crash records and motor vehicle crash data.

625 ILCS 5/11-500 — Definitions

Sec. 11-500. Definitions. For the purposes of interpreting Sections 6-206.1 and 6-208.1 of this Code, "first offender" shall mean any person who has not had a previous conviction or court assigned supervision for violating Section 11-501, or a similar provision of a local ordinance, or a conviction in any other state for a violation of driving while under the influence or a similar offense where the cause of action is the same or substantially similar to this Code or similar offenses committed on a military installation, or any person who has not had a driver's license suspension pursuant to paragraph 6 of subsection

(a) of Section 6-206 as the result of refusal of chemical testing in another state, or any person who has not had a driver's license suspension or revocation for violating Section 11-501.1 within 5 years prior to the date of the current offense, except in cases where the driver submitted to chemical testing resulting in an alcohol concentration of 0.08 or more, or any amount of a drug, substance, or compound in such person's blood, other bodily substance, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act, or

methamphetamine as listed in the Methamphetamine Control and Community Protection Act and was subsequently found not guilty of violating Section 11-501, or a similar provision of a local ordinance.

625 ILCS 5/11-500.1 — Immunity

Sec. 11-500.1. Immunity.

(a) A person authorized under this Article to withdraw blood or collect urine or other bodily substance shall not be civilly liable for damages when the person, in good faith, withdraws blood or collects urine or other bodily substance for evidentiary purposes under this Code, upon the request of a law enforcement officer, unless the act is performed in a willful and wanton manner.

(b) As used in this Section, "willful and wanton manner" means a course of action that shows an actual or deliberate intention to cause harm or which, if not intentional, shows an utter indifference to or conscious disregard for the health or safety of another.

625 ILCS 5/11-501

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

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

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

(2) under the influence of alcohol;

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

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

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

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

(7) the person has, within 2 hours of driving or being in actual physical control of a vehicle, a tetrahydrocannabinol concentration in the person's whole blood or other bodily substance as defined in paragraph 6 of subsection

(a) of Section 11-501.2 of this Code. Subject to all other requirements and provisions under this Section, this paragraph

(7) does not apply to the lawful consumption of cannabis by a qualifying patient licensed under the Compassionate Use of Medical Cannabis Program Act who is in possession of a valid registry card issued under that Act, unless that person is impaired by the use of cannabis.

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

(c) Penalties.

(1) Except as otherwise provided in this Section, any person convicted of violating subsection

(a) of this Section is guilty of a Class A misdemeanor.

(2) A person who violates subsection

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

(3) A person who violates subsection

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

violation.

(4) A person who violates subsection

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

(5) A person who violates subsection

(a) a second time, if at the time of the second violation the alcohol concentration in his or her blood, breath, other bodily substance, or urine was 0.16 or more based on the definition of blood, breath, other bodily substance, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 2 days of imprisonment and a mandatory minimum fine of \$1,250.

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

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

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

(a) while driving a school bus with one or more passengers on board; (C) the person in committing a violation of subsection

(a) was involved in a motor vehicle crash that resulted in great bodily harm or permanent disability or disfigurement to another, when the violation was a proximate cause of the injuries; (D) the person committed a violation of subsection

(a) and has been previously convicted of violating Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 or a similar provision of a law of another state relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been convicted under subparagraph (C) or subparagraph (F) of this paragraph (1); (E) the person, in committing a violation of subsection

(a) while driving at any speed in a school speed zone at a time when a speed limit of 20 miles per hour was in effect under subsection

(a) of Section 11-605 of this Code, was involved in a motor vehicle crash that resulted in bodily harm, other than great bodily harm or permanent disability or disfigurement, to another person, when the violation of subsection

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

(a) was a proximate cause of the death; (G) the person committed a violation of subsection

(a) during a period in which the defendant's driving privileges are revoked or suspended, where the revocation or suspension was for a violation of subsection

(a) or a similar provision, Section 11-501.1, paragraph

(b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012; (H) the person committed the violation while he or she did not possess a driver's license or permit or a restricted driving permit or a judicial driving permit or a monitoring device driving permit; (I) the person committed the violation while he or she knew or should have known that the vehicle he or she was driving was not covered by a liability insurance policy; (J) the person in committing a violation of subsection

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

(a) or a similar provision was transporting a person under the age of 16; or (L) the person committed a violation of subsection

(a) of this Section while transporting one or more passengers in a vehicle for-hire. (2)(A) Except as provided otherwise, a person convicted of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is guilty of a Class 4 felony. (B) A third violation of this Section or a similar provision is a Class 2 felony. If at the time of the third violation the alcohol concentration in his or her blood, breath, other bodily substance, or urine was 0.16 or more based on the definition of blood, breath, other bodily substance, or urine units in Section 11-501.2, a mandatory minimum of 90 days of imprisonment and a mandatory minimum fine of \$2,500 shall be imposed in addition to any other criminal or administrative sanction. If at the time of the third violation, the defendant was transporting a person under the age of 16, a mandatory fine of \$25,000 and 25 days of community service in a program benefiting children shall be imposed in addition to any other criminal or administrative sanction. (C) A fourth violation of this Section or a similar provision is a Class 2 felony, for which a sentence of probation or conditional discharge may not be imposed. If at the time of the violation, the alcohol concentration in the defendant's blood, breath, other bodily substance, or urine was 0.16 or more based on the definition of blood, breath, other bodily substance, or urine units in Section 11-501.2, a mandatory minimum fine of \$5,000 shall be imposed in addition to any other criminal or administrative sanction. If at the time of the fourth violation, the defendant was transporting a person under the age of 16 a mandatory fine of \$25,000 and 25 days of community service in a program benefiting children shall be imposed in addition to any other criminal or administrative sanction. (D) A fifth violation of this Section or a similar provision is a Class 1 felony, for which a sentence of probation or conditional discharge may not be imposed. If at the time of the violation, the alcohol concentration in the defendant's blood, breath, other bodily substance, or urine was 0.16 or more based on the definition of blood, breath, other bodily substance, or urine units in Section 11-501.2, a mandatory minimum fine of \$5,000 shall be imposed in addition to any other criminal or administrative sanction. If at the time of the fifth violation, the defendant was transporting a person under the age of 16, a mandatory fine of \$25,000, and 25 days of community service in a program benefiting children shall be imposed in addition to any other criminal or administrative sanction. (E) A sixth or subsequent violation of this Section or similar provision is a Class X felony. If at the time of the violation, the alcohol concentration in the defendant's blood, breath, other bodily substance, or urine was 0.16 or more based on the definition of blood, breath, other bodily substance, or urine units in Section 11-501.2, a mandatory minimum fine of \$5,000 shall be imposed in addition to any other criminal or administrative sanction. If at the time of the violation, the defendant was transporting a person under the age of 16, a mandatory fine of \$25,000 and 25 days of community service in a program benefiting children shall be imposed in addition to any other criminal or administrative sanction. (F) For a violation of subparagraph (C) of paragraph

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

(1) of this subsection

(d) is a Class 2 felony, for which the defendant, unless the court determines that extraordinary circumstances exist and require probation, shall be sentenced to:

(i) a term of imprisonment of not less than 3 years and not more than 14 years if the violation resulted in the death of one person; or (ii) a term of imprisonment of not less than 6 years and not more than 28 years if the violation resulted in the deaths of 2 or more persons. (H) For a violation of subparagraph (J) of paragraph

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

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

(1) of this subsection

(d) is a Class 3 felony, for which a sentence of probation or conditional discharge may not be imposed.

(3) Any person sentenced under this subsection

(d) who receives a term of probation or conditional discharge must serve a minimum term of either 480 hours of community service or 10 days of imprisonment as a condition of the probation or conditional discharge in addition to any

other criminal or administrative sanction.

(e) Any reference to a prior violation of subsection

(a) or a similar provision includes any violation of a provision of a local ordinance or a provision of a law of another state or an offense committed on a military installation that is similar to a violation of subsection

(a) of this Section.

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

(g) Any penalty imposed for driving with a license that has been revoked for a previous violation of subsection

(a) of this Section shall be in addition to the penalty imposed for any subsequent violation of subsection (a).

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

625 ILCS 5/11-501.01 — Additional administrative sanctions

Sec. 11-501.01. Additional administrative sanctions.

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

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

(c) (Blank).

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

(e) The Secretary of State shall require the use of ignition interlock devices for a period not less than 5 years on all vehicles owned by a person who has been convicted of a second or subsequent offense of Section 11-501 or a similar provision of a local ordinance. The person must pay to the Secretary of State DUI Administration Fund an amount not to exceed \$30 for each month that he or she uses the device. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system, the amount of the fee, and the procedures, terms, and conditions relating to these fees. During the time period in which a person is required to install an ignition interlock device under this subsection (e), that person shall only operate vehicles in which ignition interlock devices have been installed, except as allowed by subdivision (c)(5) or (d)(5) of Section 6-205 of this Code.

(f) (Blank).

(g) The Secretary of State Police DUI Fund is created as a special fund in the State treasury and, subject to appropriation, shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by Section 11-501 of this Code, including, but not limited to, the purchase of law enforcement equipment and commodities to assist in the prevention of alcohol-related criminal violence throughout the State; police officer training and education in areas related to alcohol-related crime, including, but not limited to, DUI training; and police officer salaries, including, but not limited to, salaries for hire-back funding for safety checkpoints, saturation patrols, and liquor store sting operations. Notwithstanding any other provision of law, on July 1, 2025, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the remaining balance from the Secretary of State Police DUI Fund into the Secretary of State Police Services Fund. Upon completion of the transfers, the Secretary of State Police DUI Fund is dissolved, and any future deposits due to that Fund and any outstanding obligations or liabilities of that Fund shall pass to the Secretary of State Police Services Fund.

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

(i) (Blank).

(j) A person that is subject to a chemical test or tests of blood under subsection

(a) of Section 11-501.1 or subdivision (c)(2) of Section 11-501.2 of this Code, whether or not that person consents to testing, shall be liable for the expense up to \$500 for blood withdrawal by a physician authorized to practice medicine, a licensed physician assistant, a licensed advanced practice registered nurse, a registered nurse, a trained phlebotomist, a licensed paramedic, or a qualified person other than a police officer approved by the Illinois State Police to withdraw blood, who responds, whether at a law enforcement facility or a health care facility, to a police department request for the drawing of blood based upon refusal of the person to submit to a lawfully requested breath test or probable cause exists to believe the test would disclose the ingestion, consumption, or use of drugs or intoxicating compounds if:

(1) the person is found guilty of violating Section 11-501 of this Code or a similar provision of a local ordinance; or

(2) the person pleads guilty to or stipulates to facts supporting a violation of Section 11-503 of this Code or a similar provision of a local ordinance when the plea or stipulation was the result of a plea agreement in which the person was originally charged with violating Section 11-501 of this Code or a similar local ordinance.

625 ILCS 5/11-501.1

Sec. 11-501.1. Suspension of drivers license; statutory summary alcohol, other drug or drugs, or intoxicating compound or compounds related suspension or revocation; implied consent.

(a) Any person who drives or is in actual physical control of a motor vehicle upon the public highways of this State shall be deemed to have given consent, subject to the provisions of Section 11-501.2, to a chemical test or tests of blood, breath, other bodily substance, or urine for the purpose of determining the content of alcohol, other drug or drugs, or intoxicating compound or compounds or any combination thereof in the person's blood if arrested, as evidenced by the issuance of a Uniform Traffic Ticket, for any offense as defined in Section 11-501 or a similar provision of a local ordinance, or if arrested for violating Section 11-401. If a law enforcement officer has probable cause to believe the person was under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof, the law enforcement officer shall request a chemical test or tests which shall be administered at the direction of the arresting officer. The law enforcement agency employing the officer shall designate which of the aforesaid tests shall be administered. Up to 2 additional tests of urine or other bodily substance may be administered even after a blood or breath test or both has been administered. For purposes of this Section, an Illinois law enforcement officer of this State who is investigating the person for any offense defined in Section 11-501 may travel into an adjoining state, where the person has been transported for medical care, to complete an investigation and to request that the person submit to the test or tests set forth in this Section. The requirements of this Section that the person be arrested are inapplicable, but the officer shall issue the person a Uniform Traffic Ticket for an offense as defined in Section 11-501 or a similar provision of a local ordinance prior to requesting that the person submit to the test or tests. The issuance of the Uniform Traffic Ticket shall not constitute an arrest, but shall be for the purpose of notifying the person that he or she is subject to the provisions of this Section and of the officer's belief of the existence of probable cause to arrest. Upon returning to this State, the officer shall file the Uniform Traffic Ticket with the Circuit Clerk of the county where the offense was committed, and shall seek the issuance of an arrest warrant or a summons for the person. (a-5) (Blank).

(b) Any person who is dead, unconscious, or who is otherwise in a condition rendering the person incapable of refusal, shall be deemed not to have withdrawn the consent provided by paragraph

(a) of this Section and the test or tests may be administered, subject to the provisions of Section 11-501.2.

(c) A person requested to submit to a test as provided above shall be warned by the law enforcement officer requesting the test that a refusal to submit to the test will result in the statutory summary suspension of the person's privilege to operate a motor vehicle, as provided in Section 6-208.1 of this Code, and will also result in the disqualification of the person's privilege to operate a commercial motor vehicle, as provided in Section 6-514 of this Code, if the person is a CDL holder. The person shall also be warned that a refusal to submit to the test, when the person was involved in a motor vehicle crash that caused personal injury or death to another, will result in the statutory summary revocation of the person's privilege to operate a motor vehicle, as provided in Section 6-208.1, and will also result in the disqualification of the person's privilege to operate a commercial motor vehicle, as provided in Section 6-514 of this Code, if the person is a CDL holder. The person shall also be warned by the law enforcement officer that if the person submits to the test or tests provided in paragraph

(a) of this Section and the alcohol concentration in the person's blood, other bodily substance, or breath is 0.08 or greater, or testing discloses the presence of cannabis as listed in the Cannabis Control Act with a tetrahydrocannabinol concentration as defined in paragraph 6 of subsection

(a) of Section 11-501.2 of this Code, or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act is detected in the person's blood, other bodily substance or urine, a statutory summary suspension of the person's privilege to operate a motor vehicle, as provided in Sections 6-208.1 and 11-501.1 of this Code, will be imposed. If the person is also a CDL holder, he or she shall be warned by the law enforcement officer that if the person submits to the test or tests provided in paragraph

(a) of this Section and the alcohol concentration in the person's blood, other bodily substance, or breath is 0.08 or greater, or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis as covered by the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act is detected in the person's blood, other bodily substance, or urine, a disqualification of the person's privilege to operate a commercial motor vehicle, as provided in Section 6-514 of this Code, will be imposed. A person who is under the age of 21 at the time the person is requested to submit to a test as provided above shall, in addition to the warnings provided for in this Section, be further warned by the law enforcement officer requesting the test that if the person submits to the test or tests provided in paragraph

(a) of this Section and the alcohol concentration in the person's blood, other bodily substance, or breath is greater than 0.00 and less than 0.08, a suspension of the person's privilege to operate a motor vehicle, as provided under Sections 6-208.2 and 11-501.8 of this Code, will be imposed. The results of this test shall be admissible in a civil or criminal action or proceeding arising from an arrest for an offense as defined in Section 11-501 of this Code or a similar provision of a local ordinance or pursuant to Section 11-501.4 in prosecutions for reckless homicide brought under the Criminal Code of 1961 or the Criminal Code of 2012. These test results, however, shall be admissible only in actions or proceedings directly related to the incident upon which the test request was made. A person requested to submit to a test shall also acknowledge, in writing, receipt of the warning required under this Section. If the person refuses to acknowledge receipt of the warning, the law enforcement officer shall make a written notation on the warning that the person refused to sign the warning. A person's refusal to sign the warning shall not be evidence that the person was not read the warning.

(d) If the person refuses testing or submits to a test that discloses an alcohol concentration of 0.08 or more, or testing discloses the presence of cannabis as listed in the Cannabis Control Act with a tetrahydrocannabinol concentration as defined in paragraph 6 of subsection

(a) of Section 11-501.2 of this Code, or any amount of a drug, substance, or intoxicating compound in the person's breath, blood, other bodily substance, or urine resulting from the unlawful use or consumption of a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, the law enforcement officer shall immediately submit a sworn report to the circuit court of venue and the Secretary of State, certifying that the test or tests was or were requested under paragraph

(a) and the person refused to submit to a test, or tests, or submitted to testing that disclosed an alcohol concentration of 0.08 or more, testing discloses the presence of cannabis as listed in the Cannabis Control Act with a tetrahydrocannabinol concentration as defined in paragraph 6 of subsection

(a) of Section 11-501.2 of this Code, or any amount of a drug, substance, or intoxicating compound in the person's breath, blood, other bodily substance, or urine resulting from the unlawful use or consumption of a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act. If the person is also a CDL holder and refuses testing or submits to a test that discloses an alcohol concentration of 0.08 or more, or any amount of a drug, substance, or intoxicating compound in the person's breath, blood, other bodily substance, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, the law enforcement officer shall also immediately submit a sworn report to the circuit court of venue and the Secretary of State, certifying that the test or tests was or were requested under paragraph

(a) and the person refused to submit to a test, or tests, or submitted to testing that disclosed an alcohol concentration of 0.08 or more, or any amount of a drug, substance, or intoxicating compound in the person's breath, blood, other bodily substance, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act.

(e) Upon receipt of the sworn report of a law enforcement officer submitted under paragraph (d), the Secretary of State shall enter the statutory summary suspension or revocation and disqualification for the periods specified in Sections 6-208.1 and 6-514, respectively, and effective as provided in paragraph (g). If the person is a first offender as defined in Section 11-500 of this Code, and is not convicted of a violation of Section 11-501 of this Code or a similar provision of a local ordinance, then reports received by the Secretary of State under this Section shall, except during the actual time the Statutory Summary Suspension is in effect, be privileged information and for use only by the courts, police officers, prosecuting authorities or the Secretary of State, unless the person is a CDL holder, is operating a commercial motor vehicle or vehicle required to be placarded for hazardous materials, in which case the suspension shall not be privileged. Reports received by the Secretary of State under this Section shall also be made available to the parent or guardian of a person under the age of 18 years that holds an instruction permit or a graduated driver's license, regardless of whether the statutory summary suspension is in effect. A statutory summary revocation shall not be privileged information.

(f) The law enforcement officer submitting the sworn report under paragraph

(d) shall serve immediate notice of the statutory summary suspension or revocation on the person and the suspension or revocation and disqualification shall be effective as provided in paragraph (g).

(1) In cases involving a person who is not a CDL holder where the blood alcohol concentration of 0.08 or greater or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act is established by a subsequent analysis of blood, other bodily substance, or urine or analysis of whole blood or other bodily substance establishes a tetrahydrocannabinol concentration as defined in paragraph 6 of subsection

(a) of Section 11-501.2 of this Code, collected at the time of arrest, the arresting officer or arresting agency shall give notice as provided in this Section or by deposit in the United States mail of the notice in an envelope with postage prepaid and addressed to the person at his or her address as shown on the Uniform Traffic Ticket and the statutory summary suspension shall begin as provided in paragraph (g). (1.3) In cases involving a person who is a CDL holder where the blood alcohol concentration of 0.08 or greater or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis as covered by the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act is established by a subsequent analysis of blood, other bodily substance, or urine collected at the time of arrest, the arresting officer or arresting agency shall give notice as provided in this Section or by deposit in the United States mail of the notice in an envelope with postage prepaid and addressed to the person at his or her address as shown on the Uniform Traffic Ticket and the statutory summary suspension and disqualification shall begin as provided in paragraph (g). (1.5) The officer shall confiscate any Illinois driver's license or permit on the person at the time of arrest. If the person has a valid driver's license or permit, the officer shall issue the person a receipt, in a form prescribed by the Secretary of State, that will allow that

person to drive during the periods provided for in paragraph (g). The officer shall immediately forward the driver's license or permit to the Secretary of State along with the sworn report provided for in paragraph (d).

(2) (Blank).

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

(h) The following procedure shall apply whenever a person is arrested for any offense as defined in Section 11-501 or a similar provision of a local ordinance: Upon receipt of the sworn report from the law enforcement officer, the Secretary of State shall confirm the statutory summary suspension or revocation by mailing a notice of the effective date of the suspension or revocation to the person and the court of venue. The Secretary of State shall also mail notice of the effective date of the disqualification to the person. However, should the sworn report be defective by not containing sufficient information or be completed in error, the confirmation of the statutory summary suspension or revocation shall not be mailed to the person or entered to the record; instead, the sworn report shall be forwarded to the court of venue with a copy returned to the issuing agency identifying any defect.

(i) As used in this Section, "personal injury" includes any Type A injury as indicated on the traffic crash report completed by a law enforcement officer that requires immediate professional attention in either a doctor's office or a medical facility. A Type A injury includes severely bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene.

625 ILCS 5/11-501.2 — Chemical and other tests

Sec. 11-501.2. Chemical and other tests.

(a) Upon the trial of any civil or criminal action or proceeding arising out of an arrest for an offense as defined in Section 11-501 or a similar local ordinance or proceedings pursuant to Section 2-118.1, evidence of the concentration of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof in a person's blood or breath at the time alleged, as determined by analysis of the person's blood, urine, breath, or other bodily substance, shall be admissible. Where such test is made the following provisions shall apply: 1. Chemical analyses of the person's blood, urine, breath, or other bodily substance to be considered valid under the provisions of this Section shall have been performed according to standards promulgated by the Illinois State Police by a licensed physician, registered nurse, trained phlebotomist, licensed paramedic, or other individual possessing a valid permit issued by that Department for this purpose. The Director of the Illinois State Police is authorized to approve satisfactory techniques or methods, to ascertain the qualifications and competence of individuals to conduct such analyses, to issue permits which shall be subject to termination or revocation at the discretion of that Department and to certify the accuracy of breath testing equipment. The Illinois State Police shall prescribe regulations as necessary to implement this Section. 2. When a person in this State shall submit to a blood test at the request of a law enforcement officer under the provisions of Section 11-501.1, only a physician authorized to practice medicine, a licensed physician assistant, a licensed advanced practice registered nurse, a registered nurse, trained phlebotomist, or licensed paramedic, or other qualified person approved by the Illinois State Police may withdraw blood for the purpose of determining the alcohol, drug, or alcohol and drug content therein. This limitation shall not apply to the taking of breath, other bodily substance, or urine specimens. When a blood test of a person who has been taken to an adjoining state for medical treatment is requested by an Illinois law enforcement officer, the blood may be withdrawn only by a physician authorized to practice medicine in the adjoining state, a licensed physician assistant, a licensed advanced practice registered nurse, a registered nurse, a trained phlebotomist acting under the direction of the physician, or licensed paramedic. The law enforcement officer requesting the test shall take custody of the blood sample, and the blood sample shall be analyzed by a laboratory certified by the Illinois State Police for that purpose. 3. The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of their own choosing administer a chemical test or tests in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer. 4. Upon the request of the person who shall submit to a chemical test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to the person or such person's attorney. 5. Alcohol concentration shall mean either grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath. 6. Tetrahydrocannabinol concentration means either 5 nanograms or more of delta-9-tetrahydrocannabinol per milliliter of whole blood or 10 nanograms or more of delta-9-tetrahydrocannabinol per milliliter of other bodily substance. (a-5) Law

enforcement officials may use validated roadside chemical tests or standardized field sobriety tests approved by the National Highway Traffic Safety Administration when conducting investigations of a violation of Section 11-501 or similar local ordinance by drivers suspected of driving under the influence of cannabis. The General Assembly finds that

(i) validated roadside chemical tests are effective means to determine if a person is under the influence of cannabis and
(ii) standardized field sobriety tests approved by the National Highway Traffic Safety Administration are divided attention tasks that are intended to determine if a person is under the influence of cannabis. The purpose of these tests is to determine the effect of the use of cannabis on a person's capacity to think and act with ordinary care and therefore operate a motor vehicle safely. Therefore, the results of these validated roadside chemical tests and standardized field sobriety tests, appropriately administered, shall be admissible in the trial of any civil or criminal action or proceeding arising out of an arrest for a cannabis-related offense as defined in Section 11-501 or a similar local ordinance or proceedings under Section 2-118.1 or 2-118.2. Where a test is made the following provisions shall apply: 1. The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of their own choosing administer a chemical test or tests in addition to the standardized field sobriety test or tests administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person does not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer. 2. Upon the request of the person who shall submit to validated roadside chemical tests or a standardized field sobriety test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to the person or the person's attorney. 3. At the trial of any civil or criminal action or proceeding arising out of an arrest for an offense as defined in Section 11-501 or a similar local ordinance or proceedings under Section 2-118.1 or 2-118.2 in which the results of these validated roadside chemical tests or standardized field sobriety tests are admitted, the person may present and the trier of fact may consider evidence that the person lacked the physical capacity to perform the validated roadside chemical tests or standardized field sobriety tests.

(b) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of alcohol, the concentration of alcohol in the person's blood or breath at the time alleged as shown by analysis of the person's blood, urine, breath, or other bodily substance shall give rise to the following presumptions: 1. If there was at that time an alcohol concentration of 0.05 or less, it shall be presumed that the person was not under the influence of alcohol. 2. If there was at that time an alcohol concentration in excess of 0.05 but less than 0.08, such facts shall not give rise to any presumption that the person was or was not under the influence of alcohol, but such fact may be considered with other competent evidence in determining whether the person was under the influence of alcohol. 3. If there was at that time an alcohol concentration of 0.08 or more, it shall be presumed that the person was under the influence of alcohol. 4. The foregoing provisions of this Section shall not be construed as limiting the introduction of any other relevant evidence bearing upon the question whether the person was under the influence of alcohol. (b-5) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, the concentration of cannabis in the person's whole blood or other bodily substance at the time alleged as shown by analysis of the person's blood or other bodily substance shall give rise to the following presumptions: 1. If there was a tetrahydrocannabinol concentration of 5 nanograms or more in whole blood or 10 nanograms or more in an other bodily substance as defined in this Section, it shall be presumed that the person was under the influence of cannabis. 2. If there was at that time a tetrahydrocannabinol concentration of less than 5 nanograms in whole blood or less than 10 nanograms in an other bodily substance, such facts shall not give rise to any presumption that the person was or was not under the influence of cannabis, but such fact may be considered with other competent evidence in determining whether the person was under the influence of cannabis.

(c) 1. If a person under arrest refuses to submit to a chemical test under the provisions of Section 11-501.1, evidence of refusal shall be admissible in any civil or criminal action or proceeding arising out of acts alleged to have been committed while the person under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof was driving or in actual physical control of a motor vehicle. 2. Notwithstanding any ability to refuse under this Code to submit to these tests or any ability to revoke the implied consent to these tests, if a law enforcement officer has probable cause to believe that a motor vehicle driven by or in actual physical control of a person under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof has caused the death or personal injury to another, the law enforcement officer shall request, and that person shall submit, upon the request of a law enforcement officer, to a chemical test or tests of his or her blood, breath, other bodily substance, or

urine for the purpose of determining the alcohol content thereof or the presence of any other drug or combination of both. This provision does not affect the applicability of or imposition of driver's license sanctions under Section 11-501.1 of this Code. 3. For purposes of this Section, a personal injury includes any Type A injury as indicated on the traffic crash report completed by a law enforcement officer that requires immediate professional attention in either a doctor's office or a medical facility. A Type A injury includes severe bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene.

(d) If a person refuses validated roadside chemical tests or standardized field sobriety tests under Section 11-501.9 of this Code, evidence of refusal shall be admissible in any civil or criminal action or proceeding arising out of acts committed while the person was driving or in actual physical control of a vehicle and alleged to have been impaired by the use of cannabis.

(e) Illinois State Police compliance with the changes in this amendatory Act of the 99th General Assembly concerning testing of other bodily substances and tetrahydrocannabinol concentration by Illinois State Police laboratories is subject to appropriation and until the Illinois State Police adopt standards and completion validation. Any laboratories that test for the presence of cannabis or other drugs under this Article, the Snowmobile Registration and Safety Act, or the Boat Registration and Safety Act must comply with ISO/IEC 17025:2005.

625 ILCS 5/11-501.4

Sec. 11-501.4. Admissibility of chemical tests of blood, other bodily substance, or urine conducted in the regular course of providing emergency medical treatment.

(a) Notwithstanding any other provision of law, the results of blood, other bodily substance, or urine tests performed for the purpose of determining the content of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, of an individual's blood, other bodily substance, or urine conducted upon persons receiving medical treatment in a hospital emergency room are admissible in evidence as a business record exception to the hearsay rule only in prosecutions for any violation of Section 11-501 of this Code or a similar provision of a local ordinance, or in prosecutions for reckless homicide brought under the Criminal Code of 1961 or the Criminal Code of 2012, when each of the following criteria are met:

(1) the chemical tests performed upon an individual's blood, other bodily substance, or urine were ordered in the regular course of providing emergency medical treatment and not at the request of law enforcement authorities;

(2) the chemical tests performed upon an individual's blood, other bodily substance, or urine were performed by the laboratory routinely used by the hospital; and

(3) results of chemical tests performed upon an individual's blood, other bodily substance, or urine are admissible into evidence regardless of the time that the records were prepared.

(b) The confidentiality provisions of law pertaining to medical records and medical treatment shall not be applicable with regard to chemical tests performed upon an individual's blood, other bodily substance, or urine under the provisions of this Section in prosecutions as specified in subsection

(a) of this Section. No person shall be liable for civil damages as a result of the evidentiary use of chemical testing of an individual's blood, other bodily substance, or urine test results under this Section, or as a result of that person's testimony made available under this Section.

625 ILCS 5/11-501.4-1

Sec. 11-501.4-1. Reporting of test results of blood, other bodily substance, or urine conducted in the regular course of providing emergency medical treatment.

(a) Notwithstanding any other provision of law, the results of blood, other bodily substance, or urine tests performed for the purpose of determining the content of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, in an individual's blood, other bodily substance, or urine conducted upon persons receiving medical treatment in a hospital emergency room for injuries resulting from a motor vehicle crash shall be disclosed to the Illinois State Police or local law enforcement agencies of jurisdiction, upon request. Such blood, other bodily substance, or urine tests are admissible in evidence as a business record exception to the hearsay rule only in prosecutions for any violation of Section 11-501 of this Code or a similar provision of a local ordinance, or in prosecutions for reckless homicide brought under the Criminal Code of 1961 or the Criminal Code of 2012.

(b) The confidentiality provisions of law pertaining to medical records and medical treatment shall not be applicable with regard to tests performed upon an individual's blood, other bodily substance, or urine under the provisions of subsection (a) of this Section. No person shall be liable for civil damages or professional discipline as a result of the disclosure or reporting of the tests or the evidentiary use of an individual's blood, other bodily substance, or urine test results under this Section or Section 11-501.4 or as a result of that person's testimony made available under this Section or Section 11-501.4, except for willful or wanton misconduct.

625 ILCS 5/11-501.5 — Preliminary Breath Screening Test

Sec. 11-501.5. Preliminary Breath Screening Test.

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

(b) The Illinois State Police shall create a pilot program to establish the effectiveness of pupillometer technology (the measurement of the pupil's reaction to light) as a noninvasive technique to detect and measure possible impairment of any person who drives or is in actual physical control of a motor vehicle resulting from the suspected usage of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof. This technology shall also be used to detect fatigue levels of the operator of a Commercial Motor Vehicle as defined in Section 6-500(6), pursuant to Section 18b-105 (Part 395-Hours of Service of Drivers) of the Illinois Vehicle Code. A State Police officer may request that the operator of a commercial motor vehicle have his or her eyes examined or tested with a pupillometer device. The person may refuse the examination or test. The State Police officer shall have the device readily available to limit undue delays. If a State Police officer has reasonable suspicion to believe that a person is violating or has violated Section 11-501, the officer may use the pupillometer technology, when available. The officer, prior to an arrest, may request the person to have his or her eyes examined or tested with a pupillometer device. The person may refuse the examination or test. The results of this examination or test may be used by the officer for the purpose of assisting with the determination of whether to require a chemical test as authorized under Sections 11-501.1 and 11-501.2 and the appropriate type of test to request. Any chemical test authorized under Sections 11-501.1 and 11-501.2 may be requested by the officer regardless of the result of the pupillometer examination or test, if probable cause for an arrest exists. The result of the examination or test may be used by the defendant as evidence in any administrative or court proceeding involving a violation of 11-501 or 11-501.1. The pilot program shall last for a period of 18 months and involve the testing of 15 pupillometer devices. Within 90 days of the completion of the pilot project, the Illinois State Police shall file a report with the President of the Senate and Speaker of the House evaluating the project.

625 ILCS 5/11-501.6 — Driver involvement in personal injury or fatal motor vehicle crash; chemical test

Sec. 11-501.6. Driver involvement in personal injury or fatal motor vehicle crash; chemical test.

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

(b) Any person who is dead, unconscious or who is otherwise in a condition rendering such person incapable of refusal shall be deemed not to have withdrawn the consent provided by subsection

(a) of this Section. In addition, if a driver of a vehicle is receiving medical treatment as a result of a motor vehicle crash, any physician licensed to practice medicine, licensed physician assistant, licensed advanced practice registered nurse, registered nurse or a phlebotomist acting under the direction of a licensed physician shall withdraw blood for testing purposes to ascertain the presence of alcohol, other drug or drugs, or intoxicating compound or compounds, upon the specific request of a law enforcement officer. However, no such testing shall be performed until, in the opinion of the medical personnel on scene, the withdrawal can be made without interfering with or endangering the well-being of the patient.

(c) A person requested to submit to a test as provided above shall be warned by the law enforcement officer requesting the test that a refusal to submit to the test, or submission to the test resulting in an alcohol concentration of 0.08 or more, or testing discloses the presence of cannabis as listed in the Cannabis Control Act with a tetrahydrocannabinol concentration as defined in paragraph 6 of subsection

(a) of Section 11-501.2 of this Code, or any amount of a drug, substance, or intoxicating compound resulting from the unlawful use or consumption of a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act as detected in such person's blood, other bodily substance, or urine, may result in the suspension of such person's privilege to operate a motor vehicle. If the person is also a CDL holder, he or she shall be warned by the law enforcement officer requesting the test that a refusal to submit to the test, or submission to the test resulting in an alcohol concentration of 0.08 or more, or any amount of a drug, substance, or intoxicating compound resulting from the unlawful use or consumption of cannabis, as covered by the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act as detected in the person's blood, other bodily substance, or urine, may result in the disqualification of the person's privilege to operate a commercial motor vehicle, as provided in Section 6-514 of this Code. The length of the suspension shall be the same as outlined in Section 6-208.1 of this Code regarding statutory summary suspensions. A person requested to submit to a test shall also acknowledge, in writing, receipt of the warning required under this Section. If the person refuses to acknowledge receipt of the warning, the law enforcement officer shall make a written notation on the warning that the person refused to sign the warning. A person's refusal to sign the warning shall not be evidence that the person was not read the warning.

(d) If the person refuses testing or submits to a test which discloses an alcohol concentration of 0.08 or more, the presence of cannabis as listed in the Cannabis Control Act with a tetrahydrocannabinol concentration as defined in paragraph 6 of subsection

(a) of Section 11-501.2 of this Code, or any amount of a drug, substance, or intoxicating compound in such person's blood or urine resulting from the unlawful use or consumption of a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, the law enforcement officer shall immediately submit a sworn report to the Secretary of State on a form prescribed by the Secretary, certifying that the test or tests were requested under subsection

(a) and the person refused to submit to a test or tests or submitted to testing which disclosed an alcohol concentration of 0.08 or more, the presence of cannabis as listed in the Cannabis Control Act with a tetrahydrocannabinol concentration as defined in paragraph 6 of subsection

(a) of Section 11-501.2 of this Code, or any amount of a drug, substance, or intoxicating compound in such person's blood, other bodily substance, or urine, resulting from the unlawful use or consumption of a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act. If the person is also a CDL holder and refuses testing or submits to a test which discloses an alcohol concentration of 0.08 or more, or any amount of a drug, substance, or intoxicating compound in the person's blood, other bodily substance, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, the law enforcement officer

shall immediately submit a sworn report to the Secretary of State on a form prescribed by the Secretary, certifying that the test or tests were requested under subsection

(a) and the person refused to submit to a test or tests or submitted to testing which disclosed an alcohol concentration of 0.08 or more, or any amount of a drug, substance, or intoxicating compound in such person's blood, other bodily substance, or urine, resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act. Upon receipt of the sworn report of a law enforcement officer, the Secretary shall enter the suspension and disqualification to the individual's driving record and the suspension and disqualification shall be effective on the 46th day following the date notice of the suspension was given to the person. The law enforcement officer submitting the sworn report shall serve immediate notice of this suspension on the person and such suspension and disqualification shall be effective on the 46th day following the date notice was given. In cases involving a person who is not a CDL holder where the blood alcohol concentration of 0.08 or more, or blood testing discloses the presence of cannabis as listed in the Cannabis Control Act with a tetrahydrocannabinol concentration as defined in paragraph 6 of subsection

(a) of Section 11-501.2 of this Code, or any amount of a drug, substance, or intoxicating compound resulting from the unlawful use or consumption of a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, is established by a subsequent analysis of blood, other bodily substance, or urine collected at the time of arrest, the arresting officer shall give notice as provided in this Section or by deposit in the United States mail of such notice in an envelope with postage prepaid and addressed to such person at his or her address as shown on the Uniform Traffic Ticket and the suspension shall be effective on the 46th day following the date notice was given. In cases involving a person who is a CDL holder where the blood alcohol concentration of 0.08 or more, or any amount of a drug, substance, or intoxicating compound resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, is established by a subsequent analysis of blood, other bodily substance, or urine collected at the time of arrest, the arresting officer shall give notice as provided in this Section or by deposit in the United States mail of such notice in an envelope with postage prepaid and addressed to the person at his or her address as shown on the Uniform Traffic Ticket and the suspension and disqualification shall be effective on the 46th day following the date notice was given. Upon receipt of the sworn report of a law enforcement officer, the Secretary shall also give notice of the suspension and disqualification to the driver by mailing a notice of the effective date of the suspension and disqualification to the individual. However, should the sworn report be defective by not containing sufficient information or be completed in error, the notice of the suspension and disqualification shall not be mailed to the person or entered to the driving record, but rather the sworn report shall be returned to the issuing law enforcement agency.

(e) A driver may contest this suspension of his or her driving privileges and disqualification of his or her CDL privileges by requesting an administrative hearing with the Secretary in accordance with Section 2-118 of this Code. At the conclusion of a hearing held under Section 2-118 of this Code, the Secretary may rescind, continue, or modify the orders of suspension and disqualification. If the Secretary does not rescind the orders of suspension and disqualification, a restricted driving permit may be granted by the Secretary upon application being made and good cause shown. A restricted driving permit may be granted to relieve undue hardship to allow driving for employment, educational, and medical purposes as outlined in Section 6-206 of this Code. The provisions of Section 6-206 of this Code shall apply. In accordance with 49 C.F.R. 384, the Secretary of State may not issue a restricted driving permit for the operation of a commercial motor vehicle to a person holding a CDL whose driving privileges have been suspended, revoked, cancelled, or disqualified.

(f) (Blank).

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

625 ILCS 5/11-501.7

Sec. 11-501.7.

(a) As a condition of probation or discharge of a person convicted of a violation of Section 11-501 of this Code, who was less than 21 years of age at the time of the offense, or a person adjudicated delinquent pursuant to the Juvenile Court Act of 1987, for violation of Section 11-501 of this Code, the Court may order the offender to participate in the Youthful Intoxicated Drivers' Visitation Program. The Program shall consist of a supervised visitation as provided by this Section by the person to at least one of the following, to the extent that personnel and facilities are available:

(1) A State or private rehabilitation facility that cares for victims of motor vehicle crashes involving persons under the influence of alcohol.

(2) A facility which cares for advanced alcoholics to observe persons in the terminal stages of alcoholism, under the supervision of appropriately licensed medical personnel.

(3) If approved by the coroner of the county where the person resides, the county coroner's office or the county morgue to observe appropriate victims of motor vehicle crashes involving persons under the influence of alcohol, under the supervision of the coroner or deputy coroner.

(b) The Program shall be operated by the appropriate probation authorities of the courts of the various circuits. The youthful offender ordered to participate in the Program shall bear all costs associated with participation in the Program. A parent or guardian of the offender may assume the obligation of the offender to pay the costs of the Program. The court may waive the requirement that the offender pay the costs of participation in the Program upon a finding of indigency.

(c) As used in this Section, "appropriate victims" means victims whose condition is determined by the visit supervisor to demonstrate the results of motor vehicle crashes involving persons under the influence of alcohol without being excessively gruesome or traumatic to the observer.

(d) Any visitation shall include, before any observation of victims or persons with disabilities, a comprehensive counseling session with the visitation supervisor at which the supervisor shall explain and discuss the experiences which may be encountered during the visitation in order to ascertain whether the visitation is appropriate.

625 ILCS 5/11-501.8 — Suspension of driver's license; persons under age 21

Sec. 11-501.8. Suspension of driver's license; persons under age 21.

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

(b) A person who is dead, unconscious, or who is otherwise in a condition rendering that person incapable of refusal, shall be deemed not to have withdrawn the consent provided by paragraph

(a) of this Section and the test or tests may be administered subject to the following provisions:

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

(ii) When a person submits to a blood test at the request of a law enforcement officer under the provisions of this Section, only a physician authorized to practice medicine, a licensed physician assistant, a licensed advanced practice registered nurse, a registered nurse, or other qualified person trained in venipuncture and acting under the direction of a licensed physician may withdraw blood for the purpose of determining the alcohol content therein. This limitation does not apply to the taking of breath, other bodily substance, or urine specimens. (iii) The person tested may have a physician, qualified technician, chemist, registered nurse, or other qualified person of his or her own choosing administer a chemical test or

tests in addition to any test or tests administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the consideration of the previously performed chemical test. (iv) Upon a request of the person who submits to a chemical test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to the person or that person's attorney.

(v) Alcohol concentration means either grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath. (vi) If a driver is receiving medical treatment as a result of a motor vehicle crashes, a physician licensed to practice medicine, licensed physician assistant, licensed advanced practice registered nurse, registered nurse, or other qualified person trained in venipuncture and acting under the direction of a licensed physician shall withdraw blood for testing purposes to ascertain the presence of alcohol upon the specific request of a law enforcement officer. However, that testing shall not be performed until, in the opinion of the medical personnel on scene, the withdrawal can be made without interfering with or endangering the well-being of the patient.

(c) A person requested to submit to a test as provided above shall be warned by the law enforcement officer requesting the test that a refusal to submit to the test, or submission to the test resulting in an alcohol concentration of more than 0.00, may result in the loss of that person's privilege to operate a motor vehicle and may result in the disqualification of the person's privilege to operate a commercial motor vehicle, as provided in Section 6-514 of this Code, if the person is a CDL holder. The loss of driving privileges shall be imposed in accordance with Section 6-208.2 of this Code. A person requested to submit to a test shall also acknowledge, in writing, receipt of the warning required under this Section. If the person refuses to acknowledge receipt of the warning, the law enforcement officer shall make a written notation on the warning that the person refused to sign the warning. A person's refusal to sign the warning shall not be evidence that the person was not read the warning.

(d) If the person refuses testing or submits to a test that discloses an alcohol concentration of more than 0.00, the law enforcement officer shall immediately submit a sworn report to the Secretary of State on a form prescribed by the Secretary of State, certifying that the test or tests were requested under subsection

(a) and the person refused to submit to a test or tests or submitted to testing which disclosed an alcohol concentration of more than 0.00. The law enforcement officer shall submit the same sworn report when a person under the age of 21 submits to testing under Section 11-501.1 of this Code and the testing discloses an alcohol concentration of more than 0.00 and less than 0.08. Upon receipt of the sworn report of a law enforcement officer, the Secretary of State shall enter the suspension and disqualification on the individual's driving record and the suspension and disqualification shall be effective on the 46th day following the date notice of the suspension was given to the person. If this suspension is the individual's first driver's license suspension under this Section, reports received by the Secretary of State under this Section shall, except during the time the suspension is in effect, be privileged information and for use only by the courts, police officers, prosecuting authorities, the Secretary of State, or the individual personally, unless the person is a CDL holder, is operating a commercial motor vehicle or vehicle required to be placarded for hazardous materials, in which case the suspension shall not be privileged. Reports received by the Secretary of State under this Section shall also be made available to the parent or guardian of a person under the age of 18 years that holds an instruction permit or a graduated driver's license, regardless of whether the suspension is in effect. The law enforcement officer submitting the sworn report shall serve immediate notice of this suspension on the person and the suspension and disqualification shall be effective on the 46th day following the date notice was given. In cases where the blood alcohol concentration of more than 0.00 is established by a subsequent analysis of blood, other bodily substance, or urine, the police officer or arresting agency shall give notice as provided in this Section or by deposit in the United States mail of that notice in an envelope with postage prepaid and addressed to that person at his last known address and the loss of driving privileges shall be effective on the 46th day following the date notice was given. Upon receipt of the sworn report of a law enforcement officer, the Secretary of State shall also give notice of the suspension and disqualification to the driver by mailing a notice of the effective date of the suspension and disqualification to the individual. However, should the sworn report be defective by not containing sufficient information or be completed in error, the notice of the suspension and disqualification shall not be mailed to the person or entered to the driving record, but rather the sworn report shall be returned to the issuing law enforcement agency.

(e) A driver may contest this suspension and disqualification by requesting an administrative hearing with the Secretary of State in accordance with Section 2-118 of this Code. An individual whose blood alcohol concentration is shown to be more than 0.00 is not subject to this Section if he or she consumed alcohol in the performance of a religious service or ceremony. An individual whose blood alcohol concentration is shown to be more than 0.00 shall not be subject to this

Section if the individual's blood alcohol concentration resulted only from ingestion of the prescribed or recommended dosage of medicine that contained alcohol. The petition for that hearing shall not stay or delay the effective date of the impending suspension. The scope of this hearing shall be limited to the issues of:

- (1) whether the police officer had probable cause to believe that the person was driving or in actual physical control of a motor vehicle upon the public highways of the State and the police officer had reason to believe that the person was in violation of any provision of the Illinois Vehicle Code or a similar provision of a local ordinance; and
 - (2) whether the person was issued a Uniform Traffic Ticket for any violation of the Illinois Vehicle Code or a similar provision of a local ordinance; and
 - (3) whether the police officer had probable cause to believe that the driver had consumed any amount of an alcoholic beverage based upon the driver's physical actions or other first-hand knowledge of the police officer; and
 - (4) whether the person, after being advised by the officer that the privilege to operate a motor vehicle would be suspended if the person refused to submit to and complete the test or tests, did refuse to submit to or complete the test or tests to determine the person's alcohol concentration; and
 - (5) whether the person, after being advised by the officer that the privileges to operate a motor vehicle would be suspended if the person submits to a chemical test or tests and the test or tests disclose an alcohol concentration of more than 0.00, did submit to and complete the test or tests that determined an alcohol concentration of more than 0.00; and
 - (6) whether the test result of an alcohol concentration of more than 0.00 was based upon the person's consumption of alcohol in the performance of a religious service or ceremony; and
 - (7) whether the test result of an alcohol concentration of more than 0.00 was based upon the person's consumption of alcohol through ingestion of the prescribed or recommended dosage of medicine. At the conclusion of the hearing held under Section 2-118 of this Code, the Secretary of State may rescind, continue, or modify the suspension and disqualification. If the Secretary of State does not rescind the suspension and disqualification, a restricted driving permit may be granted by the Secretary of State upon application being made and good cause shown. A restricted driving permit may be granted to relieve undue hardship by allowing driving for employment, educational, and medical purposes as outlined in item
- (3) of part
- (c) of Section 6-206 of this Code. The provisions of item
- (3) of part
- (c) of Section 6-206 of this Code and of subsection
- (f) of that Section shall apply. The Secretary of State shall promulgate rules providing for participation in an alcohol education and awareness program or activity, a drug education and awareness program or activity, or both as a condition to the issuance of a restricted driving permit for suspensions imposed under this Section.
- (f) The results of any chemical testing performed in accordance with subsection
- (a) of this Section are not admissible in any civil or criminal proceeding, except that the results of the testing may be considered at a hearing held under Section 2-118 of this Code. However, the results of the testing may not be used to impose driver's license sanctions under Section 11-501.1 of this Code. A law enforcement officer may, however, pursue a statutory summary suspension or revocation of driving privileges under Section 11-501.1 of this Code if other physical evidence or first hand knowledge forms the basis of that suspension or revocation.
- (g) This Section applies only to drivers who are under age 21 at the time of the issuance of a Uniform Traffic Ticket for a violation of the Illinois Vehicle Code or a similar provision of a local ordinance, and a chemical test request is made under this Section.
- (h) The action of the Secretary of State in suspending, revoking, cancelling, or disqualifying any license or permit shall be subject to judicial review in the Circuit Court of Sangamon County or in the Circuit Court of Cook County, and the provisions of the Administrative Review Law and its rules are hereby adopted and shall apply to and govern every action for the judicial review of final acts or decisions of the Secretary of State under this Section.

625 ILCS 5/11-501.9

Sec. 11-501.9. Suspension of driver's license; failure or refusal of validated roadside chemical tests; failure or refusal of field sobriety tests; implied consent.

(a) A person who drives or is in actual physical control of a motor vehicle upon the public highways of this State shall be deemed to have given consent to

(i) validated roadside chemical tests or (ii) standardized field sobriety tests approved by the National Highway Traffic Safety Administration, under subsection (a-5) of Section 11-501.2 of this Code, if detained by a law enforcement officer who has a reasonable suspicion that the person is driving or is in actual physical control of a motor vehicle while impaired by the use of cannabis. The law enforcement officer must have an independent, cannabis-related factual basis giving reasonable suspicion that the person is driving or in actual physical control of a motor vehicle while impaired by the use of cannabis for conducting validated roadside chemical tests or standardized field sobriety tests, which shall be included with the results of the validated roadside chemical tests and field sobriety tests in any report made by the law enforcement officer who requests the test. The person's possession of a registry identification card issued under the Compassionate Use of Medical Cannabis Program Act alone is not a sufficient basis for reasonable suspicion. For purposes of this Section, a law enforcement officer of this State who is investigating a person for an offense under Section 11-501 of this Code may travel into an adjoining state where the person has been transported for medical care to complete an investigation and to request that the person submit to field sobriety tests under this Section.

(b) A person who is unconscious, or otherwise in a condition rendering the person incapable of refusal, shall be deemed to have withdrawn the consent provided by subsection

(a) of this Section.

(c) A person requested to submit to validated roadside chemical tests or field sobriety tests, as provided in this Section, shall be warned by the law enforcement officer requesting the field sobriety tests that a refusal to submit to the validated roadside chemical tests or field sobriety tests will result in the suspension of the person's privilege to operate a motor vehicle, as provided in subsection

(f) of this Section. The person shall also be warned by the law enforcement officer that if the person submits to validated roadside chemical tests or field sobriety tests as provided in this Section which disclose the person is impaired by the use of cannabis, a suspension of the person's privilege to operate a motor vehicle, as provided in subsection

(f) of this Section, will be imposed.

(d) The results of validated roadside chemical tests or field sobriety tests administered under this Section shall be admissible in a civil or criminal action or proceeding arising from an arrest for an offense as defined in Section 11-501 of this Code or a similar provision of a local ordinance. These test results shall be admissible only in actions or proceedings directly related to the incident upon which the test request was made.

(e) If the person refuses validated roadside chemical tests or field sobriety tests or submits to validated roadside chemical tests or field sobriety tests that disclose the person is impaired by the use of cannabis, the law enforcement officer shall immediately submit a sworn report to the circuit court of venue and the Secretary of State certifying that testing was requested under this Section and that the person refused to submit to validated roadside chemical tests or field sobriety tests or submitted to validated roadside chemical tests or field sobriety tests that disclosed the person was impaired by the use of cannabis. The sworn report must include the law enforcement officer's factual basis for reasonable suspicion that the person was impaired by the use of cannabis.

(f) Upon receipt of the sworn report of a law enforcement officer submitted under subsection

(e) of this Section, the Secretary of State shall enter the suspension to the driving record as follows:

(1) for refusal or failure to complete validated roadside chemical tests or field sobriety tests, a 12-month suspension shall be entered; or

(2) for submitting to validated roadside chemical tests or field sobriety tests that disclosed the driver was impaired by the use of cannabis, a 6-month suspension shall be entered. The Secretary of State shall confirm the suspension by mailing a notice of the effective date of the suspension to the person and the court of venue. However, should the sworn report be defective for insufficient information or be completed in error, the confirmation of the suspension shall not be mailed to the person or entered to the record; instead, the sworn report shall be forwarded to the court of venue with a copy returned to the issuing agency identifying the defect.

(g) The law enforcement officer submitting the sworn report under subsection

(e) of this Section shall serve immediate notice of the suspension on the person and the suspension shall be effective as provided in subsection

(h) of this Section. If immediate notice of the suspension cannot be given, the arresting officer or arresting agency shall give notice by deposit in the United States mail of the notice in an envelope with postage prepaid and addressed to the person at his or her address as shown on the Uniform Traffic Ticket and the suspension shall begin as provided in subsection

(h) of this Section. The officer shall confiscate any Illinois driver's license or permit on the person at the time of arrest. If the person has a valid driver's license or permit, the officer shall issue the person a receipt, in a form prescribed by the Secretary of State, that will allow the person to drive during the period provided for in subsection

(h) of this Section. The officer shall immediately forward the driver's license or permit to the circuit court of venue along with the sworn report under subsection

(e) of this Section.

(h) The suspension under subsection

(f) of this Section shall take effect on the 46th day following the date the notice of the suspension was given to the person.

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

625 ILCS 5/11-501.10

Sec. 11-501.10. (Repealed).

625 ILCS 5/11-502 — Transportation or possession of alcoholic liquor in a motor vehicle

Sec. 11-502. Transportation or possession of alcoholic liquor in a motor vehicle.

(a) Except as provided in paragraph

(c) and in Sections 6-6.5 and 6-33 of the Liquor Control Act of 1934, no driver may transport, carry, possess or have any alcoholic liquor within the passenger area of any motor vehicle upon a highway in this State except in the original container and with the seal unbroken.

(b) Except as provided in paragraph

(c) and in Sections 6-6.5 and 6-33 of the Liquor Control Act of 1934, no passenger may carry, possess or have any alcoholic liquor within any passenger area of any motor vehicle upon a highway in this State except in the original container and with the seal unbroken.

(c) This Section shall not apply to the passengers in a limousine when it is being used for purposes for which a limousine is ordinarily used, the passengers on a chartered bus when it is being used for purposes for which chartered buses are ordinarily used or on a motor home or mini motor home as defined in Section 1-145.01 of this Code. However, the driver of any such vehicle is prohibited from consuming or having any alcoholic liquor in or about the driver's area. Any evidence of alcoholic consumption by the driver shall be prima facie evidence of such driver's failure to obey this Section. For the purposes of this Section, a limousine is a motor vehicle of the first division with the passenger compartment enclosed by a partition or dividing window used in the for-hire transportation of passengers and operated by an individual in possession of a valid Illinois driver's license of the appropriate classification pursuant to Section 6-104 of this Code.

(d) (Blank).

(e) Any driver who is convicted of violating subsection

(a) of this Section for a second or subsequent time within one year of a similar conviction shall be subject to suspension of driving privileges as provided, in paragraph 23 of subsection

(a) of Section 6-206 of this Code.

(f) Any driver, who is less than 21 years of age at the date of the offense and who is convicted of violating subsection

(a) of this Section or a similar provision of a local ordinance, shall be subject to the loss of driving privileges as provided in paragraph 13 of subsection

(a) of Section 6-205 of this Code and paragraph 33 of subsection

(a) of Section 6-206 of this Code.

625 ILCS 5/11-502.1 — Possession of medical cannabis in a motor vehicle

Sec. 11-502.1. Possession of medical cannabis in a motor vehicle.

(a) No driver, who is a medical cannabis cardholder, may use medical cannabis within the passenger area of any motor vehicle upon a highway in this State.

(b) No driver, who is a medical cannabis cardholder, a medical cannabis designated caregiver, medical cannabis cultivation center agent, or dispensing organization agent may possess medical cannabis within any area of any motor vehicle upon a highway in this State except in a secured, sealed or resealable, odor-proof, and child-resistant medical cannabis container that is inaccessible, unless subsection

(e) of Section 15-85 of the Cannabis Regulation and Tax Act applies.

(c) No passenger, who is a medical cannabis card holder, a medical cannabis designated caregiver, or medical cannabis dispensing organization agent may possess medical cannabis within any passenger area of any motor vehicle upon a highway in this State except in a secured, sealed or resealable, odor-proof, and child-resistant medical cannabis container that is inaccessible, unless subsection

(e) of Section 15-85 of the Cannabis Regulation and Tax Act applies.

(d) Any person who violates subsections

(a) through

(c) of this Section:

(1) commits a Class A misdemeanor;

(2) shall be subject to revocation of his or her medical cannabis card for a period of 2 years from the end of the sentence imposed; and

(3) shall be subject to revocation of his or her status as a medical cannabis caregiver, medical cannabis cultivation center agent, or medical cannabis dispensing organization agent for a period of 2 years from the end of the sentence imposed.

625 ILCS 5/11-502.15 — Possession of adult use cannabis in a motor vehicle

Sec. 11-502.15. Possession of adult use cannabis in a motor vehicle.

(a) No driver may use cannabis within the passenger area of any motor vehicle upon a highway in this State.

(b) No driver may possess cannabis within any area of any motor vehicle upon a highway in this State except in a secured, sealed or resealable, odor-proof, child-resistant cannabis container that is inaccessible, unless subsection

(e) of Section 15-85 of the Cannabis Regulation and Tax Act applies.

(c) No passenger may possess cannabis within any passenger area of any motor vehicle upon a highway in this State except in a secured, sealed or resealable, odor-proof, child-resistant cannabis container that is inaccessible, unless subsection

(e) of Section 15-85 of the Cannabis Regulation and Tax Act applies.

(d) Any person who knowingly violates subsection (a), (b), or

(c) of this Section commits a Class A misdemeanor.

625 ILCS 5/11-503 — Reckless driving; aggravated reckless driving

Sec. 11-503. Reckless driving; aggravated reckless driving.

(a) A person commits reckless driving if he or she:

(1) drives any vehicle with a willful or wanton disregard for the safety of persons or property; or

(2) knowingly drives a vehicle and uses an incline in a roadway, such as a railroad crossing, bridge approach, or hill, to cause the vehicle to become airborne.

(b) Every person convicted of reckless driving shall be guilty of a Class A misdemeanor, except as provided under subsections (b-1), (c), and

(d) of this Section. (b-1) Except as provided in subsection (d), any person convicted of violating subsection (a), if the violation causes bodily harm to a child or a school crossing guard while the school crossing guard is performing his or her official duties, is guilty of a Class 4 felony.

(c) Every person convicted of committing a violation of subsection

(a) shall be guilty of aggravated reckless driving if the violation results in great bodily harm or permanent disability or disfigurement to another. Except as provided in subsection

(d) of this Section, aggravated reckless driving is a Class 4 felony.

(d) Any person convicted of violating subsection (a), if the violation causes great bodily harm or permanent disability or disfigurement to a child or a school crossing guard while the school crossing guard is performing his or her official duties, is guilty of aggravated reckless driving. Aggravated reckless driving under this subsection

(d) is a Class 3 felony.

625 ILCS 5/11-504

Sec. 11-504. (Repealed).

625 ILCS 5/11-505

Sec. 11-505. No person shall operate any motor vehicle in such a manner as to cause or allow to be emitted squealing, screeching or other such noise from the vehicle's tires due to rapid acceleration or excessive speed around corners or other such reason. This Section shall not apply to the following conditions:

(a) an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator; nor

(b) the emergency operation of a motor vehicle when avoiding imminent danger; nor

(c) any raceway, racing facility or other public event, not part of a highway, sanctioned by the appropriate governmental authority.

625 ILCS 5/11-506 — Street racing; aggravated street racing; street sideshows

Sec. 11-506. Street racing; aggravated street racing; street sideshows.

(a) No person shall engage in street racing on any street or highway of this State. (a-5) No person shall engage in a street sideshow on any street or highway of this State.

(b) No owner of any vehicle shall acquiesce in or permit his or her vehicle to be used by another for the purpose of street racing or a street sideshow. (b-5) A person may not knowingly interfere with or cause the movement of traffic to slow or stop for the purpose of facilitating street racing or a street sideshow.

(c) For the purposes of this Section: "Acquiesce" or "permit" means actual knowledge that the motor vehicle was to be used for the purpose of street racing or a street sideshow. "Motor vehicle stunt" includes, but is not limited to, operating a vehicle in a manner that causes the vehicle to slide or spin, driving within the proximity of a gathering of persons, performing maneuvers to demonstrate the performance capability of the motor vehicle, or maneuvering the vehicle in an attempt to elicit a reaction from a gathering of persons. "Street racing" means:

(1) The operation of 2 or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other; or

(2) The operation of one or more vehicles over a common selected course, each starting at the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit; or

(3) The use of one or more vehicles in an attempt to outgain or outdistance another vehicle; or

(4) The use of one or more vehicles to prevent another vehicle from passing; or

(5) The use of one or more vehicles to arrive at a given destination ahead of another vehicle or vehicles; or

(6) The use of one or more vehicles to test the physical stamina or endurance of drivers over long-distance driving routes. "Street sideshow" means an event in which one or more vehicles block or impede traffic on a street or highway, for the purpose of performing unauthorized motor vehicle stunts, motor vehicle speed contests, or motor vehicle exhibitions of speed.

(d) Penalties.

(1) Any person who is convicted of a violation of subsection (a), (a-5), or (b-5) shall be guilty of a Class A misdemeanor for the first offense and shall be subject to a minimum fine of \$250. Any person convicted of a violation of subsection (a),

(a-5), or (b-5) a second or subsequent time shall be guilty of a Class 4 felony and shall be subject to a minimum fine of \$500. The driver's license of any person convicted of subsection

(a) shall be revoked in the manner provided by Section 6-205 of this Code.

(2) Any person who is convicted of a violation of subsection

(b) shall be guilty of a Class B misdemeanor. Any person who is convicted of subsection

(b) for a second or subsequent time shall be guilty of a Class A misdemeanor.

(3) Every person convicted of committing a violation of subsection

(a) of this Section shall be guilty of aggravated street racing if the person, in committing a violation of subsection

(a) was involved in a motor vehicle crash that resulted in great bodily harm or permanent disability or disfigurement to another, where the violation was a proximate cause of the injury. Aggravated street racing is a Class 4 felony for which the defendant, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years.

625 ILCS 5/11-507

Sec. 11-507. Supervising a minor driver while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof.

(a) A person shall not accompany or provide instruction, pursuant to subsection

(a) of Section 6-107.1 of this Code, to a driver who is a minor and driving a motor vehicle pursuant to an instruction permit under Section 6-107.1 of this Code, while:

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

(2) under the influence of alcohol;

(3) under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of properly supervising or providing instruction to the minor driver;

(4) under the influence of any other drug or combination of drugs to a degree that renders the person incapable of properly supervising or providing instruction to the minor driver;

(5) under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of properly supervising or providing instruction to the minor driver; or

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

(b) A person found guilty of violating this Section is guilty of an offense against the regulations governing the movement of vehicles.

625 ILCS 5/11-601 — General speed restrictions

Sec. 11-601. General speed restrictions.

(a) No vehicle may be driven upon any highway of this State at a speed which is greater than is reasonable and proper with regard to traffic conditions and the use of the highway, or endangers the safety of any person or property. The fact that the speed of a vehicle does not exceed the applicable maximum speed limit does not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, or when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions. Speed must be decreased as may be necessary to avoid colliding with any person or vehicle on or entering the highway in compliance with legal requirements and the duty of all persons to use due care. (a-5) For purposes of this Section, "urban district" does not include any interstate highway as defined by Section 1-133.1 of this Code which includes all highways under the jurisdiction of the Illinois State Toll Highway Authority.

(b) No person may drive a vehicle upon any highway of this State at a speed which is greater than the applicable statutory maximum speed limit established by paragraphs (c), (d), (e),

(f) or

(g) of this Section, by Section 11-605 or by a regulation or ordinance made under this Chapter.

(c) Unless some other speed restriction is established under this Chapter, the maximum speed limit in an urban district for all vehicles is: 1. 30 miles per hour; and 2. 15 miles per hour in an alley.

(d) Unless some other speed restriction is established under this Chapter, the maximum speed limit outside an urban district for any vehicle is

(1) 65 miles per hour for all or part of highways that are designated by the Department, have at least 4 lanes of traffic, and have a separation between the roadways moving in opposite directions and

(2) 55 miles per hour for all other highways, roads, and streets. (d-1) Unless some other speed restriction is established under this Chapter, the maximum speed limit outside an urban district for any vehicle is

(1) 70 miles per hour on any interstate highway as defined by Section 1-133.1 of this Code which includes all highways under the jurisdiction of the Illinois State Toll Highway Authority;

(2) 65 miles per hour for all or part of highways that are designated by the Department, have at least 4 lanes of traffic, and have a separation between the roadways moving in opposite directions; and

(3) 55 miles per hour for all other highways, roads, and streets. The counties of Cook, DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will may adopt ordinances setting a maximum speed limit on highways, roads, and streets that is lower than the limits established by this Section.

(e) In the counties of Cook, DuPage, Kane, Lake, McHenry, and Will, unless some lesser speed restriction is established under this Chapter, the maximum speed limit outside an urban district for a second division vehicle designed or used for the carrying of a gross weight of 8,001 pounds or more (including the weight of the vehicle and maximum load) is 60 miles per hour on any interstate highway as defined by Section 1-133.1 of this Code and 55 miles per hour on all other highways, roads, and streets. (e-1) (Blank).

(f) Unless some other speed restriction is established under this Chapter, the maximum speed limit outside an urban district for a bus is: 1. 65 miles per hour upon any highway which has at least 4 lanes of traffic and of which the roadways for traffic moving in opposite directions are separated by a strip of ground which is not surfaced or suitable for vehicular traffic, except that the maximum speed limit for a bus on all highways, roads, or streets not under the jurisdiction of the Department or the Illinois State Toll Highway Authority is 55 miles per hour; 1.5. 70 miles per hour upon any interstate highway as defined by Section 1-133.1 of this Code outside the counties of Cook, DuPage, Kane, Lake, McHenry, and Will; and 2. 55 miles per hour on any other highway.

(g) (Blank).

625 ILCS 5/11-601.5 — Driving 26 miles per hour or more in excess of applicable limit

Sec. 11-601.5. Driving 26 miles per hour or more in excess of applicable limit.

(a) A person who drives a vehicle upon any highway of this State at a speed that is 26 miles per hour or more but less than 35 miles per hour in excess of the applicable maximum speed limit established under this Chapter or a local ordinance commits a Class B misdemeanor.

(b) A person who drives a vehicle upon any highway of this State at a speed that is 35 miles per hour or more in excess of the applicable maximum speed limit established under this Chapter or a local ordinance commits a Class A misdemeanor.

625 ILCS 5/11-602 — Alteration of limits by Department

Sec. 11-602. Alteration of limits by Department. Whenever the Department determines, upon the basis of an engineering and traffic investigation concerning any highway for which the Department has maintenance responsibility, that a maximum speed limit prescribed in Section 11-601 of this Chapter is greater or less than is reasonable or safe with respect to the conditions found to exist at any intersection or other place on such highway or along any part or zone thereof, the Department shall determine and declare a reasonable and safe absolute maximum speed limit applicable to such intersection or place, or along such part or zone. However, such limit shall conform with the maximum speed limit restrictions provided for in Section 11-601 of this Code. Where a highway under the Department's jurisdiction is

contiguous to school property, the Department may, at the school district's request, set a reduced maximum speed limit for student safety purposes in the portion of the highway that faces the school property and in the portions of the highway that extend one-quarter mile in each direction from the opposite ends of the school property. A limit determined and declared as provided in this Section becomes effective, and suspends the applicability of the limit prescribed in Section 11-601 of this Chapter, when appropriate signs giving notice of the limit are erected at such intersection or other place, or along such part or zone of the highway. Electronic speed-detecting devices shall not be used within 500 feet beyond any such sign in the direction of travel; if so used in violation hereof, evidence obtained thereby shall be inadmissible in any prosecution for speeding. However, nothing in this Section prohibits the use of such electronic speed-detecting devices within 500 feet of a sign within a special school speed zone indicating such zone, conforming to the requirements of Section 11-605 of this Act, nor shall evidence obtained thereby be inadmissible in any prosecution for speeding provided the use of such device shall apply only to the enforcement of the speed limit in such special school speed zone.

625 ILCS 5/11-603 — Alteration of limits by Toll Highway Authority

Sec. 11-603. Alteration of limits by Toll Highway Authority. Whenever the Illinois State Toll Highway Authority determines, upon the basis of an engineering and traffic investigation concerning a toll highway under its jurisdiction, that a maximum speed limit prescribed in Section 11-601 of this Chapter is greater or less than is reasonable or safe with respect to conditions found to exist at any place or along any part or zone of such highway, the Authority shall determine and declare by regulation a reasonable and safe absolute maximum speed limit at such place or along such part or zone, and the speed limit shall conform with the maximum speed limit restrictions provided for in Section 11-601 of this Code. A limit so determined and declared becomes effective, and suspends the application of the limit prescribed in Section 11-601 of this Chapter, when

(a) the Department concurs in writing with the Authority's regulation, and

(b) appropriate signs giving notice of the limit are erected at such place or along such part or zone of the highway.

Electronic speed-detecting devices shall not be used within 500 feet beyond any such sign in the direction of travel; if so used in violation hereof, evidence obtained thereby shall be inadmissible in any prosecution for speeding.

625 ILCS 5/11-604 — Alteration of limits by local authorities

Sec. 11-604. Alteration of limits by local authorities.

(a) Subject to the limitations set forth in this Section, the county board of a county may establish absolute maximum speed limits on all county highways, township roads and district roads as defined in the Illinois Highway Code, except those under the jurisdiction of the Department or of the Illinois State Toll Highway Authority, as described in Sections 11-602 and 11-603 of this Chapter; and any park district, city, village, or incorporated town may establish absolute maximum speed limits on all streets which are within its corporate limits and which are not under the jurisdiction of the Department or of such Authority, and for which the county or a highway commissioner of such county does not have maintenance responsibility.

(b) Whenever any such park district, city, village, or incorporated town determines, upon the basis of an engineering or traffic investigation concerning a highway or street on which it is authorized by this Section to establish speed limits, that a maximum speed limit prescribed in Section 11-601 of this Chapter is greater or less than is reasonable or safe with respect to the conditions found to exist at any place or along any part or zone of such highway or street, the local authority or park district shall determine and declare by ordinance a reasonable and safe absolute maximum speed limit at such place or along such part or zone, which:

(1) Decreases the limit within an urban district, but not to less than 20 miles per hour; or

(2) Increases the limit within an urban district, but not to more than 55 miles per hour; or

(3) Decreases the limit outside of an urban district, but not to less than 35 miles per hour, except as otherwise provided in subparagraph 4 of this paragraph; or

(4) Decreases the limit within a residence district, but not to less than 25 miles per hour, except as otherwise provided in subparagraph 1 of this paragraph. The park district, city, village, or incorporated town may make such limit applicable at all times or only during certain specified times. Not more than 6 such alterations shall be made per mile along a highway or street; and the difference in limit between adjacent altered speed zones shall not be more than 10 miles per hour. A limit so determined and declared by a park district, city, village, or incorporated town becomes effective, and suspends the application of the limit prescribed in Section 11-601 of this Chapter, when appropriate signs giving notice of the limit

are erected at the proper place or along the proper part or zone of the highway or street. Electronic speed-detecting devices shall not be used within 500 feet beyond any such sign in the direction of travel; if so used in violation of this Section evidence obtained thereby shall be inadmissible in any prosecution for speeding. However, nothing in this Section prohibits the use of such electronic speed-detecting devices within 500 feet of a sign within a special school speed zone indicating such zone, conforming to the requirements of Section 11-605 of this Act, nor shall evidence obtained thereby be inadmissible in any prosecution for speeding provided the use of such device shall apply only to the enforcement of the speed limit in such special school speed zone.

(c) A county engineer or superintendent of highways may submit to the Department for approval, a county policy for establishing altered speed zones on township and county highways based upon engineering and traffic investigations.

(d) Whenever the county board of a county determines that a maximum speed limit is greater or less than is reasonable or safe with respect to the conditions found to exist at any place or along any part or zone of the highway or road, the county board shall determine and declare by ordinance a reasonable and safe absolute maximum speed limit at that place or along that part or zone. However, the maximum speed limit shall not exceed 55 miles per hour. Upon receipt of an engineering study for the part or zone of highway in question from the county engineer, and notwithstanding any other provision of law, the county board of a county may determine and declare by ordinance a reduction in the maximum speed limit at any place or along any part or zone of a county highway whenever the county board, in its sole discretion, determines that the reduction in the maximum speed limit is reasonable and safe. The county board may post signs designating the new speed limit. The limit becomes effective, and suspends the application of the limit prescribed in Section 11-601 of this Chapter, when appropriate signs giving notice of the limit are erected at the proper place or along the proper part of the zone of the highway. Electronic speed-detecting devices shall not be used within 500 feet beyond any such sign in the direction of travel; if so used in violation of this Section, evidence obtained thereby shall be inadmissible in any prosecution for speeding. However, nothing in this Section prohibits the use of such electronic speed-detecting devices within 500 feet of a sign within a special school speed zone indicating such zone, conforming to the requirements of Section 11-605 of this Act, nor shall evidence obtained thereby be inadmissible in any prosecution for speeding provided the use of such device shall apply only to the enforcement of the speed limit in such special school speed zone.

625 ILCS 5/11-605 — Special speed limit while passing schools

Sec. 11-605. Special speed limit while passing schools.

(a) For the purpose of this Section, "school" means the following entities:

(1) A public or private primary or secondary school.

(2) A primary or secondary school operated by a religious institution.

(3) A public, private, or religious nursery school. On a school day when school children are present and so close thereto that a potential hazard exists because of the close proximity of the motorized traffic, no person shall drive a motor vehicle at a speed in excess of 20 miles per hour while passing a school zone or while traveling on a local, county, or State roadway on public school property or upon any public thoroughfare where children pass going to and from school. For the purpose of this Section, a school day begins at 6:30 a.m. and concludes at 4 p.m. This Section shall not be applicable unless appropriate signs are posted upon streets and highways under their respective jurisdiction and maintained by the Department, township, county, park district, city, village or incorporated town wherein the school zone is located. With regard to the special speed limit while passing schools, such signs shall give proper due warning that a school zone is being approached and shall indicate the school zone and the maximum speed limit in effect during school days when school children are present.

(b) (Blank).

(c) Nothing in this Chapter shall prohibit the use of electronic speed-detecting devices within 500 feet of signs within a special school speed zone indicating such zone, as defined in this Section, nor shall evidence obtained thereby be inadmissible in any prosecution for speeding provided the use of such device shall apply only to the enforcement of the speed limit in such special school speed zone.

(d) (Blank).

(e) Except as provided in subsection (e-5), a person who violates this Section is guilty of a petty offense. Violations of this Section are punishable with a minimum fine of \$150 for the first violation, a minimum fine of \$300 for the second or

subsequent violation, and community service in an amount determined by the court. (e-5) A person committing a violation of this Section is guilty of aggravated special speed limit while passing schools when he or she drives a motor vehicle at a speed that is:

(1) 26 miles per hour or more but less than 35 miles per hour in excess of the applicable special speed limit established under this Section or a similar provision of a local ordinance and is guilty of a Class B misdemeanor; or

(2) 35 miles per hour or more in excess of the applicable special speed limit established under this Section or a similar provision of a local ordinance and is guilty of a Class A misdemeanor.

(f) (Blank).

(g) (Blank).

(h) (Blank).

625 ILCS 5/11-605.1 — Special limit while traveling through a highway construction or maintenance speed zone

Sec. 11-605.1. Special limit while traveling through a highway construction or maintenance speed zone.

(a) A person may not operate a motor vehicle in a construction or maintenance speed zone at a speed in excess of the posted speed limit when workers are present. (a-5) A person may not operate a motor vehicle in a construction or maintenance speed zone at a speed in excess of the posted speed limit when workers are not present.

(b) Nothing in this Chapter prohibits the use of electronic speed-detecting devices within 500 feet of signs within a construction or maintenance speed zone indicating the zone, as defined in this Section, nor shall evidence obtained by use of those devices be inadmissible in any prosecution for speeding, provided the use of the device shall apply only to the enforcement of the speed limit in the construction or maintenance speed zone.

(c) As used in this Section, a "construction or maintenance speed zone" is an area in which the Department, Toll Highway Authority, or local agency has posted signage advising drivers that a construction or maintenance speed zone is being approached, or in which the Department, Authority, or local agency has posted a lower speed limit with a highway construction or maintenance speed zone special speed limit sign after determining that the preexisting established speed limit through a highway construction or maintenance project is greater than is reasonable or safe with respect to the conditions expected to exist in the construction or maintenance speed zone. If it is determined that the preexisting established speed limit is safe with respect to the conditions expected to exist in the construction or maintenance speed zone, additional speed limit signs which conform to the requirements of this subsection

(c) shall be posted. Highway construction or maintenance speed zone special speed limit signs shall be of a design approved by the Department. The signs must give proper due warning that a construction or maintenance speed zone is being approached and must indicate the maximum speed limit in effect. The signs also must state the amount of the minimum fine for a violation.

(d) Except as provided under subsection (d-5), a person who violates this Section is guilty of a petty offense. Violations of this Section are punishable with a minimum fine of \$250 for the first violation and a minimum fine of \$750 for the second or subsequent violation. (d-5) A person committing a violation of this Section is guilty of aggravated special speed limit while traveling through a highway construction or maintenance speed zone when he or she drives a motor vehicle at a speed that is:

(1) 26 miles per hour or more but less than 35 miles per hour in excess of the applicable special speed limit established under this Section or a similar provision of a local ordinance and is guilty of a Class B misdemeanor; or

(2) 35 miles per hour or more in excess of the applicable special speed limit established under this Section or a similar provision of a local ordinance and is guilty of a Class A misdemeanor.

(e) (Blank). (e-5) The Illinois State Police and the local county police department have concurrent jurisdiction over any violation of this Section that occurs on an interstate highway.

(f) The Transportation Safety Highway Hire-back Fund, which was created by Public Act 92-619, shall continue to be a special fund in the State treasury. Subject to appropriation by the General Assembly and approval by the Secretary, the Secretary of Transportation shall use all moneys in the Transportation Safety Highway Hire-back Fund to hire off-duty Illinois State Police officers to monitor construction or maintenance zones. (f-5) Each county shall create a Transportation Safety Highway Hire-back Fund. The county shall use the moneys in its Transportation Safety Highway Hire-back Fund to

hire off-duty county police officers to monitor construction or maintenance zones in that county on highways other than interstate highways. The county, in its discretion, may also use a portion of the moneys in its Transportation Safety Highway Hire-back Fund to purchase equipment for county law enforcement and fund the production of materials to educate drivers on construction zone safe driving habits.

(g) For a second or subsequent violation of this Section within 2 years of the date of the previous violation, the Secretary of State shall suspend the driver's license of the violator for a period of 90 days. This suspension shall only be imposed if the current violation of this Section and at least one prior violation of this Section occurred during a period when workers were present in the construction or maintenance zone.

625 ILCS 5/11-605.2 — Delegation of authority to set a special speed limit while traveling through highway construction or maintenance zones

Sec. 11-605.2. Delegation of authority to set a special speed limit while traveling through highway construction or maintenance zones.

(a) A local agency may delegate to its superintendent of highways the authority to set and post a reduced speed limit for a construction or maintenance zone, as defined in Section 11-605.1, under subsection

(c) of that Section.

(b) If a superintendent of highways sets a reduced speed limit for a construction or maintenance zone in accordance with this Section, the local agency must maintain a record that indicates:

- (1) the location of the construction or maintenance zone;
- (2) the reduced speed limit set and posted for the construction or maintenance zone; and
- (3) the dates during which the reduced speed limit was in effect.

625 ILCS 5/11-605.3 — Special traffic protections while passing parks and recreation facilities and areas

Sec. 11-605.3. Special traffic protections while passing parks and recreation facilities and areas.

(a) As used in this Section:

(1) "Park district" means the following entities: (A) any park district organized under the Park District Code; (B) any park district organized under the Chicago Park District Act; and (C) any municipality, county, forest district, school district, township, or other unit of local government that operates a public recreation department or public recreation facilities that has recreation facilities that are not on land owned by any park district listed in subparagraphs (A) and (B) of this subdivision (a)(1).

(2) "Park zone" means the recreation facilities and areas on any land owned or operated by a park district that are used for recreational purposes, including but not limited to: parks; playgrounds; swimming pools; hiking trails; bicycle paths; picnic areas; roads and streets; and parking lots.

(3) "Park zone street" means that portion of any State or local street or intersection, adjacent to a park zone, where the local unit of government has, by ordinance or resolution, designated and approved the street or intersection as a park zone street. If, before the effective date of this amendatory Act of the 94th General Assembly, a street already had a posted speed limit lower than 20 miles per hour, then the lower limit may be used for that park zone street.

(4) "Safety purposes" means the costs associated with: park zone safety education; the purchase, installation, and maintenance of signs, roadway painting, and caution lights mounted on park zone signs; and any other expense associated with park zones and park zone streets.

(b) On any day when children are present and within 50 feet of motorized traffic, a person may not drive a motor vehicle at a speed in excess of 20 miles per hour or any lower posted speed while traveling on a park zone street that has been designated for the posted reduced speed.

(c) On any day when children are present and within 50 feet of motorized traffic, any driver traveling on a park zone street who fails to come to a complete stop at a stop sign or red light, including a driver who fails to come to a complete stop at a red light before turning right onto a park zone street, is in violation of this Section.

(d) This Section does not apply unless appropriate signs are posted upon park zone streets maintained by the Department or by the unit of local government in which the park zone is located. With regard to the special speed limit on park zone streets, the signs must give proper due warning that a park zone is being approached and must indicate the

maximum speed limit on the park zone street.

(e) A first violation of this Section is a petty offense with a minimum fine of \$250. A second or subsequent violation of this Section is a petty offense with a minimum fine of \$500.

(f) (Blank).

(g) The Department shall, within 6 months of the effective date of this amendatory Act of the 94th General Assembly, design a set of standardized traffic signs for park zones and park zone streets, including but not limited to: "park zone", "park zone speed limit", and "warning: approaching a park zone". The design of these signs shall be made available to all units of local government or manufacturers at no charge, except for reproduction and postage.

625 ILCS 5/11-606 — Minimum speed regulation

Sec. 11-606. Minimum speed regulation.

(a) No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation of his vehicle or in compliance with law.

(b) Whenever the Department, The Illinois State Toll Highway Authority, or a local authority described in Section 11-604 of this Chapter determines, upon the basis of an engineering and traffic investigation concerning a highway or street under its jurisdiction that slow vehicle speeds along any part or zone of such highway or street consistently impede the normal and reasonable movement of traffic, the Department, the Toll Highway Authority, or local authority (as appropriate) may determine and declare by proper regulation or ordinance a minimum speed limit below which no person shall drive except when necessary for safe operation of his vehicle or in compliance with law. A limit so determined and declared becomes effective when appropriate signs giving notice of the limit are erected along such part or zone of the highway or street.

625 ILCS 5/11-608 — Special speed limitation on elevated structures

Sec. 11-608. Special speed limitation on elevated structures.

(a) No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, when such structure is sign posted as provided in this Section.

(b) The Department upon request from any local authority shall, or upon its own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if it shall thereupon find that such structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under this Chapter, the Department shall determine and declare the maximum speed of vehicles which such structure can safely withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained before each end of such structure.

(c) Upon the trial of any person charged with a violation of this Section proof of the determination of the maximum speed by the Department and the existence of such signs is conclusive evidence of the maximum speed which can be maintained with safety to such bridge or structure.

625 ILCS 5/11-610 — Charging violations and rule in civil actions

Sec. 11-610. Charging violations and rule in civil actions.

(a) In every charge of violation of any speed regulation in this Article the complaint, and also the summons or notice to appear, shall specify the speed at which the defendant is alleged to have driven and the maximum speed applicable within the district or at the location.

(b) The provision of this Article declaring maximum speed limitations shall not be construed to relieve the plaintiff in any action from the burden of proving negligence on the part of the defendant as the proximate cause of a crash.

625 ILCS 5/11-611

Sec. 11-611. No person shall drive or operate any motor vehicle on any street or highway in this State where the minimum allowable speed on that street or highway, as posted, is greater than the maximum attainable operating speed of the vehicle. Maximum attainable operating speed shall be determined by the manufacturer of the vehicle and clearly published in the manual of specifications and operation, or it shall be determined by applicable rule and regulation promulgated by the Secretary of State.

625 ILCS 5/11-612 — Certain systems to record vehicle speeds prohibited

Sec. 11-612. Certain systems to record vehicle speeds prohibited. Except as authorized in the Automated Traffic Control Systems in Highway Construction or Maintenance Zones Act and Section 11-208.8 of this Code, no photographic, video, or other imaging system may be used in this State to record vehicle speeds for the purpose of enforcing any law or ordinance regarding a maximum or minimum speed limit unless a law enforcement officer is present at the scene and witnesses the event. No State or local governmental entity, including a home rule county or municipality, may use such a system in a way that is prohibited by this Section. The regulation of the use of such systems is an exclusive power and function of the State. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

625 ILCS 5/11-701 — Drive on right side of roadway - exceptions

Sec. 11-701. Drive on right side of roadway - exceptions.

(a) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows: 1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movements; 2. When an obstruction exists making it necessary to drive to the left of the center of the roadway; provided, any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the roadway within such distance as to constitute an immediate hazard; 3. Upon a roadway divided into 3 marked lanes for traffic under the rules applicable thereon; 4. Upon a roadway restricted to one way traffic; 5. Whenever there is a single track paved road on one side of the public highway and 2 vehicles meet thereon, the driver on whose right is the wider shoulder shall give the right-of-way on such pavement to the other vehicle.

(b) Upon a 2 lane roadway, providing for 2-way movement of traffic, a vehicle shall be driven in the right-hand lane available for traffic, or as close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

(c) Upon any roadway having 4 or more lanes for moving traffic and providing for 2-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic-control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under Subsection

(a) 2. However, this Subsection shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road or driveway.

(d) Upon an Interstate highway or fully access controlled freeway, a vehicle may not be driven in the left lane, except when overtaking and passing another vehicle.

(e) Subsection

(d) of this Section does not apply:

- (1) when no other vehicle is directly behind the vehicle in the left lane;
- (2) when traffic conditions and congestion make it impractical to drive in the right lane;
- (3) when snow and other inclement weather conditions make it necessary to drive in the left lane;
- (4) when obstructions or hazards exist in the right lane;
- (5) when a vehicle changes lanes to comply with Sections 11-907, 11-907.5, and 11-908 of this Code;
- (6) when, because of highway design, a vehicle must be driven in the left lane when preparing to exit;
- (7) on toll highways when necessary to use I-Pass, and on toll and other highways when driving in the left lane is required to comply with an official traffic control device; or
- (8) to law enforcement vehicles, ambulances, and other emergency vehicles engaged in official duties and vehicles engaged in highway maintenance and construction operations.

625 ILCS 5/11-702 — Passing vehicles proceeding in opposite directions

Sec. 11-702. Passing vehicles proceeding in opposite directions. Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction each driver shall give to the other at least one-half of the main-traveled portion of the roadway as nearly as possible.

625 ILCS 5/11-703 — Overtaking a vehicle on the left

Sec. 11-703. Overtaking a vehicle on the left. The following rules govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules otherwise stated in this Chapter:

- (a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle. In no event shall such movement be made by driving off the pavement or the main traveled portion of the roadway.
- (b) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.
- (c) The driver of a 2 wheeled vehicle may not, in passing upon the left of any vehicle proceeding in the same direction, pass upon the right of any vehicle proceeding in the same direction unless there is an unobstructed lane of traffic available to permit such passing maneuver safely.
- (d) The operator of a motor vehicle overtaking a bicycle or individual proceeding in the same direction on a highway shall:
 - (1) if another lane of traffic proceeding in the same direction is available, make a lane change into another available lane with due regard for safety and traffic conditions, if practicable and not prohibited by law, before overtaking or passing the bicycle or individual; and
 - (2) leave a safe distance, but not less than 3 feet, when passing the bicycle or individual and shall maintain that distance until safely past the overtaken bicycle or individual. (d-5) A driver of a motor vehicle overtaking a bicycle proceeding in the same direction on a highway may, subject to the provisions in paragraph
- (d) of this Section and Section 11-706 of this Code, pass to the left of the bicycle on a portion of the highway designated as a no-passing zone under Section 11-707 of this Code if the driver is able to overtake and pass the bicycle when:
 - (1) the bicycle is traveling at a speed of less than half of the posted speed limit of the highway;
 - (2) the driver is able to overtake and pass the bicycle without exceeding the posted speed limit of the highway; and
 - (3) there is sufficient distance to the left of the centerline of the highway for the motor vehicle to meet the overtaking and passing requirements under this Section.
- (e) A person driving a motor vehicle shall not, in a reckless manner, drive the motor vehicle unnecessarily close to, toward, or near a bicyclist, pedestrian, or a person riding a horse or driving an animal drawn vehicle.
- (f) Every person convicted of paragraph
- (e) of this Section shall be guilty of a Class A misdemeanor if the violation does not result in great bodily harm or permanent disability or disfigurement to another. If the violation results in great bodily harm or permanent disability or disfigurement to another, the person shall be guilty of a Class 3 felony.

625 ILCS 5/11-704 — When overtaking on the right is permitted

Sec. 11-704. When overtaking on the right is permitted.

- (a) The driver of a vehicle with 3 or more wheels may overtake and pass upon the right of another vehicle only under the following conditions: 1. When the vehicle overtaken is making or about to make a left turn. 2. Upon a roadway with unobstructed pavement of sufficient width for 2 or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle. 3. Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for 2 or more lines of moving vehicles.
- (b) The driver of a 2-wheeled vehicle may not pass upon the right of any other vehicle proceeding in the same direction unless the unobstructed pavement to the right of the vehicle being passed is of a width of not less than 8 feet. This subsection does not apply to devices propelled by human power.
- (c) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. Such movement shall not be made by driving off the roadway.

625 ILCS 5/11-705 — Limitations on overtaking on the left

Sec. 11-705. Limitations on overtaking on the left. No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless authorized by the provisions of this

Chapter and unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within 200 feet of any vehicle approaching from the opposite direction.

625 ILCS 5/11-706 — Further limitations on driving to the left of center of roadway

Sec. 11-706. Further limitations on driving to the left of center of roadway.

(a) No vehicle shall be driven on the left side of the roadway under the following conditions: 1. When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction. 2. When approaching within 100 feet of or traversing any intersection or railroad grade crossing. 3. When the view is obstructed upon approaching within 100 feet of any bridge, viaduct or tunnel.

(b) The limitations in sub-paragraphs 1, 2 and 3 do not apply upon a one-way roadway nor upon a roadway with unobstructed pavement of sufficient width for 2 or more lanes of moving traffic in each direction nor to the driver of a vehicle turning left into or from an alley, private road or driveway when such movements can be made with safety.

625 ILCS 5/11-707 — No-passing zones

Sec. 11-707. No-passing zones.

(a) The Department and local authorities are authorized to determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving on the left of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones. Upon request of a local school board, the Department or local authority which has jurisdiction over the roadway in question, shall determine whether a hazardous situation exists at a particular location and warrants a no-passing zone. If the Department or local authority determines that a no-passing zone is warranted, the school board and the Department or local authority shall share equally the cost of designating the no-passing zone by signs and markings. When such signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions thereof.

(b) Where signs or markings are in place to define a no-passing zone as set forth in paragraph

(a) no driver may at any time drive on the left side of the roadway within the no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.

(c) This Section does not apply under the conditions described in Section 11-701

(a) 2, subsection (d-5) of Section 11-703, nor to the driver of a vehicle turning left into or from an alley, private road or driveway. The pavement striping designed to mark the no-passing zone may be crossed from the left hand lane for the purpose of completing a pass that was begun prior to the beginning of the zone in the driver's direction of travel.

(d) Special speed limit areas required under Section 11-605 of this Code in unincorporated areas only shall also be no-passing zones.

625 ILCS 5/11-708 — One-way roadways and rotary traffic islands

Sec. 11-708. One-way roadways and rotary traffic islands.

(a) The Department and local authorities, with respect to highways under their respective jurisdictions, may designate any highway, roadway, part of a roadway or specific lanes upon which vehicular traffic shall proceed in one direction at all or such times as shall be indicated by official traffic control devices.

(b) Upon a roadway so designated for one-way traffic, a vehicle shall be driven only in the direction designated at all or such times as shall be indicated by official traffic control devices.

(c) A vehicle passing around a rotary traffic island must be driven only to the right of such island.

(d) Whenever any highway has been divided into 2 or more roadways by leaving an intervening space or by a physical barrier or a clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle must be driven only upon the right-hand roadway unless directed or permitted to use another roadway by official traffic-control devices or police officers. No vehicle may be driven over, across, or within any such dividing space, barrier, or section, except

through an opening in the physical barrier, or dividing section, or space, or at a cross-over or intersection as established by public authority.

(e) The driver of a vehicle may turn left across a paved noncurbed dividing space unless prohibited by an official traffic-control device.

625 ILCS 5/11-709 — Driving on roadways laned for traffic

Sec. 11-709. Driving on roadways laned for traffic. Whenever any roadway has been divided into 2 or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply.

(a) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(b) Upon a roadway which is divided into 3 lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, or in preparation for making a left turn or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic control devices.

(c) Official traffic control devices may be erected directing specific traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such device. On multi-lane controlled access highways with 3 or more lanes in one direction or on any multi-laned highway with 2 or more lanes in one direction, the Department may designate lanes of traffic to be used by different types of motor vehicles. Drivers must obey lane designation signing except when it is necessary to use a different lane to make a turning maneuver.

(d) Official traffic control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device.

(e) A person is not in violation of this Section if he or she is complying with Section 11-907, 11-907.5, or 11-908.

625 ILCS 5/11-709.1 — Driving on the shoulder

Sec. 11-709.1. Driving on the shoulder.

(a) Vehicles shall be driven on a roadway, and shall only be driven on the shoulder for the purpose of stopping or accelerating from a stop while merging into traffic. It shall be a violation of this Section if while merging into traffic and while on the shoulder, the vehicle passes any other vehicle on the roadway adjacent to it.

(b) This Section shall not apply to any authorized emergency vehicle, to any authorized transit bus, to any bicycle, to any farm tractor or implement of husbandry, to any service vehicle while engaged in maintenance of the highway or related work, or to any authorized vehicle within a designated construction zone.

625 ILCS 5/11-709.2 — Bus on shoulder program

Sec. 11-709.2. Bus on shoulder program.

(a) The use of specifically designated shoulders of roadways by transit buses may be authorized by the Department in cooperation with the Regional Transportation Authority and the Suburban Bus Division of the Regional Transportation Authority. The Department shall prescribe by rule which transit buses are authorized to operate on shoulders, as well as times and locations. The Department may erect signage to indicate times and locations of designated shoulder usage.

(b) (Blank).

(c) (Blank). (Text of Section after amendment by P.A. 104-457) Sec. 11-709.2. Bus on shoulder program.

(a) The use of specifically designated shoulders of roadways by transit buses may be authorized by the Department in cooperation with the Northern Illinois Transit Authority or a local mass transit system. The Department shall prescribe by rule which transit buses are authorized to operate on shoulders, as well as times and locations. The Department may erect signage to indicate times and locations of designated shoulder usage.

(b) (Blank).

(c) (Blank).

625 ILCS 5/11-709.3 — Transit buses on shoulders - toll highways

Sec. 11-709.3. Transit buses on shoulders - toll highways. The Illinois State Toll Highway Authority may allow transit buses to use the shoulders of highways under its jurisdiction.

625 ILCS 5/11-710 — Following too closely

Sec. 11-710. Following too closely.

(a) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

(b) The driver of any truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a truck or motor vehicle drawing another vehicle from overtaking and passing any vehicle or combination of vehicles.

(c) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade whether or not towing other vehicles shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions.

625 ILCS 5/11-711 — Restrictions on use of controlled access highway

Sec. 11-711. Restrictions on use of controlled access highway.

(a) No person may drive a vehicle onto or from any controlled access highway except at entrances and exits established by public authority.

(b) The Department with respect to any controlled access highway under its jurisdiction may prohibit the use of any such highways by pedestrians (except in authorized areas or facilities), bicycles, farm tractors, implements of husbandry, funeral processions, and any vehicle unable to maintain the minimum speed for which the highway is posted, or other non-motorized traffic or by any person operating a motor driven cycle. The Department may also prohibit the use of such highway to school buses picking up and discharging children and mail delivery vehicles picking up or delivering mail. The Department shall erect and maintain official signs on the controlled access highway on which such prohibitions are applicable and when so erected no person may disobey the restrictions stated on such sign.

625 ILCS 5/11-801 — Required position and method of turning

Sec. 11-801. Required position and method of turning.

(a) The driver of a vehicle intending to turn at an intersection shall do so as follows:

(1) Both the approach for a right turn and a right turn shall be made as close as practical to the right-hand curb or edge of the roadway.

(2) The driver of a vehicle intending to turn left at any intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and after entering the intersection, the left turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in such direction upon the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(3) The Department and local authorities in their respective jurisdictions may cause official traffic control devices to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this Section be traveled by vehicles turning at an intersection, and when such devices are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such devices.

(b) Two-way left turn lanes. Where a special lane for making left turns by drivers proceeding in opposite directions has been indicated by official traffic-control devices:

(1) A left turn shall not be made from any other lane.

(2) A vehicle shall not be driven in the lane except when preparing for or making a left turn from or into the roadway or when preparing for or making a U turn when otherwise permitted by law.

(c) When a motor vehicle and a mass transit bus are traveling in the same direction on the same multi-laned highway, street or road, the operator of the motor vehicle overtaking such bus, which is stopped at an intersection on the right side

of the roadway to receive or discharge passengers, shall pass to the left of the bus at a safe distance and shall not turn to the right in front of the bus at that intersection.

625 ILCS 5/11-802 — Limitations on U turns

Sec. 11-802. Limitations on U turns.

(a) The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction unless such movement can be made in safety and without interfering with other traffic.

(b) No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within 500 feet.

625 ILCS 5/11-803 — Starting parked vehicle

Sec. 11-803. Starting parked vehicle. No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety.

625 ILCS 5/11-804 — When signal required

Sec. 11-804. When signal required.

(a) No person may turn a vehicle at an intersection unless the vehicle is in proper position upon the highway as required in Section 11-801 or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person may so turn any vehicle without giving an appropriate signal in the manner hereinafter provided.

(b) A signal of intention to turn right or left, change lanes, otherwise turn a vehicle from a direct course, move right or left upon a highway, or when required must be given continuously during not less than the last 100 feet traveled by the vehicle within a business or residence district, and such signal must be given continuously during not less than the last 200 feet traveled by the vehicle outside a business or residence district.

(c) No person may stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in this Chapter to the driver of any vehicle immediately to the rear when there is opportunity to give such a signal.

(d) The electric turn signal device required in Section 12-208 of this Act must be used and operated as prescribed in subsection

(b) of this Section to indicate an intention to turn, change lanes, turn a vehicle from a direct course, move right or left upon a highway, or start from a parallel parked position. Unless the conditions of subsection

(b) of this Section are met, an electric turn signal device required in Section 12-208 shall not be left in the on position and must not be flashed on one side only on a parked or disabled vehicle or flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear. However, such signal devices may be flashed simultaneously on both sides of a motor vehicle to indicate the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking and passing.

625 ILCS 5/11-805 — Signal by hand or arm or signal device

Sec. 11-805. Signal by hand or arm or signal device. Any stop or turn signal when required herein shall be given either by means of the hand and arm or by an electric turn signal device conforming to the requirements provided in Section 12-208 of this Act.

625 ILCS 5/11-806 — Method of giving hand and arm signals

Sec. 11-806. Method of giving hand and arm signals. All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows: 1. Left turn - Hand and arm extended horizontally. 2. Right turn - Hand and arm extended upward, except that a person operating a bicycle may extend the right hand and arm horizontally and to the right side of the bicycle. 3. Stop or decrease of speed - Hand and arm extended downward.

625 ILCS 5/11-901 — Vehicles approaching or entering intersection

Sec. 11-901. Vehicles approaching or entering intersection.

(a) When 2 vehicles approach or enter an intersection from different roadways at approximately the same time, the driver of the vehicle on the left must yield the right-of-way to the vehicle on the right.

(b) The right-of-way rule declared in paragraph

(a) of this Section is modified at through highways and otherwise as stated in this Chapter.

625 ILCS 5/11-901.01 — Vehicles approaching or entering a "T" intersection

Sec. 11-901.01. Vehicles approaching or entering a "T" intersection. The driver of a vehicle approaching the intersection of a highway from a highway which terminates at the intersection, not otherwise regulated by this Act or controlled by traffic control signs or signals, shall stop, yield, and grant the privilege of immediate use of the intersection to another vehicle which has entered the intersection from the non-terminating highway or is approaching the intersection on the non-terminating highway in such proximity as to constitute a hazard and after stopping may proceed when the driver may safely enter the intersection without interference or collision with the traffic using the non-terminating highway.

625 ILCS 5/11-902 — Vehicle turning left

Sec. 11-902. Vehicle turning left. The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is so close as to constitute an immediate hazard, but said driver, having so yielded may proceed at such time as a safe interval occurs.

625 ILCS 5/11-903 — Vehicles entering stop crosswalk

Sec. 11-903. Vehicles entering stop crosswalk. Where stop signs or flashing red signals are in place at an intersection or flashing red signals are in place at a plainly marked crosswalk between intersections, drivers of vehicles shall stop before entering the nearest crosswalk and pedestrians within or entering the crosswalk at either edge of the roadway shall have the right-of-way over vehicles so stopped. Drivers of vehicles having so yielded the right-of-way to pedestrians entering or within the nearest crosswalk at an intersection shall also yield the right-of-way to pedestrians within any other crosswalk at the intersection.

625 ILCS 5/11-904 — Vehicle entering stop or yield intersection

Sec. 11-904. Vehicle entering stop or yield intersection.

(a) Preferential right-of-way at an intersection may be indicated by stop or yield signs as authorized in Section 11-302 of this Chapter.

(b) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. After having stopped, the driver shall yield the right-of-way to any vehicle which has entered the intersection from another roadway or which is approaching so closely on the roadway as to constitute an immediate hazard during the time when the driver is moving across or within the intersection, but said driver having so yielded may proceed at such time as a safe interval occurs.

(c) The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection.

(d) If a driver is involved in a collision at an intersection or interferes with the movement of other vehicles after driving past a yield right-of-way sign, such collision or interference shall be deemed prima facie evidence of the driver's failure to yield right-of-way.

625 ILCS 5/11-905 — Merging traffic

Sec. 11-905. Merging traffic. Notwithstanding the right-of-way provision in Section 11-901 of this Act, at an intersection where traffic lanes are provided for merging traffic the driver of each vehicle on the converging roadways is required to adjust his vehicular speed and lateral position so as to avoid a collision with another vehicle.

625 ILCS 5/11-906 — Vehicle entering highway from private road or driveway

Sec. 11-906. Vehicle entering highway from private road or driveway. The driver of a vehicle about to enter or cross a highway from an alley, building, private road or driveway shall yield the right-of-way to all vehicles approaching on the highway to be entered.

625 ILCS 5/11-907 — Operation of vehicles and streetcars on approach of authorized emergency vehicles

Sec. 11-907. Operation of vehicles and streetcars on approach of authorized emergency vehicles.

(a) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of this Code or a police vehicle properly and lawfully making use of an audible or visual signal:

(1) the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the highway clear of any intersection and shall, if necessary to permit the safe passage of the emergency vehicle, stop and remain in such position until the authorized emergency vehicle has passed, unless otherwise directed by a police officer; and

(2) the operator of every streetcar shall immediately stop such car clear of any intersection and keep it in such position until the authorized emergency vehicle has passed, unless otherwise directed by a police officer.

(b) This Section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

(c) Upon approaching a stationary authorized emergency vehicle or emergency scene, when the stationary authorized emergency vehicle is giving a visual signal by displaying oscillating, rotating, or flashing lights as authorized under Section 12-215 of this Code, a person who drives an approaching vehicle shall:

(1) proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the authorized emergency vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least 4 lanes with not less than 2 lanes proceeding in the same direction as the approaching vehicle and reduce the speed of the vehicle to a speed that is reasonable and proper with regard to traffic conditions and the use of the highway to avoid a collision and leaving a safe distance until safely past the stationary emergency vehicle; or

(2) if changing lanes would be impossible or unsafe, proceeding with due caution, reduce the speed of the vehicle to a speed that is reasonable and proper with regard to traffic conditions and the use of the highway to avoid a collision, maintaining a safe speed for road conditions and leaving a safe distance until safely past the stationary emergency vehicles. The visual signal specified under this subsection

(c) given by a stationary authorized emergency vehicle is an indication to drivers of approaching vehicles that a hazardous condition is present when circumstances are not immediately clear. Drivers of vehicles approaching a stationary authorized emergency vehicle in any lane shall heed the warning of the signal, reduce the speed of the vehicle, proceed with due caution, maintain a safe speed for road conditions, be prepared to stop, and leave a safe distance until safely passed the stationary emergency vehicle. As used in this subsection (c), "authorized emergency vehicle" includes any vehicle authorized by law to be equipped with oscillating, rotating, or flashing lights under Section 12-215 of this Code, while the owner or operator of the vehicle is engaged in his or her official duties. As used in this subsection (c), "emergency scene" means a location where a stationary authorized emergency vehicle as defined by herein is present and has activated its oscillating, rotating, or flashing lights.

(d) A person who violates subsection

(c) of this Section commits a business offense punishable by a fine of not less than \$250 or more than \$10,000 for a first violation, and a fine of not less than \$750 or more than \$10,000 for a second or subsequent violation. It is a factor in aggravation if the person committed the offense while in violation of Section 11-501, 12-610.1, or 12-610.2 of this Code. Imposition of the penalties authorized by this subsection

(d) for a violation of subsection

(c) of this Section that results in the death of another person does not preclude imposition of appropriate additional civil or criminal penalties. A person who violates subsection

(c) and the violation results in damage to another vehicle commits a Class A misdemeanor. A person who violates subsection

(c) and the violation results in the injury or death of another person commits a Class 4 felony.

(e) If a violation of subsection

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

(f) If a violation of subsection

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

(g) If a violation of subsection

(c) of this Section results in the death of another person, in addition to any other penalty imposed, the person's driving privileges shall be suspended for 2 years.

(h) The Secretary of State shall, upon receiving a record of a judgment entered against a person under subsection

(c) of this Section:

(1) suspend the person's driving privileges for the mandatory period; or

(2) extend the period of an existing suspension by the appropriate mandatory period.

(i) Subject to appropriation by the General Assembly and approval by the Director, the Director of the Illinois State Police shall use moneys in the State Police Operations Assistance Fund in the Department's discretion to fund the production of materials to educate drivers on approaching stationary authorized emergency vehicles, to hire off-duty Illinois State Police personnel for enforcement of this Section, and for other law enforcement purposes the Director deems necessary in these efforts.

(j) For violations of this Section issued by a county or municipal police officer, the assessment shall be deposited into the county's or municipality's Transportation Safety Highway Hire-back Fund. The county shall use the moneys in its Transportation Safety Highway Hire-back Fund to hire off-duty county police officers to monitor construction or maintenance zones in that county on highways other than interstate highways. The county, in its discretion, may also use a portion of the moneys in its Transportation Safety Highway Hire-back Fund to purchase equipment for county law enforcement and fund the production of materials to educate drivers on construction zone safe driving habits and approaching stationary authorized emergency vehicles.

(k) In addition to other penalties imposed by this Section, the court may order a person convicted of a violation of subsection

(c) to perform community service as determined by the court. (Text of Section from P.A. 104-400) Sec. 11-907. Operation of vehicles and streetcars on approach of authorized emergency vehicles.

(a) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of this Code or a police vehicle properly and lawfully making use of an audible or visual signal:

(1) the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the highway clear of any intersection and shall, if necessary to permit the safe passage of the emergency vehicle, stop and remain in such position until the authorized emergency vehicle has passed, unless otherwise directed by a police officer; and

(2) the operator of every streetcar shall immediately stop such car clear of any intersection and keep it in such position until the authorized emergency vehicle has passed, unless otherwise directed by a police officer.

(b) This Section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

(c) Upon approaching a stationary authorized emergency vehicle or emergency scene, when the stationary authorized emergency vehicle is giving a visual signal by displaying oscillating, rotating, or flashing lights as authorized under Section 12-215 of this Code, a person who drives an approaching vehicle shall:

(1) proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the authorized emergency vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least 4 lanes with not less than 2 lanes proceeding in the same direction as the approaching vehicle and reduce the speed of the vehicle to a speed that is reasonable and proper with regard to traffic conditions and the use of the highway to avoid a collision and leaving a safe distance until safely past the stationary emergency vehicle; or

(2) if changing lanes would be impossible or unsafe, proceeding with due caution, reduce the speed of the vehicle to a speed that is reasonable and proper with regard to traffic conditions and the use of the highway to avoid a collision, maintaining a safe speed for road conditions and leaving a safe distance until safely past the stationary emergency vehicles. The visual signal specified under this subsection

(c) given by a stationary authorized emergency vehicle is an indication to drivers of approaching vehicles that a hazardous condition is present when circumstances are not immediately clear. Drivers of vehicles approaching a stationary authorized emergency vehicle in any lane shall heed the warning of the signal, reduce the speed of the vehicle, proceed with due caution, maintain a safe speed for road conditions, be prepared to stop, and leave a safe distance until safely passed the stationary emergency vehicle. As used in this subsection

(c) and subsection (c-5), "authorized emergency vehicle" includes any vehicle authorized by law to be equipped with oscillating, rotating, or flashing lights under Section 12-215 of this Code, while the owner or operator of the vehicle is engaged in his or her official duties. As used in this subsection

(c) and subsection (c-10), "emergency scene" means a location where a stationary authorized emergency vehicle as defined by herein is present and has activated its oscillating, rotating, or flashing lights. (c-5) The driver of a vehicle shall yield the right-of-way to any authorized emergency vehicle obviously and actually engaged in work upon a highway, whether stationary or not, and displaying flashing lights as provided in Section 12-215 of this Act. (c-10) The driver of a vehicle shall yield the right-of-way to an emergency worker obviously and actually engaged in work upon a highway at an emergency scene. The driver of a vehicle shall yield the right-of-way to any pedestrian upon a highway directly involved in the emergency scene.

(d) A person who violates subsection (c), (c-5), or (c-10), of this Section commits a business offense punishable by a fine of not less than \$250 or more than \$10,000 for a first violation, and a fine of not less than \$750 or more than \$10,000 for a second or subsequent violation. It is a factor in aggravation if the person committed the offense while in violation of Section 11-501, 12-610.1, or 12-610.2 of this Code. Imposition of the penalties authorized by this subsection

(d) for a violation of subsection

(c) of this Section that results in the death of another person does not preclude imposition of appropriate additional civil or criminal penalties. A person who violates subsection

(c) and the violation results in damage to another vehicle commits a Class A misdemeanor. A person who violates subsection

(c) and the violation results in the injury or death of another person commits a Class 4 felony.

(e) If a violation of subsection (c), (c-5), or (c-10), of this Section results in damage to the property of another person, in addition to any other penalty imposed, the person's driving privileges shall be suspended for a fixed period of not less than 90 days and not more than one year.

(f) If a violation of subsection (c), (c-5), or (c-10), of this Section results in injury to another person, in addition to any other penalty imposed, the person's driving privileges shall be suspended for a fixed period of not less than 180 days and not more than 2 years.

(g) If a violation of subsection (c), (c-5), or (c-10), of this Section results in the death of another person, in addition to any other penalty imposed, the person's driving privileges shall be suspended for 2 years.

(h) The Secretary of State shall, upon receiving a record of a judgment entered against a person under subsection (c), (c-5), or (c-10), of this Section:

(1) suspend the person's driving privileges for the mandatory period; or

(2) extend the period of an existing suspension by the appropriate mandatory period.

(i) The Scott's Law Fund shall be a special fund in the State treasury. Subject to appropriation by the General Assembly and approval by the Director, the Director of the State Police shall use all moneys in the Scott's Law Fund in the Department's discretion to fund the production of materials to educate drivers on approaching stationary authorized emergency vehicles, to hire off-duty Illinois State Police for enforcement of this Section, and for other law enforcement purposes the Director deems necessary in these efforts.

(j) For violations of this Section issued by a county or municipal police officer, the assessment shall be deposited into the county's or municipality's Transportation Safety Highway Hire-back Fund. The county shall use the moneys in its Transportation Safety Highway Hire-back Fund to hire off-duty county police officers to monitor construction or

maintenance zones in that county on highways other than interstate highways. The county, in its discretion, may also use a portion of the moneys in its Transportation Safety Highway Hire-back Fund to purchase equipment for county law enforcement and fund the production of materials to educate drivers on construction zone safe driving habits and approaching stationary authorized emergency vehicles.

(k) In addition to other penalties imposed by this Section, the court may order a person convicted of a violation of subsection (c), (c-5), or (c-10), to perform community service as determined by the court. (Text of Section from P.A. 104-417) Sec. 11-907. Operation of vehicles and streetcars on approach of authorized emergency vehicles.

(a) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of this Code or a police vehicle properly and lawfully making use of an audible or visual signal:

(1) the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the highway clear of any intersection and shall, if necessary to permit the safe passage of the emergency vehicle, stop and remain in such position until the authorized emergency vehicle has passed, unless otherwise directed by a police officer; and

(2) the operator of every streetcar shall immediately stop such car clear of any intersection and keep it in such position until the authorized emergency vehicle has passed, unless otherwise directed by a police officer.

(b) This Section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

(c) Upon approaching a stationary authorized emergency vehicle or emergency scene, when the stationary authorized emergency vehicle is giving a visual signal by displaying oscillating, rotating, or flashing lights as authorized under Section 12-215 of this Code, a person who drives an approaching vehicle shall:

(1) proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the authorized emergency vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least 4 lanes with not less than 2 lanes proceeding in the same direction as the approaching vehicle and reduce the speed of the vehicle to a speed that is reasonable and proper with regard to traffic conditions and the use of the highway to avoid a collision and leaving a safe distance until safely past the stationary emergency vehicle; or

(2) if changing lanes would be impossible or unsafe, proceeding with due caution, reduce the speed of the vehicle to a speed that is reasonable and proper with regard to traffic conditions and the use of the highway to avoid a collision, maintaining a safe speed for road conditions and leaving a safe distance until safely past the stationary emergency vehicles. The visual signal specified under this subsection

(c) given by a stationary authorized emergency vehicle is an indication to drivers of approaching vehicles that a hazardous condition is present when circumstances are not immediately clear. Drivers of vehicles approaching a stationary authorized emergency vehicle in any lane shall heed the warning of the signal, reduce the speed of the vehicle, proceed with due caution, maintain a safe speed for road conditions, be prepared to stop, and leave a safe distance until safely passed the stationary emergency vehicle. As used in this subsection (c), "authorized emergency vehicle" includes any vehicle authorized by law to be equipped with oscillating, rotating, or flashing lights under Section 12-215 of this Code, while the owner or operator of the vehicle is engaged in his or her official duties. As used in this subsection (c), "emergency scene" means a location where a stationary authorized emergency vehicle as defined by herein is present and has activated its oscillating, rotating, or flashing lights.

(d) A person who violates subsection

(c) of this Section commits a business offense punishable by a fine of not less than \$250 or more than \$10,000 for a first violation, and a fine of not less than \$750 or more than \$10,000 for a second or subsequent violation. It is a factor in aggravation if the person committed the offense while in violation of Section 11-501, 12-610.1, or 12-610.2 of this Code. Imposition of the penalties authorized by this subsection

(d) for a violation of subsection

(c) of this Section that results in the death of another person does not preclude imposition of appropriate additional civil or criminal penalties. A person who violates subsection

(c) and the violation results in damage to another vehicle commits a Class A misdemeanor. A person who violates subsection

(c) and the violation results in the injury or death of another person commits a Class 4 felony.

(e) If a violation of subsection

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

(f) If a violation of subsection

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

(g) If a violation of subsection

(c) of this Section results in the death of another person, in addition to any other penalty imposed, the person's driving privileges shall be suspended for 2 years.

(h) The Secretary of State shall, upon receiving a record of a judgment entered against a person under subsection

(c) of this Section:

(1) suspend the person's driving privileges for the mandatory period; or

(2) extend the period of an existing suspension by the appropriate mandatory period.

(i) The Scott's Law Fund shall be a special fund in the State treasury. Subject to appropriation by the General Assembly and approval by the Director, the Director of the State Police shall use all moneys in the Scott's Law Fund in the Department's discretion to fund the production of materials to educate drivers on approaching stationary authorized emergency vehicles, to hire off-duty Illinois State Police for enforcement of this Section, and for other law enforcement purposes the Director deems necessary in these efforts.

(j) For violations of this Section issued by a county or municipal police officer, the assessment shall be deposited into the county's or municipality's Transportation Safety Highway Hire-back Fund. The county shall use the moneys in its Transportation Safety Highway Hire-back Fund to hire off-duty county police officers to monitor construction or maintenance zones in that county on highways other than interstate highways. The county, in its discretion, may also use a portion of the moneys in its Transportation Safety Highway Hire-back Fund to purchase equipment for county law enforcement and fund the production of materials to educate drivers on construction zone safe driving habits and approaching stationary authorized emergency vehicles.

(k) In addition to other penalties imposed by this Section, the court may order a person convicted of a violation of subsection

(c) to perform community service as determined by the court.

625 ILCS 5/11-907.1

Sec. 11-907.1. (Repealed).

625 ILCS 5/11-907.2

Sec. 11-907.2. (Repealed).

625 ILCS 5/11-907.5 — Approaching disabled vehicles

Sec. 11-907.5. Approaching disabled vehicles.

(a) Upon approaching a disabled vehicle with lighted hazard lights on a highway having at least 4 lanes, of which at least 2 are proceeding in the same direction, a driver of a vehicle shall:

(1) proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the disabled vehicle, if possible with due regard to safety and traffic conditions; or

(2) if changing lanes would be impossible or unsafe proceeding with due caution, reduce the speed of the vehicle, maintaining a safe speed for road conditions and leaving a safe distance until safely past the stationary vehicles.

(b) A person who violates subsection

(a) of this Section commits a petty offense.

625 ILCS 5/11-908 — Vehicle approaching or entering a highway construction or maintenance area or zone

Sec. 11-908. Vehicle approaching or entering a highway construction or maintenance area or zone.

(a) The driver of a vehicle shall yield the right-of-way to any authorized vehicle or pedestrian actually engaged in work upon a highway within any highway construction or maintenance area indicated by official traffic-control devices. (a-1) Upon entering a construction or maintenance zone when workers are present, a person who drives a vehicle shall:

(1) proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the workers present, if possible with due regard to safety and traffic conditions, if on a highway having at least 4 lanes with not less than 2 lanes proceeding in the same direction as the approaching vehicle, and reduce the speed of the vehicle to a speed that is reasonable and proper with regard to traffic conditions and the use of the highway to avoid a collision and leaving a safe distance until safely past the construction or maintenance zone; or

(2) proceeding with due caution, reduce the speed of the vehicle to a speed that is reasonable and proper with regard to traffic conditions and the use of the highway to avoid a collision until safely past the construction or maintenance zone, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe. (a-2) A person who violates subsection (a-1) of this Section commits a business offense punishable by a fine of not less than \$100 and not more than \$25,000. It is a factor in aggravation if the person committed the offense while in violation of Section 11-501 of this Code. (a-3) If a violation of subsection (a-1) of this Section results in damage to the property of another person, in addition to any other penalty imposed, the person's driving privileges shall be suspended for a fixed period of not less than 90 days and not more than one year. (a-4) If a violation of subsection (a-1) of this Section results in injury to another person, in addition to any other penalty imposed, the person's driving privileges shall be suspended for a fixed period of not less than 180 days and not more than 2 years. (a-5) If a violation of subsection (a-1) of this Section results in the death of another person, in addition to any other penalty imposed, the person's driving privileges shall be suspended for 2 years. (a-6) The Secretary of State shall, upon receiving a record of a judgment entered against a person under subsection (a-1) of this Section:

(1) suspend the person's driving privileges for the mandatory period; or

(2) extend the period of an existing suspension by the appropriate mandatory period.

(b) The driver of a vehicle shall yield the right-of-way to any authorized vehicle obviously and actually engaged in work upon a highway whenever the vehicle engaged in construction or maintenance work displays flashing lights as provided in Section 12-215 of this Act.

(c) The driver of a vehicle shall stop if signaled to do so by a flagger or a traffic control signal and remain in such position until signaled to proceed. If a driver of a vehicle fails to stop when signaled to do so by a flagger, the flagger is authorized to report such offense to the State's Attorney or authorized prosecutor. The penalties imposed for a violation of this subsection

(c) shall be in addition to any penalties imposed for a violation of subsection (a-1).

625 ILCS 5/11-1001 — Pedestrian obedience to traffic control devices and traffic regulations

Sec. 11-1001. Pedestrian obedience to traffic control devices and traffic regulations.

(a) A pedestrian shall obey the instructions of any official traffic control device specifically applicable to him, unless otherwise directed by a police officer.

(b) Pedestrians shall be subject to traffic and pedestrian control signals provided in Sections 11-306 and 11-307 of this Chapter, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this Article.

625 ILCS 5/11-1002 — Pedestrians' right-of-way at crosswalks

Sec. 11-1002. Pedestrians' right-of-way at crosswalks.

(a) When traffic control signals are not in place or not in operation the driver of a vehicle shall stop and yield the right-of-way to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(b) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a moving vehicle which is so close as to constitute an immediate hazard.

(c) Paragraph

(a) shall not apply under the condition stated in Section 11-1003(b).

(d) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

(e) Whenever stop signs or flashing red signals are in place at an intersection or at a plainly marked crosswalk between intersections, drivers shall yield right-of-way to pedestrians as set forth in Section 11-904 of this Chapter.

625 ILCS 5/11-1002.5 — Pedestrians' right-of-way at crosswalks; school zones

Sec. 11-1002.5. Pedestrians' right-of-way at crosswalks; school zones.

(a) For the purpose of this Section, "school" has the meaning ascribed to that term in Section 11-605. On a school day when school children are present and so close thereto that a potential hazard exists because of the close proximity of the motorized traffic and when traffic control signals are not in place or not in operation, the driver of a vehicle shall stop and yield the right-of-way to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger. For the purpose of this Section, a school day shall begin at seven ante meridian and shall conclude at four post meridian. This Section shall not be applicable unless appropriate signs are posted in accordance with Section 11-605.

(b) A first violation of this Section is a petty offense with a minimum fine of \$150. A second or subsequent violation of this Section is a petty offense with a minimum fine of \$300.

(c) (Blank).

625 ILCS 5/11-1003 — Crossing at other than crosswalks

Sec. 11-1003. Crossing at other than crosswalks.

(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(c) Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

(d) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

(e) Pedestrians with disabilities may cross a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk where the intersection is physically inaccessible to them but they shall yield the right-of-way to all vehicles upon the roadway.

625 ILCS 5/11-1003.1 — Drivers to exercise due care

Sec. 11-1003.1. Drivers to exercise due care. Notwithstanding other provisions of this Code or the provisions of any local ordinance, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian, or any person operating a bicycle or other device propelled by human power and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused, incapacitated or intoxicated person.

625 ILCS 5/11-1004 — Pedestrian with disabilities; right-of-way

Sec. 11-1004. Pedestrian with disabilities; right-of-way. The driver of a vehicle shall yield the right-of-way to any pedestrian with clearly visible disabilities.

625 ILCS 5/11-1004.1 — Motorized wheelchairs

Sec. 11-1004.1. Motorized wheelchairs. Every person operating a motorized wheelchair upon a sidewalk or roadway shall be granted all the rights and shall be subject to all the duties applicable to a pedestrian.

625 ILCS 5/11-1005 — Pedestrians to use right half of crosswalks

Sec. 11-1005. Pedestrians to use right half of crosswalks. Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

625 ILCS 5/11-1005.1 — Electric personal assistive mobility devices

Sec. 11-1005.1. Electric personal assistive mobility devices. Every person operating an electric personal assistive mobility device upon a sidewalk or roadway has all the rights and is subject to all the duties applicable to a pedestrian. Nothing in this Section shall be deemed to limit or preempt the authority of any home rule or non-home rule unit of local government from regulating or prohibiting the use of electric personal assistive mobility devices.

625 ILCS 5/11-1006 — Pedestrians soliciting rides or business

Sec. 11-1006. Pedestrians soliciting rides or business.

(a) No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any vehicle.

(b) No person shall stand on a highway for the purpose of soliciting employment or business from the occupant of any vehicle.

(c) No person shall stand on a highway for the purpose of soliciting contributions from the occupant of any vehicle except within a municipality when expressly permitted by municipal ordinance. The local municipality, city, village, or other local governmental entity in which the solicitation takes place shall determine by ordinance where and when solicitations may take place based on the safety of the solicitors and the safety of motorists. The decision shall also take into account the orderly flow of traffic and may not allow interference with the operation of official traffic control devices. The soliciting agency shall be: 1. registered with the Attorney General as a charitable organization as provided by the Solicitation for Charity Act; 2. engaged in a Statewide fundraising activity; and 3. liable for any injuries to any person or property during the solicitation which is causally related to an act of ordinary negligence of the soliciting agent. Any person engaged in the act of solicitation shall be 16 years of age or more and shall be wearing a high-visibility vest.

(d) No person shall stand on or in the proximity of a highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a highway.

(e) Every person who is convicted of a violation of this Section shall be guilty of a Class A misdemeanor.

625 ILCS 5/11-1007 — Pedestrians walking on highways

Sec. 11-1007. Pedestrians walking on highways.

(a) Except as provided in subsection (e), where a sidewalk is provided and its use is practicable, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(b) Except as provided in subsection (e), where a sidewalk is not available, any pedestrian walking along and upon a highway shall walk only on a shoulder, as far as practicable from the edge of the roadway.

(c) Except as provided in subsection (e), where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of a roadway, and, if on a two-way roadway, shall walk only on the left side of the roadway.

(d) Except as otherwise provided in this Chapter, any pedestrian upon a roadway shall yield the right-of-way to all vehicles upon the roadway.

(e) In municipalities with a population of under 2,000,000 inhabitants, upon highways where the maximum posted speed limit is 45 miles per hour or less, and during the period from sunrise to sunset, a pedestrian who is 18 years of age or older and wearing in-line speed skates may travel upon the roadway as near as practicable to an outside edge of the roadway. Pedestrians wearing in-line speed skates upon a roadway may not impede or obstruct other vehicular traffic. Pedestrians wearing in-line speed skates shall be subject to all other rights and duties under this Article X. Nothing in this Code shall be construed to prevent a pedestrian wearing in-line speed skates from using a lane designated for bicycles.

625 ILCS 5/11-1008 — Right-of-way on sidewalks

Sec. 11-1008. Right-of-way on sidewalks. The driver of a vehicle shall yield the right-of-way to any pedestrian on a sidewalk.

625 ILCS 5/11-1009 — Pedestrians yield to authorized emergency vehicles

Sec. 11-1009. Pedestrians yield to authorized emergency vehicles. Upon the immediate approach of an authorized emergency vehicle making use of an audible signal and visual signals meeting the requirements of Section 12-217 of this Chapter, or of a police vehicle properly and lawfully making use of an audible signal only, every pedestrian shall yield the right-of-way to the authorized emergency vehicle.

625 ILCS 5/11-1010 — Pedestrians under influence of alcohol or drugs

Sec. 11-1010. Pedestrians under influence of alcohol or drugs. A pedestrian who is under the influence of alcohol or any drug to a degree which renders himself a hazard shall not walk or be upon a highway except on a sidewalk.

625 ILCS 5/11-1011 — Bridge and railroad signals

Sec. 11-1011. Bridge and railroad signals.

(a) No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate, or barrier after a bridge operation signal indication has been given.

(b) No pedestrian shall pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed.

(c) No pedestrian shall enter, remain upon or traverse over a railroad grade crossing or pedestrian walkway crossing a railroad track when an audible bell or clearly visible electric or mechanical signal device is operational giving warning of the presence, approach, passage, or departure of a railroad train or railroad track equipment.

(d) A violation of any part of this Section is a petty offense for which a \$250 fine shall be imposed for a first violation, and a \$500 fine shall be imposed for a second or subsequent violation. The court may impose 25 hours of community service in place of the \$250 fine for a first violation.

(e) Local authorities shall impose fines as established in subsection

(d) for pedestrians who fail to obey signals indicating the presence, approach, passage, or departure of a train or railroad track equipment.

625 ILCS 5/11-1101 — Passing street car on left

Sec. 11-1101. Passing street car on left.

(a) The driver of a vehicle shall not overtake and pass upon the left nor drive upon the left side of any street car proceeding in the same direction, whether such street car is actually in motion or temporarily at rest, except: 1. When so directed by a police officer; 2. When upon a one-way street; or 3. When upon a street where the tracks are so located as to prevent compliance with the section.

(b) The driver of any vehicle when permitted to overtake and pass upon the left of a street car which has stopped for the purpose of receiving or discharging any passenger shall reduce speed and may proceed only upon exercising due caution for pedestrians and shall accord pedestrians the right-of-way when required by other Sections of this Chapter.

625 ILCS 5/11-1102 — Passing street car on right

Sec. 11-1102. Passing street car on right. The driver of a vehicle overtaking upon the right any street car stopped or about to stop for the purpose of receiving or discharging any passenger shall stop such vehicle at least ten feet to the rear of the nearest running board or door of such street car and thereupon remain standing until all passengers have boarded such car or upon alighting have reached a place of safety, except that where a safety zone has been established a vehicle need not be brought to a stop before passing any such street car but may proceed past such car at a speed not greater than is reasonable and proper and with due caution for the safety of pedestrians.

625 ILCS 5/11-1103 — Driving on street car tracks

Sec. 11-1103. Driving on street car tracks.

(a) The driver of any vehicle proceeding upon any street car track in front of a street car upon a street shall remove such vehicle from the track as soon as practical after signal from the operator of said street car.

(b) The driver of a vehicle upon overtaking and passing a street car shall not turn in front of such street car so as to interfere with or impede its movement.

625 ILCS 5/11-1104 — Driving through safety zone prohibited

Sec. 11-1104. Driving through safety zone prohibited. No vehicle shall at any time be driven through or within a safety zone.

625 ILCS 5/11-1201 — Obedience to signal indicating approach of train or railroad track equipment

Sec. 11-1201. Obedience to signal indicating approach of train or railroad track equipment.

(a) Whenever any person driving a vehicle approaches a railroad grade crossing where the driver is not always required to stop, the person must exercise due care and caution as the existence of a railroad track across a highway is a warning of danger, and under any of the circumstances stated in this Section, the driver shall stop within 50 feet but not less than 15 feet from the nearest rail of the railroad and shall not proceed until the tracks are clear and he or she can do so safely. The foregoing requirements shall apply when: 1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train or railroad track equipment; 2. A crossing gate is lowered or a human flagman gives or continues to give a signal of the approach or passage of a railroad train or railroad track equipment; 3. A railroad train or railroad track equipment approaching a highway crossing emits a warning signal and such railroad train or railroad track equipment, by reason of its speed or nearness to such crossing, is an immediate hazard; 4. An approaching railroad train or railroad track equipment is plainly visible and is in hazardous proximity to such crossing; 5. A railroad train or railroad track equipment is approaching so closely that an immediate hazard is created. (a-1) Whenever any person driving a commercial motor vehicle, as defined in Section 6-500 of this Code, approaches a railroad grade crossing where the driver is not always required to stop, the person must exercise due care and caution as the existence of a railroad track across a highway is a warning of danger, and under any of the circumstances stated in this Section, the driver shall stop within 50 feet but not less than 15 feet from the nearest rail of the railroad and shall not proceed until the tracks are clear and he or she can do so safely. The foregoing requirements shall apply when: 1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train or railroad track equipment; 2. A crossing gate is lowered or a human flagman gives or continues to give a signal of the approach or passage of a railroad train or railroad track equipment; 3. A railroad train or railroad track equipment approaching a highway crossing emits a warning signal and such railroad train or railroad track equipment, by reason of its speed or nearness to such crossing, is an immediate hazard; 4. An approaching railroad train or railroad track equipment is plainly visible and is in hazardous proximity to such crossing; 5. A railroad train or railroad track equipment is approaching so closely that an immediate hazard is created. (a-5) Whenever a person driving a commercial motor vehicle, as defined in Section 6-500 of this Code, approaches a railroad grade crossing where the driver is not always required to stop but must slow down, the person must exercise due care and caution as the existence of a railroad track across a highway is a warning of danger, and under any of the circumstances stated in this Section, the driver shall slow down within 50 feet but not less than 15 feet from the nearest rail of the railroad and shall not proceed until he or she checks that the tracks are clear of an approaching train or railroad track equipment.

(b) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

(c) The Department, and local authorities with the approval of the Department, are hereby authorized to designate particularly dangerous highway grade crossings of railroads and to erect stop signs thereat. When such stop signs are erected the driver of any vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of such railroad and shall proceed only upon exercising due care.

(d) At any railroad grade crossing provided with railroad crossbuck signs, without automatic, electric, or mechanical signal devices, crossing gates, or a human flagman giving a signal of the approach or passage of a train or railroad track equipment, the driver of a vehicle shall in obedience to the railroad crossbuck sign, yield the right-of-way and slow down to a speed reasonable for the existing conditions and shall stop, if required for safety, at a clearly marked stopped line, or if no stop line, within 50 feet but not less than 15 feet from the nearest rail of the railroad and shall not proceed until he or she can do so safely. If a driver is involved in a collision at a railroad crossing or interferes with the movement of a train or railroad track equipment after driving past the railroad crossbuck sign, the collision or interference is prima facie evidence of the driver's failure to yield right-of-way. (d-1) No person shall, while driving a commercial motor vehicle, fail to negotiate a railroad-highway grade railroad crossing because of insufficient undercarriage clearance. (d-5) (Blank).

(e) It is unlawful to violate any part of this Section.

(1) A violation of this Section is a petty offense for which a fine of \$500 shall be imposed for a first violation, and a fine of \$1,000 shall be imposed for a second or subsequent violation. The court may impose 25 hours of community service in

place of the \$500 fine for the first violation.

(2) For a second or subsequent violation, the Secretary of State may suspend the driving privileges of the offender for a minimum of 6 months.

(f) Corporate authorities of municipal corporations regulating operators of vehicles that fail to obey signals indicating the presence, approach, passage, or departure of a train or railroad track equipment shall impose fines as established in subsection

(e) of this Section.

625 ILCS 5/11-1201.1 — Automated railroad crossing enforcement system

Sec. 11-1201.1. Automated railroad crossing enforcement system.

(a) For the purposes of this Section, an automated railroad grade crossing enforcement system is a system in a municipality or county operated by a governmental agency that produces a recorded image of a motor vehicle's violation of a provision of this Code or local ordinance and is designed to obtain a clear recorded image of the vehicle and vehicle's license plate. The recorded image must also display the time, date, and location of the violation. As used in this Section, "recorded images" means images recorded by an automated railroad grade crossing enforcement system on:

(1) 2 or more photographs;

(2) 2 or more microphotographs;

(3) 2 or more electronic images; or

(4) a video recording showing the motor vehicle and, on at least one image or portion of the recording, clearly identifying the registration plate or digital registration plate number of the motor vehicle.

(b) The Illinois Commerce Commission may, in cooperation with a local law enforcement agency, establish in any county or municipality an automated railroad grade crossing enforcement system at any railroad grade crossing equipped with a crossing gate designated by local authorities. Local authorities desiring the establishment of an automated railroad crossing enforcement system must initiate the process by enacting a local ordinance requesting the creation of such a system. After the ordinance has been enacted, and before any additional steps toward the establishment of the system are undertaken, the local authorities and the Commission must agree to a plan for obtaining, from any combination of federal, State, and local funding sources, the moneys required for the purchase and installation of any necessary equipment. (b-1) (Blank).

(c) For each violation of Section 11-1201 of this Code or a local ordinance recorded by an automated railroad grade crossing enforcement system, the county or municipality having jurisdiction shall issue a written notice of the violation to the registered owner of the vehicle as the alleged violator. The notice shall be delivered to the registered owner of the vehicle, by mail, no later than 90 days after the violation. The notice shall include:

(1) the name and address of the registered owner of the vehicle;

(2) the registration number of the motor vehicle involved in the violation;

(3) the violation charged;

(4) the location where the violation occurred;

(5) the date and time of the violation;

(6) a copy of the recorded images;

(7) the amount of the civil penalty imposed and the date by which the civil penalty should be paid;

(8) a statement that recorded images are evidence of a violation of a railroad grade crossing;

(9) a warning that failure to pay the civil penalty or to contest liability in a timely manner is an admission of liability; and

(10) a statement that the person may elect to proceed by: (A) paying the fine; or (B) challenging the charge in court, by mail, or by administrative hearing.

(d) (Blank). (d-1) (Blank). (d-2) (Blank).

(e) Based on inspection of recorded images produced by an automated railroad grade crossing enforcement system, a notice alleging that the violation occurred shall be evidence of the facts contained in the notice and admissible in any proceeding alleging a violation under this Section. (e-1) Recorded images made by an automated railroad grade crossing

enforcement system are confidential and shall be made available only to the alleged violator and governmental and law enforcement agencies for purposes of adjudicating a violation of this Section, for statistical purposes, or for other governmental purposes. Any recorded image evidencing a violation of this Section, however, may be admissible in any proceeding resulting from the issuance of the citation. (e-2) The court or hearing officer may consider the following in the defense of a violation:

(1) that the motor vehicle or registration plates or digital registration plates of the motor vehicle were stolen before the violation occurred and not under the control of or in the possession of the owner or lessee at the time of the violation; (1.5) that the motor vehicle was hijacked before the violation occurred and not under the control of or in the possession of the owner or lessee at the time of the violation;

(2) that the driver of the motor vehicle received a Uniform Traffic Citation from a police officer at the time of the violation for the same offense;

(3) any other evidence or issues provided by municipal or county ordinance. (e-3) To demonstrate that the motor vehicle was hijacked or the motor vehicle or registration plates or digital registration plates were stolen before the violation occurred and were not under the control or possession of the owner or lessee at the time of the violation, the owner or lessee must submit proof that a report concerning the motor vehicle or registration plates was filed with a law enforcement agency in a timely manner.

(f) Rail crossings equipped with an automatic railroad grade crossing enforcement system shall be posted with a sign visible to approaching traffic stating that the railroad grade crossing is being monitored, that citations will be issued, and the amount of the fine for violation.

(g) The compensation paid for an automated railroad grade crossing enforcement system must be based on the value of the equipment or the services provided and may not be based on the number of citations issued or the revenue generated by the system.

(h) (Blank).

(i) If any part or parts of this Section are held by a court of competent jurisdiction to be unconstitutional, the unconstitutionality shall not affect the validity of the remaining parts of this Section. The General Assembly hereby declares that it would have passed the remaining parts of this Section if it had known that the other part or parts of this Section would be declared unconstitutional.

(j) Penalty. A civil fine of \$250 shall be imposed for a first violation of this Section, and a civil fine of \$500 shall be imposed for a second or subsequent violation of this Section.

625 ILCS 5/11-1201.5

Sec. 11-1201.5. (Repealed).

625 ILCS 5/11-1202 — Certain vehicles must stop at all railroad grade crossings

Sec. 11-1202. Certain vehicles must stop at all railroad grade crossings.

(a) The driver of any of the following vehicles shall, before crossing a railroad track or tracks at grade, stop such vehicle within 50 feet but not less than 15 feet from the nearest rail and, while so stopped, shall listen and look for the approach of a train or railroad track equipment and shall not proceed until such movement can be made with safety: 1. Any second division vehicle carrying passengers for hire; 2. Any bus that meets all of the special requirements for school buses in Sections 12-801, 12-803, and 12-805 of this Code. The driver of the bus, in addition to complying with all other applicable requirements of this subsection (a), must also

(i) turn off all noise producing accessories, including heater blowers, defroster fans, auxiliary fans, and radios, and (ii) open the service door and driver's window, before crossing a railroad track or tracks; 3. (Blank). (a-1) The driver of any of the following vehicles shall, before crossing a railroad track or tracks at grade, stop such vehicle within 50 feet but not less than 15 feet from the nearest rail and, while so stopped, shall listen and look for the approach of a train or railroad track equipment and shall not proceed until such movement can be made with safety: 1. A commercial motor vehicle, as defined in Section 6-500 of this Code, carrying passengers for hire; 2. Any bus that meets all of the special requirements for school buses in Sections 12-801, 12-803, and 12-805 of this Code and is designed to transport 16 or more persons, including the driver. The driver of the bus, in addition to complying with all other applicable requirements of this subsection (a-1), must also

(i) turn off all noise producing accessories, including heater blowers, defroster fans, auxiliary fans, and radios, and (ii) open the service door and driver's window, before crossing a railroad track or tracks; 3. Any other vehicle which is required by federal or State law to be placarded when carrying as a cargo or part of a cargo hazardous material as defined in the Illinois Hazardous Materials Transportation Act. After stopping as required in this Section, the driver shall proceed only in a gear not requiring a change of gears during the crossing, and the driver shall not shift gears while crossing the track or tracks.

(b) This Section shall not apply: 1. At any railroad grade crossing where traffic is controlled by a police officer or flagperson; 2. At any railroad grade crossing controlled by a functioning traffic-control signal transmitting a green indication which, under law, permits the vehicle to proceed across the railroad tracks without slowing or stopping, except that subsection

(a) shall apply to any school bus; 3. At any streetcar grade crossing within a business or residence district; or 4. At any abandoned, industrial or spur track railroad grade crossing designated as exempt by the Illinois Commerce Commission and marked with an official sign as authorized in the State Manual on Uniform Traffic Control Devices for Streets and Highways.

625 ILCS 5/11-1203 — Moving heavy equipment at railroad grade crossing

Sec. 11-1203. Moving heavy equipment at railroad grade crossing.

(a) No person shall operate or move any crawler-type tractor, power shovel, derrick, roller, or any equipment or structure having a normal operating speed of 10 or less miles per hour, or, for such equipment with 18 feet or less distance between two adjacent axles, having a vertical body or load clearance of less than 9 inches above a level surface, or, for such equipment with more than 18 feet between two adjacent axles, having a vertical body or load clearance of less than 1/2 inch per foot of distance between such adjacent axles above a level surface upon or across any tracks at a railroad grade crossing without first complying with this Section.

(b) Notice of any such intended crossing shall be given to a superintendent of such railroad and a reasonable time be given to such railroad to provide proper protection at such crossing.

(c) Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than 15 feet nor more than 50 feet from the nearest rail of such railway and while so stopped shall listen and look in both directions along such track for any approaching train or railroad track equipment and for signals indicating the approach of a train or railroad track equipment, and shall not proceed until the crossing can be made safely.

(d) No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train, railroad track equipment, or car.

625 ILCS 5/11-1204 — Stop and yield signs

Sec. 11-1204. Stop and yield signs.

(a) Preferential right-of-way at an intersection may be indicated by stop signs or yield signs as authorized in Section 11-302 of this Act.

(b) Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle and every motorman of a streetcar approaching a stop intersection indicated by a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersection roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

(c) The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

625 ILCS 5/11-1205 — Emerging from alley, building, or private road or driveway

Sec. 11-1205. Emerging from alley, building, or private road or driveway. The driver of a vehicle emerging from an alley, building, private road or driveway within an urban area shall stop such vehicle immediately prior to driving into the sidewalk area extending across such alley, building entrance, road or driveway, or in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall

yield the right-of-way to all vehicles approaching on such roadway.

625 ILCS 5/11-1301 — Stopping, standing or parking outside of business or residence district

Sec. 11-1301. Stopping, standing or parking outside of business or residence district.

(a) Outside a business or residence district, no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the roadway when it is practicable to stop, park or so leave such vehicle off the roadway, but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicle shall be available from a distance of 200 feet in each direction upon such highway.

(b) The Department with respect to highways under its jurisdiction or for the maintenance of which it is responsible may place signs prohibiting or restricting the stopping, standing or parking of vehicles on any highway where in its opinion such stopping, standing or parking is dangerous to those using the highway or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon. Any such regulations adopted by the Department regarding the stopping, standing or parking of vehicles upon any specific street, streets or highways become effective at the time of the erection of appropriate signs indicating such regulations. Any such signs may be erected either by the Department or by a local authority with the approval of the Department.

(c) This Section, Section 11-1303 and Section 11-1304 shall not apply to the driver of any vehicle which is disabled in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in such position.

(d) Any second division vehicle used exclusively for the collection of garbage, refuse, or recyclable material may stop or stand on the road in a business, rural, or residential district for the sole purpose of collecting garbage, refuse, or recyclable material. The vehicle, in addition to having its hazard lights lighted at all times that it is engaged in stopping or standing, shall also use its amber oscillating, rotating, or flashing light or lights as authorized under paragraph 12 of subsection

(b) of Section 12-215, if so equipped.

625 ILCS 5/11-1301.1 — Persons with disabilities - Parking privileges - Exemptions

Sec. 11-1301.1. Persons with disabilities - Parking privileges - Exemptions.

(a) A motor vehicle bearing registration plates or digital registration plates issued to a person with disabilities, as defined by Section 1-159.1, pursuant to Section 3-616 or to a veteran with a disability pursuant to subsection

(a) of Section 3-609 or a special decal or device issued pursuant to Section 3-616 or pursuant to Section 11-1301.2 of this Code or a motor vehicle registered in another jurisdiction, state, district, territory or foreign country upon which is displayed a registration plate or digital registration plate, special decal or device issued by the other jurisdiction designating the vehicle is operated by or for a person with disabilities shall be exempt from the payment of parking meter fees until January 1, 2014, and exempt from any statute or ordinance imposing time limitations on parking, except limitations of one-half hour or less, on any street or highway zone, a parking area subject to regulation under subsection

(a) of Section 11-209 of this Code, or any parking lot or parking place which are owned, leased or owned and leased by a municipality or a municipal parking utility; and shall be recognized by state and local authorities as a valid license plate or parking device and shall receive the same parking privileges as residents of this State; but, such vehicle shall be subject to the laws which prohibit parking in "no stopping" and "no standing" zones in front of or near fire hydrants, driveways, public building entrances and exits, bus stops and loading areas, and is prohibited from parking where the motor vehicle constitutes a traffic hazard, whereby such motor vehicle shall be moved at the instruction and request of a law enforcement officer to a location designated by the officer.

(b) Any motor vehicle bearing registration plates or digital registration plates or a special decal or device specified in this Section or in Section 3-616 of this Code or such parking device as specifically authorized in Section 11-1301.2 as evidence that the vehicle is operated by or for a person with disabilities or bearing registration plates or digital registration plates issued to a veteran with a disability under subsection

(a) of Section 3-609 may park, in addition to any other lawful place, in any parking place specifically reserved for such vehicles by the posting of an official sign as provided under Section 11-301. Parking privileges granted by this Section are strictly limited to the person to whom the special registration plates or digital registration plates, special decal or device were issued and to qualified operators acting under his or her express direction while the person with disabilities is

present. A person to whom privileges were granted shall, at the request of a police officer or any other person invested by law with authority to direct, control, or regulate traffic, present an identification card with a picture as verification that the person is the person to whom the special registration plates or digital registration plates, special decal or device was issued.

(c) Such parking privileges granted by this Section are also extended to motor vehicles of not-for-profit organizations used for the transportation of persons with disabilities when such motor vehicles display the decal or device issued pursuant to Section 11-1301.2 of this Code.

(d) No person shall use any area for the parking of any motor vehicle pursuant to Section 11-1303 of this Code or where an official sign controlling such area expressly prohibits parking at any time or during certain hours.

(e) Beginning January 1, 2014, a vehicle displaying a decal or device issued under subsection (c-5) of Section 11-1301.2 of this Code shall be exempt from the payment of fees generated by parking in a metered space or in a publicly owned parking area.

625 ILCS 5/11-1301.2 — Special decals for parking; persons with disabilities

Sec. 11-1301.2. Special decals for parking; persons with disabilities.

(a) The Secretary of State shall provide for, by administrative rules, the design, size, color, and placement of a person with disabilities motorist decal or device and shall provide for, by administrative rules, the content and form of an application for a person with disabilities motorist decal or device, which shall be used by local authorities in the issuance thereof to a person with temporary disabilities, provided that the decal or device is valid for no more than 90 days, subject to renewal for like periods based upon continued disability, and further provided that the decal or device clearly sets forth the date that the decal or device expires. The application shall include the requirement of an Illinois Identification Card number or a State of Illinois driver's license number or, if the applicant does not have an identification card or driver's license number, then the applicant may use a valid identification number issued by a branch of the U.S. military or a federally issued Medicare or Medicaid identification number. This decal or device may be used by the authorized holder to designate and identify a vehicle not owned or displaying a registration plate or digital registration plate as provided in Sections 3-609 and 3-616 of this Act to designate when the vehicle is being used to transport said person or persons with disabilities, and thus is entitled to enjoy all the privileges that would be afforded a person with disabilities licensed vehicle. Person with disabilities decals or devices issued and displayed pursuant to this Section shall be recognized and honored by all local authorities regardless of which local authority issued such decal or device. The decal or device shall be issued only upon a showing by adequate documentation that the person for whose benefit the decal or device is to be used has a disability as defined in Section 1-159.1 of this Code and the disability is temporary. (a-5) The Secretary may provide a disabilities motorist decal or device to an expectant mother during her third trimester. An application under this subsection is subject to application requirements under subsection (a). The decal or device shall be valid for no more than 90 days, and shall clearly set forth the date that the decal or device expires. The decal or device shall be issued only upon a showing by adequate documentation that the expectant mother has entered her third trimester.

(b) The local governing authorities shall be responsible for the provision of such decal or device, its issuance and designated placement within the vehicle. The cost of such decal or device shall be at the discretion of such local governing authority.

(c) The Secretary of State may, pursuant to Section 3-616(c), issue a person with disabilities parking decal or device to a person with disabilities as defined by Section 1-159.1. Any person with disabilities parking decal or device issued by the Secretary of State shall be registered to that person with disabilities in the form to be prescribed by the Secretary of State. The person with disabilities parking decal or device shall not display that person's address. One additional decal or device may be issued to an applicant upon his or her written request and with the approval of the Secretary of State. The written request must include a justification of the need for the additional decal or device. (c-5) Beginning January 1, 2014, the Secretary shall provide by administrative rule for the issuance of a separate and distinct parking decal or device for persons with disabilities as defined by Section 1-159.1 of this Code and who meet the qualifications under this subsection. The authorized holder of a decal or device issued under this subsection (c-5) shall be exempt from the payment of fees generated by parking in a metered space, a parking area subject to paragraph

(10) of subsection

(a) of Section 11-209 of this Code, or a publicly owned parking area. The Secretary shall issue a meter-exempt decal or device to a person with disabilities who:

(i) has been issued registration plates or digital registration plates under subsection

(a) of Section 3-609 or Section 3-616 of this Code or a special decal or device under this Section, (ii) holds a valid Illinois driver's license, and (iii) is unable to do one or more of the following:

(1) manage, manipulate, or insert coins, or obtain tickets or tokens in parking meters or ticket machines in parking lots, due to the lack of fine motor control of both hands;

(2) reach above his or her head to a height of 42 inches from the ground, due to a lack of finger, hand, or upper extremity strength or mobility;

(3) approach a parking meter due to his or her use of a wheelchair or other device for mobility; or

(4) walk more than 20 feet due to an orthopedic, neurological, cardiovascular, or lung condition in which the degree of debilitation is so severe that it almost completely impedes the ability to walk. The application for a meter-exempt parking decal or device shall contain a statement certified by a licensed physician, physician assistant, or advanced practice registered nurse attesting to the permanent nature of the applicant's condition and verifying that the applicant meets the physical qualifications specified in this subsection (c-5). Notwithstanding the requirements of this subsection (c-5), the Secretary shall issue a meter-exempt decal or device to a person who has been issued registration plates or digital registration plates under Section 3-616 of this Code or a special decal or device under this Section, if the applicant is the parent or guardian of a person with disabilities who is under 18 years of age and incapable of driving.

(d) Replacement decals or devices may be issued for lost, stolen, or destroyed decals upon application and payment of a \$10 fee. The replacement fee may be waived for individuals that have claimed and received a grant under the Senior Citizens and Persons with Disabilities Property Tax Relief Act.

(e) A person classified as a veteran under subsection

(e) of Section 6-106 of this Code that has been issued a decal or device under this Section shall not be required to submit evidence of disability in order to renew that decal or device if, at the time of initial application, he or she submitted evidence from his or her physician or the Department of Veterans Affairs that the disability is of a permanent nature. However, the Secretary shall take reasonable steps to ensure the veteran still resides in this State at the time of the renewal. These steps may include requiring the veteran to provide additional documentation or to appear at a Secretary of State facility. To identify veterans who are eligible for this exemption, the Secretary shall compare the list of the persons who have been issued a decal or device to the list of persons who have been issued a vehicle registration plate or digital registration plate for veterans with disabilities under Section 3-609 of this Code, or who are identified as a veteran on their driver's license under Section 6-110 of this Code or on their identification card under Section 4 of the Illinois Identification Card Act.

625 ILCS 5/11-1301.3 — Unauthorized use of parking places reserved for persons with disabilities

Sec. 11-1301.3. Unauthorized use of parking places reserved for persons with disabilities.

(a) It shall be prohibited to park any motor vehicle which is not properly displaying registration plates or decals issued to a person with disabilities, as defined by Section 1-159.1, pursuant to Sections 3-616, 11-1301.1 or 11-1301.2, or to a veteran with a disability pursuant to Section 3-609 of this Act, as evidence that the vehicle is operated by or for a person with disabilities or a veteran with a disability, in any parking place, including any private or public offstreet parking facility, specifically reserved, by the posting of an official sign as designated under Section 11-301, for motor vehicles displaying such registration plates. It shall be prohibited to park any motor vehicle in a designated access aisle adjacent to any parking place specifically reserved for persons with disabilities, by the posting of an official sign as designated under Section 11-301, for motor vehicles displaying such registration plates. When using the parking privileges for persons with disabilities, the parking decal or device must be displayed properly in the vehicle where it is clearly visible to law enforcement personnel, either hanging from the rearview mirror or placed on the dashboard of the vehicle in clear view. Disability license plates and parking decals and devices are not transferable from person to person. Proper usage of the disability license plate or parking decal or device requires the authorized holder to be present and enter or exit the vehicle at the time the parking privileges are being used. It is a violation of this Section to park in a space reserved for a person with disabilities if the authorized holder of the disability license plate or parking decal or device does not enter or exit the vehicle at the time the parking privileges are being used. Any motor vehicle properly displaying a disability license plate or a parking decal or device containing the International symbol of access issued to persons with disabilities by any local authority, state, district, territory or foreign country shall be recognized by State and local authorities as a valid license

plate or device and receive the same parking privileges as residents of this State. (a-1) An individual with a vehicle displaying disability license plates or a parking decal or device issued to a qualified person with a disability under Sections 3-616, 11-1301.1, or 11-1301.2 or to a veteran with a disability under Section 3-609 is in violation of this Section if

(i) the person using the disability license plate or parking decal or device is not the authorized holder of the disability license plate or parking decal or device or is not transporting the authorized holder of the disability license plate or parking decal or device to or from the parking location and (ii) the person uses the disability license plate or parking decal or device to exercise any privileges granted through the disability license plate or parking decals or devices under this Code. (a-2) A driver of a vehicle displaying disability license plates or a parking decal or device issued to a qualified person with a disability under Section 3-616, 11-1301.1, or 11-1301.2 or to a veteran with a disability under Section 3-609 is in violation of this Section if

(i) the person to whom the disability license plate or parking decal or device was issued is deceased and (ii) the driver uses the disability license plate or parking decal or device to exercise any privileges granted through a disability license plate or parking decal or device under this Code.

(b) Any person or local authority owning or operating any public or private offstreet parking facility may, after notifying the police or sheriff's department, remove or cause to be removed to the nearest garage or other place of safety any vehicle parked within a stall or space reserved for use by a person with disabilities which does not display person with disabilities registration plates or a special decal or device as required under this Section.

(c) Any person found guilty of violating the provisions of subsection

(a) shall be fined \$250 in addition to any costs or charges connected with the removal or storage of any motor vehicle authorized under this Section; but municipalities by ordinance may impose a fine up to \$350 and shall display signs indicating the fine imposed. If the amount of the fine is subsequently changed, the municipality shall change the sign to indicate the current amount of the fine. It shall not be a defense to a charge under this Section that either the sign posted pursuant to this Section or the intended accessible parking place does not comply with the technical requirements of Section 11-301, Department regulations, or local ordinance if a reasonable person would be made aware by the sign or notice on or near the parking place that the place is reserved for a person with disabilities. (c-1) Any person found guilty of violating the provisions of subsection (a-1) a first time shall be fined \$600. Any person found guilty of violating subsection (a-1) a second or subsequent time shall be fined \$1,000. Any person who violates subsection (a-2) is guilty of a Class A misdemeanor and shall be fined \$2,500. The circuit clerk shall distribute 50% of the fine imposed on any person who is found guilty of or pleads guilty to violating this Section, including any person placed on court supervision for violating this Section, to the law enforcement agency that issued the citation or made the arrest. If more than one law enforcement agency is responsible for issuing the citation or making the arrest, the 50% of the fine imposed shall be shared equally. If an officer of the Secretary of State Department of Police arrested a person for a violation of this Section, 50% of the fine imposed shall be deposited into the Secretary of State Police Services Fund.

(d) Local authorities shall impose fines as established in subsections

(c) and (c-1) for violations of this Section.

(e) As used in this Section, "authorized holder" means an individual issued a disability license plate under Section 3-616 of this Code, an individual issued a parking decal or device under Section 11-1301.2 of this Code, or an individual issued a license plate for veterans with disabilities under Section 3-609 of this Code.

(f) Any person who commits a violation of subsection (a-1) or a similar provision of a local ordinance may have his or her driving privileges suspended or revoked by the Secretary of State for a period of time determined by the Secretary of State. Any person who commits a violation of subsection (a-2) or a similar provision of a local ordinance shall have his or her driving privileges revoked by the Secretary of State. The Secretary of State may also suspend or revoke the disability license plates or parking decal or device for a period of time determined by the Secretary of State.

(g) Any police officer may seize the parking decal or device from any person who commits a violation of this Section. Any police officer may seize the disability license plate upon authorization from the Secretary of State. Any police officer may request that the Secretary of State revoke the parking decal or device or the disability license plate of any person who commits a violation of this Section.

625 ILCS 5/11-1301.4 — Reciprocal agreements with other jurisdictions; temporary decal

Sec. 11-1301.4. Reciprocal agreements with other jurisdictions; temporary decal.

(a) The Secretary of State, or his designee, may enter into agreements with other jurisdictions, including foreign jurisdictions, on behalf of this State relating to the extension of parking privileges by such jurisdictions to residents of this State with disabilities who display a special license plate or parking device that contains the International symbol of access on his or her motor vehicle, and to recognize such plates or devices issued by such other jurisdictions. This State shall grant the same parking privileges which are granted to residents of this State with disabilities to any non-resident whose motor vehicle is licensed in another state, district, territory or foreign country if such vehicle displays the International symbol of access or a distinguishing insignia on license plates or parking device issued in accordance with the laws of the non-resident's state, district, territory or foreign country.

(b) The Secretary may issue a one-time decal or device to any non-resident of this State who is a person with disabilities and who is displaced from another jurisdiction due to a national disaster as declared by the federal government. The person shall provide the Secretary proof that he or she is residing at an Illinois residence for the duration of his or her time in this State and proof of disability, including, but not limited to, a device or decal issued by another jurisdiction, a designation on a driver's license or identification card issued by another jurisdiction, or a medical certification by an Illinois licensed physician, physician assistant, or advanced practice registered nurse. A device or decal issued under this subsection

(b) shall be valid for a period not to exceed 6 months.

625 ILCS 5/11-1301.5 — Fictitious or unlawfully altered disability license plate or parking decal or device

Sec. 11-1301.5. Fictitious or unlawfully altered disability license plate or parking decal or device.

(a) As used in this Section: "Fictitious disability license plate or parking decal or device" means any issued disability license plate or parking decal or device, or any license plate issued to a veteran with a disability under Section 3-609 of this Code, that has been issued by the Secretary of State or an authorized unit of local government that was issued based upon false information contained on the required application. "False information" means any incorrect or inaccurate information concerning the name, date of birth, social security number, driver's license number, military identification number, Medicaid or Medicare identification number, physician certification, or any other information required on the Persons with Disabilities Certification for Plate or Parking Placard, on the Application for Replacement Disability Parking Placard, or on the application for license plates issued to veterans with disabilities under Section 3-609 of this Code, that falsifies the content of the application. "Unlawfully altered disability license plate or parking permit or device" means any disability license plate or parking permit or device, or any license plate issued to a veteran with a disability under Section 3-609 of this Code, issued by the Secretary of State or an authorized unit of local government that has been physically altered or changed in such manner that false information appears on the license plate or parking decal or device. "Authorized holder" means an individual issued a disability license plate under Section 3-616 of this Code or an individual issued a parking decal or device under Section 11-1301.2 of this Code, or an individual issued a license plate for veterans with disabilities under Section 3-609 of this Code.

(b) It is a violation of this Section for any person:

- (1) to knowingly possess any fictitious or unlawfully altered disability license plate or parking decal or device;
- (2) to knowingly issue or assist in the issuance of, by the Secretary of State or unit of local government, any fictitious disability license plate or parking decal or device;
- (3) to knowingly alter any disability license plate or parking decal or device;
- (4) to knowingly manufacture, possess, transfer, or provide any documentation used in the application process whether real or fictitious, for the purpose of obtaining a fictitious disability license plate or parking decal or device;
- (5) to knowingly provide any false information to the Secretary of State or a unit of local government in order to obtain a disability license plate or parking decal or device;
- (6) to knowingly transfer a disability license plate or parking decal or device for the purpose of exercising the privileges granted to an authorized holder of a disability license plate or parking decal or device under this Code in the absence of the authorized holder; or
- (7) who is a physician, physician assistant, or advanced practice registered nurse to knowingly falsify a certification that a person is a person with disabilities as defined by Section 1-159.1 of this Code.

(c) Sentence.

(1) Any person convicted of a violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection

(b) of this Section shall be guilty of a Class A misdemeanor and fined not less than \$1,000 for a first offense and shall be guilty of a Class 4 felony and fined not less than \$2,000 for a second or subsequent offense. Any person convicted of a violation of subdivision (b)(6) of this Section is guilty of a Class A misdemeanor and shall be fined not less than \$1,000 for a first offense and not less than \$2,000 for a second or subsequent offense. The circuit clerk shall distribute one-half of any fine imposed on any person who is found guilty of or pleads guilty to violating this Section, including any person placed on court supervision for violating this Section, to the law enforcement agency that issued the citation or made the arrest. If more than one law enforcement agency is responsible for issuing the citation or making the arrest, one-half of the fine imposed shall be shared equally.

(2) Any person who commits a violation of this Section or a similar provision of a local ordinance may have his or her driving privileges suspended or revoked by the Secretary of State for a period of time determined by the Secretary of State. The Secretary of State may suspend or revoke the parking decal or device or the disability license plate of any person who commits a violation of this Section.

(3) Any police officer may seize the parking decal or device from any person who commits a violation of this Section. Any police officer may seize the disability license plate upon authorization from the Secretary of State. Any police officer may request that the Secretary of State revoke the parking decal or device or the disability license plate of any person who commits a violation of this Section.

625 ILCS 5/11-1301.6 — Fraudulent disability license plate or parking decal or device

Sec. 11-1301.6. Fraudulent disability license plate or parking decal or device.

(a) As used in this Section: "Fraudulent disability license plate or parking decal or device" means any disability license plate or parking decal or device that purports to be an official disability license plate or parking decal or device and that has not been issued by the Secretary of State or an authorized unit of local government. "Disability license plate or parking decal or device-making implement" means any implement specially designed or primarily used in the manufacture, assembly, or authentication of a disability license plate or parking decal or device, or a license plate issued to a veteran with a disability under Section 3-609 of this Code, issued by the Secretary of State or a unit of local government.

(b) It is a violation of this Section for any person:

- (1) to knowingly possess any fraudulent disability license plate or parking decal;
- (2) to knowingly possess without authority any disability license plate or parking decal or device-making implement;
- (3) to knowingly duplicate, manufacture, sell, or transfer any fraudulent or stolen disability license plate or parking decal or device;
- (4) to knowingly assist in the duplication, manufacturing, selling, or transferring of any fraudulent, stolen, or reported lost or damaged disability license plate or parking decal or device; or
- (5) to advertise or distribute a fraudulent disability license plate or parking decal or device.

(c) Sentence.

(1) Any person convicted of a violation of this Section shall be guilty of a Class A misdemeanor and fined not less than \$1,000 for a first offense and shall be guilty of a Class 4 felony and fined not less than \$2,000 for a second or subsequent offense. The circuit clerk shall distribute half of any fine imposed on any person who is found guilty of or pleads guilty to violating this Section, including any person placed on court supervision for violating this Section, to the law enforcement agency that issued the citation or made the arrest. If more than one law enforcement agency is responsible for issuing the citation or making the arrest, one-half of the fine imposed shall be shared equally.

(2) Any person who commits a violation of this Section or a similar provision of a local ordinance may have his or her driving privileges suspended or revoked by the Secretary of State for a period of time determined by the Secretary of State.

(3) Any police officer may seize the parking decal or device from any person who commits a violation of this Section. Any police officer may seize the disability license plate upon authorization from the Secretary of State. Any police officer may request that the Secretary of State revoke the parking decal or device or the disability license plate of any person who

commits a violation of this Section.

625 ILCS 5/11-1301.7 — Appointed volunteers and contracted entities; parking violations for persons with disabilities

Sec. 11-1301.7. Appointed volunteers and contracted entities; parking violations for persons with disabilities.

(a) The chief of police of a municipality and the sheriff of a county authorized to enforce parking laws may appoint volunteers or contract with public or private entities to issue parking violation notices for violations of Section 11-1301.3 or ordinances dealing with parking privileges for persons with disabilities. Volunteers appointed under this Section and any employees of public or private entities that the chief of police or sheriff has contracted with under this Section who are issuing these parking violation notices must be at least 21 years of age. The chief of police or sheriff appointing the volunteers or contracting with public or private entities may establish any other qualifications that he or she deems desirable.

(b) The chief of police or sheriff appointing volunteers under this Section shall provide training to the volunteers before authorizing them to issue parking violation notices.

(c) A parking violation notice issued by a volunteer appointed under this Section or by a public or private entity that the chief of police or sheriff has contracted with under this Section shall have the same force and effect as a parking violation notice issued by a police officer for the same offense.

(d) All funds collected as a result of the payment of the parking violation notices issued under this Section shall go to the municipality or county where the notice is issued.

(e) An appointed volunteer or private or public entity under contract pursuant to this Section is not liable for his or her or its act or omission in the execution or enforcement of laws or ordinances if acting within the scope of the appointment or contract authorized by this Section, unless the act or omission constitutes willful and wanton conduct.

(f) Except as otherwise provided by statute, a local government, a chief of police, sheriff, or employee of a police department or sheriff, as such and acting within the scope of his or her employment, is not liable for an injury caused by the act or omission of an appointed volunteer or private or public entity under contract pursuant to this Section. No local government, chief of police, sheriff, or an employee of a local government, police department or sheriff shall be liable for any actions regarding the supervision or direction, or the failure to supervise and direct, an appointed volunteer or private or public entity under contract pursuant to this Section unless the act or omission constitutes willful and wanton conduct.

(g) An appointed volunteer or private or public entity under contract pursuant to this Section shall assume all liability for and hold the property owner and his agents and employees harmless from any and all claims of action resulting from the work of the appointed volunteer or public or private entity.

625 ILCS 5/11-1301.8 — Obstruction of parking places for persons with disabilities

Sec. 11-1301.8. Obstruction of parking places for persons with disabilities.

(a) No property owner shall allow any unreasonable obstruction of a designated aisle or parking place specifically reserved for persons with disabilities after 24 hours following the conclusion of an adverse weather event.

(b) No property owner shall allow the accumulation of debris or large objects, such as trash containers, to unreasonably obstruct any designated aisle or parking place specifically reserved for persons with disabilities without providing suitable and equivalent alternative parking spaces on-site.

(c) This Section shall apply to both public and private property where any designated aisle or parking place is specifically reserved for persons with disabilities, by the posting of an official sign as designated under Section 11-301 of this Code.

(d) A person who violates this Section shall be guilty of a petty offense and pay a fine of not more than \$250.

625 ILCS 5/11-1302 — Officers authorized to remove vehicles

Sec. 11-1302. Officers authorized to remove vehicles.

(a) Whenever any police officer finds a vehicle in violation of any of the provisions of Section 11-1301 such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the roadway.

(b) Any police officer is hereby authorized to remove or cause to be removed to a place of safety any unattended vehicle illegally left standing upon any highway, bridge, causeway, or in a tunnel, in such a position or under such circumstances

as to obstruct the normal movement of traffic. Whenever the Department finds an abandoned or disabled vehicle standing upon the paved or main-traveled part of a highway, which vehicle is or may be expected to interrupt the free flow of traffic on the highway or interfere with the maintenance of the highway, the Department is authorized to move the vehicle to a position off the paved or improved or main-traveled part of the highway.

(c) Any police officer is hereby authorized to remove or cause to be removed to the nearest garage or other place of safety any vehicle found upon a highway when: 1. report has been made that such vehicle has been stolen or taken without the consent of its owner, or 2. the person or persons in charge of such vehicle are unable to provide for its custody or removal, or 3. the person driving or in control of such vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested before a proper magistrate without unnecessary delay, or 4. the registration of the vehicle has been suspended, cancelled, or revoked.

625 ILCS 5/11-1303 — Stopping, standing or parking prohibited in specified places

Sec. 11-1303. Stopping, standing or parking prohibited in specified places.

(a) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person shall: 1. Stop, stand or park a vehicle: a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street; b. On a sidewalk; c. Within an intersection; d. On a crosswalk; e. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings; f. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic; g. Upon any bridge or other elevated structure upon a highway or within a highway tunnel; h. On any railroad tracks. A violation of any part of this subparagraph h. shall result in a mandatory fine of \$500 or 50 hours of community service. i. At any place where official signs prohibit stopping; j. On any controlled-access highway; k. In the area between roadways of a divided highway, including crossovers; l. In a public parking area if the vehicle does not display a current annual registration sticker or digital registration sticker or current temporary permit pending registration. 2. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge passengers: a. In front of a public or private driveway; b. Within 15 feet of a fire hydrant; c. Within 20 feet of a crosswalk at an intersection; d. Within 30 feet upon the approach to any flashing signal, stop sign, yield sign, or traffic control signal located at the side of a roadway; e. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of such entrance (when properly sign-posted); f. At any place where official signs prohibit standing. 3. Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers: a. Within 50 feet of the nearest rail of a railroad crossing; b. At any place where official signs prohibit parking.

(b) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

625 ILCS 5/11-1304 — Additional parking regulations

Sec. 11-1304. Additional parking regulations.

(a) Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within 12 inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.

(b) Except when otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within 12 inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder, or with its left-hand wheels within 12 inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.

(c) Local authorities may permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or State highway unless the Department has determined that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(d) The Department with respect to highways under its jurisdiction may place signs prohibiting, limiting, or restricting the stopping, standing or parking of vehicles on any highway where in its opinion such stopping, standing or parking is dangerous to those using the highway or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon. No person shall stop, stand or park any vehicle in violation of the restrictions

indicated by such devices.

625 ILCS 5/11-1304.5 — Parking of vehicle with expired registration

Sec. 11-1304.5. Parking of vehicle with expired registration. No person may stop, park, or leave standing upon a public street, highway, or roadway a vehicle upon which is displayed an Illinois registration plate or plates or digital registration plate or plates or registration sticker or digital registration sticker after the termination of the registration period, except as provided for in subsection

(b) of Section 3-701 of this Code, for which the registration plate or plates or digital registration plate or plates or registration sticker or digital registration sticker was issued or after the expiration date set under Section 3-414 or 3-414.1 of this Code.

625 ILCS 5/11-1305 — Lessors of visitor vehicles - Duty upon receiving notice of violation of this Article or local parking regulation

Sec. 11-1305. Lessors of visitor vehicles - Duty upon receiving notice of violation of this Article or local parking regulation. Every person in whose name a vehicle is registered pursuant to law and who leases such vehicle to others, after receiving written notice of a violation of this Article or a parking regulation of a local authority involving such vehicle, shall upon request provide such police officers as have authority of the offense, and the court having jurisdiction thereof, with a written statement of the name and address of the lessee at the time of such offense and the identifying number upon the registration plates or digital registration plates and registration sticker or stickers or digital registration sticker or stickers of such vehicle.

625 ILCS 5/11-1306 — Parking liability of lessor

Sec. 11-1306. Parking liability of lessor. No person who is the lessor of a vehicle pursuant to a written lease agreement shall be liable for the violation of any parking or standing regulation of this Act, or of a local authority, involving such vehicle during the period of the lease; provided that upon the request of the appropriate authority received within 120 days after the violation occurred, the lessor provides within 60 days after such receipt the name and address of the lessee. The drivers license number of a lessee may be subsequently individually requested by the appropriate authority if needed for enforcement of the Act.

625 ILCS 5/11-1307 — Centralized parking meter systems

Sec. 11-1307. Centralized parking meter systems.

(a) As used in this Section: "Centralized parking meter system" means a system of regulating the standing or parking of vehicles that includes 3 or more parking meter zones, and a single parking meter. "Parking meter" means a traffic control device which, upon being activated by deposit of currency of the United States, or by electronic or other form of payment, in the amount indicated thereon or otherwise, either:

(1) displays a signal showing that parking is allowed from the time of such activation until the expiration of the time fixed for parking in the parking meter zone in which it is located, and upon expiration of such time indicates by sign or signal that the lawful parking period has expired, or

(2) issues a ticket or other token, or activates a display device, on which is printed or otherwise indicated the lawful parking period in the parking meter zone in which the parking meter is located, such ticket, other token, or display device, to be displayed in a publicly visible location on the dashboard or inner windshield of a vehicle parked in the parking meter zone, or such ticket to be affixed on the front lamp of a motorcycle or motor scooter parked in the parking meter zone.

"Parking meter zone" means a certain designated and marked-off section of the public way within the marked boundaries where a vehicle may be temporarily parked and allowed to remain for such period of time as the parking meter attached thereto, or the ticket or other token issued by the parking meter, may indicate.

(b) If for any reason the parking meter serving a space or, in a centralized parking meter system, serving a parking meter zone is malfunctioning due to the accumulation of ice or snow and it has been reported to the local authorities as malfunctioning prior to a violation for the standing or parking of vehicles being issued, it shall be a valid affirmative defense to such violation until such time as the parking meter is brought back into service.

625 ILCS 5/11-1308 — Unauthorized use of parking places reserved for electric vehicles

Sec. 11-1308. Unauthorized use of parking places reserved for electric vehicles.

(a) For the purposes of this Section: "Electric vehicle" means a battery-powered electric vehicle operated solely by electricity or a plug-in hybrid electric vehicle that operates on electricity and gasoline and has a battery that can be recharged from an external source. "Electric vehicle charging station" means any facility or equipment that is used to charge a battery or other energy storage device of an electric vehicle.

(b) It shall be prohibited to park a non-electric vehicle in an electric vehicle charging station designated for use by electric vehicles, including an electric vehicle charging station on any private or public offstreet parking facility. A person may park only an electric vehicle in an electric vehicle charging station space designated for use by electric vehicles.

(c) Any person or local authority owning or operating any public or private offstreet parking facility may, after notifying the police or sheriff's department, remove or cause to be removed to the nearest garage or other place of safety any non-electric vehicle parked within an electric vehicle charging station space designated for use by electric vehicles.

(d) It shall not be a defense to a charge under this Section that the sign or notice posted at the electric vehicle charging station or the designated parking space does not comply with applicable rules, regulations, or local ordinances, if a reasonable person would be made aware by the sign or notice on or near the parking space that the space is reserved for electric vehicles.

(e) Any person found guilty of violating the provisions of subsection

(b) shall be fined \$75 in addition to any costs or charges connected with the removal or storage of the non-electric vehicle; but municipalities by ordinance may impose a fine up to \$100.

625 ILCS 5/11-1401 — Unattended motor vehicles

Sec. 11-1401. Unattended motor vehicles. Except for a law enforcement officer or an operator of an authorized emergency vehicle performing his or her official duties, no person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the brake thereon and, when standing upon any perceptible grade, turning the front wheels to the curb or side of the highway. An unattended motor vehicle shall not include an unattended locked motor vehicle with the engine running after being started by a remote starter system.

625 ILCS 5/11-1402 — Limitations on backing

Sec. 11-1402. Limitations on backing.

(a) The driver of a vehicle shall not back the same unless such movement can be made with safety and without interfering with other traffic.

(b) The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled-access highway.

625 ILCS 5/11-1403 — Riding on motorcycles

Sec. 11-1403. Riding on motorcycles.

(a) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for 2 persons, or upon another seat firmly attached to the motorcycle at the rear or side of the operator.

(b) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle.

(c) No person shall operate any motorcycle with handlebar grips higher than the height of the head of the operator when the operator is seated in the normal driving position astride that portion of the seat or saddle occupied by the operator.

(d) The operator of any motorcycle shall keep at least one hand on a handlebar grip at all times the motorcycle is in motion.

(e) The operator of a motorcycle may not transport a passenger unless the passenger is capable of resting a foot on the footrest while the motorcycle is in motion.

625 ILCS 5/11-1403.1 — Riding on mopeds

Sec. 11-1403.1. Riding on mopeds.

(a) The operator of a moped shall ride only astride the permanent and regular seat attached thereto, and shall not permit 2 persons to ride thereon at the same time, unless the moped is designed to carry 2 persons; any moped designed for 2 persons must be equipped with a passenger seat and footrests for use of a passenger.

(b) The provisions of Article XV shall be applicable to the operation of mopeds, except for those provisions which by their nature can have no application to mopeds.

625 ILCS 5/11-1403.2

Sec. 11-1403.2. Operating a motorcycle, motor driven cycle, or moped on one wheel; aggravated operating a motorcycle, motor driven cycle, or moped on one wheel.

(a) No person shall operate a motorcycle, motor driven cycle, or moped on one wheel.

(b) Aggravated operating a motorcycle, motor driven cycle, or moped on one wheel. A person commits aggravated operating a motorcycle, motor driven cycle, or moped on one wheel when he or she violates subsection

(a) of this Section while committing a violation of subsection

(b) of Section 11-601 or Section 11-601.5 of this Code. A violation of this subsection is a petty offense with a minimum fine of \$100, except a second conviction of a violation of this subsection is a Class B misdemeanor and a third or subsequent conviction of a violation of this subsection is a Class A misdemeanor.

625 ILCS 5/11-1403.3 — Intercom helmets

Sec. 11-1403.3. Intercom helmets. Any driver of a vehicle defined in Section 1-145.001, 1-147, or 1-148.2 of this Code may use a helmet equipped with an electronic intercom system permitting 2-way vocal communication with drivers of any such vehicles or passengers on such vehicles.

625 ILCS 5/11-1404 — Special equipment for persons riding motorcycles, motor driven cycles or mopeds

Sec. 11-1404. Special equipment for persons riding motorcycles, motor driven cycles or mopeds.

(a) The operator of a motorcycle, motor driven cycle or moped and every passenger thereon shall be protected by glasses, goggles or a transparent shield.

(b) For the purposes of this Section, glasses, goggles, and transparent shields are defined as follows: "Glasses" means ordinary eye pieces such as spectacles or sunglasses worn before the eye, made of shatter-resistant material. Shatter-resistant material, as used in this Section, means material so manufactured, fabricated, or created that it substantially prevents shattering or flying when struck or broken. "Goggles" means a device worn before the eyes, the predominant function of which is protecting the eyes without obstructing peripheral vision. Goggles shall provide protection from the front and sides, and may or may not form a complete seal with the face. "Transparent shield" means a windshield attached to the front of a motorcycle that extends above the eyes when an operator is seated in the normal, upright riding position, made of shatter-resistant material, or a shatter-resistant protective face shield that covers the wearer's eyes and face at least to a point approximately to the tip of the nose.

(c) Contact lenses are not acceptable eye protection devices.

625 ILCS 5/11-1405 — Required equipment on motorcycles

Sec. 11-1405. Required equipment on motorcycles. Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for such passenger.

625 ILCS 5/11-1406 — Obstruction of driver's view or driving mechanism

Sec. 11-1406. Obstruction of driver's view or driving mechanism.

(a) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(b) No passenger in a vehicle or streetcar shall ride in such position as to interfere with the driver's or motorman's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle or streetcar.

(c) No passenger on a school bus may ride or stand in a position as to interfere with the driver's view ahead or to the side or to the rear, or to interfere with his control of the driving mechanism of the bus.

625 ILCS 5/11-1407 — Opening and closing vehicle doors

Sec. 11-1407. Opening and closing vehicle doors. No person shall open the door of a vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

625 ILCS 5/11-1408 — Riding in towed vehicles

Sec. 11-1408. Riding in towed vehicles. No person or persons shall occupy a trailer, semitrailer, farm wagon, or any other vehicle while it is being towed upon a public highway, unless:

- (1) the occupancy of the towed vehicle is necessary to avoid an imminent threat to a person's safety due to extreme weather conditions or another emergency situation;
- (2) the speed of the vehicle does not exceed 15 miles per hour and the vehicle is used in connection with a parade, farming-related activity, or similar activity; or
- (3) the speed of the vehicle does not exceed 15 miles per hour and the passenger is over the age of 18.

625 ILCS 5/11-1409 — Driving on mountain highways

Sec. 11-1409. Driving on mountain highways. The driver of a motor vehicle traveling through defiles or canyons or on mountain highways shall hold such motor vehicle under control and as near the right-hand edge of the roadway as reasonably possible and, except when driving entirely to the right of the center of the roadway, shall give audible warning with the horn of such motor vehicle upon approaching any curve where the view is obstructed within a distance of 200 feet along the highway.

625 ILCS 5/11-1410 — Coasting prohibited

Sec. 11-1410. Coasting prohibited.

- (a) The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears or transmission of such vehicle in neutral.
- (b) The driver of a truck or bus when traveling upon a down grade shall not coast with the clutch disengaged.

625 ILCS 5/11-1411 — Following fire apparatus prohibited

Sec. 11-1411. Following fire apparatus prohibited. The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or stop such vehicle within 500 feet of any fire apparatus stopped in answer to a fire alarm.

625 ILCS 5/11-1412 — Crossing fire hose

Sec. 11-1412. Crossing fire hose. No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private road or driveway to be used at any fire or alarm of fire, without the consent of the fire department official in command.

625 ILCS 5/11-1412.1 — Driving upon sidewalk

Sec. 11-1412.1. Driving upon sidewalk. No person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway. This Section does not apply to any vehicle moved exclusively by human power, to any electric personal assistive mobility device, nor to any motorized wheelchair. Nothing in this Section shall be deemed to limit or preempt the authority of any home rule or non-home rule unit of local government from regulating or prohibiting the use of electric personal assistive mobility devices.

625 ILCS 5/11-1412.2 — Operating an electric personal assistive mobility device on a public sidewalk

Sec. 11-1412.2. Operating an electric personal assistive mobility device on a public sidewalk. A person may not operate an electric personal assistive mobility device upon a public sidewalk at a speed greater than 8 miles per hour. Nothing in this Section shall be deemed to limit or preempt the authority of any home rule or non-home rule unit of local government from regulating or prohibiting the use of electric personal assistive mobility devices.

625 ILCS 5/11-1412.3 — Ownership and operation of a mobile carrying device

Sec. 11-1412.3. Ownership and operation of a mobile carrying device.

(a) A mobile carrying device may be operated on a sidewalk or crosswalk so long as all of the following requirements are met:

(1) the mobile carrying device is operated in accordance with the local ordinances, if any, established by the local authority governing where the mobile carrying device is operated;

(2) a personal property owner is actively monitoring the operation and navigation of the mobile carrying device; and

(3) the mobile carrying device is equipped with a braking system that enables the mobile carrying device to perform a controlled stop.

(b) A mobile carrying device operator may not do any of the following:

(1) fail to comply with traffic or pedestrian control devices and signals;

(2) unreasonably interfere with pedestrians or traffic;

(3) transport a person; or

(4) operate on a street or highway, except when crossing the street or highway within a crosswalk.

(c) A mobile carrying device operator has the rights and obligations applicable to a pedestrian under the same circumstances, and shall ensure that a mobile carrying device shall yield the right-of-way to a pedestrian on a sidewalk or within a crosswalk.

(d) A personal property owner may not utilize a mobile carrying device to transport hazardous materials.

(e) A personal property owner may not utilize a mobile carrying device unless the person complies with this Section.

(f) A mobile carrying device operator that is not a natural person shall register with the Secretary of State.

(g) No contract seeking to exempt a mobile carrying device operator from liability for injury, loss, or death caused by a mobile carrying device shall be valid, and contractual provisions limiting the choice of venue or forum, shortening the statute of limitations, shifting the risk to the user, limiting the availability of class actions, or obtaining judicial remedies shall be invalid and unenforceable.

(h) A violation of this Section is a petty offense.

625 ILCS 5/11-1412.4 — Flashing beacons required for school crosswalks

Sec. 11-1412.4. Flashing beacons required for school crosswalks. A unit of local government that has ownership or control over an intersection that is adjacent to property that is used for an elementary or secondary school may install at the ends of the pedestrian crosswalks for that intersection rapid flashing beacons that alert motor vehicle drivers to the presence of pedestrians in the crosswalk when the pedestrians who are using the crosswalk activate the beacons.

625 ILCS 5/11-1413 — Depositing material on highway prohibited

Sec. 11-1413. Depositing material on highway prohibited.

(a) No person shall throw, spill or deposit upon any highway any bottle, glass, nails, tacks, wire, cans, or any litter (as defined in Section 3 of the Litter Control Act).

(b) Any person who violates subsection

(a) upon any highway shall immediately remove such material or cause it to be removed.

(c) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other debris, except any hazardous substance as defined in Section 3.215 of the Environmental Protection Act, hazardous waste as defined in Section 3.220 of the Environmental Protection Act, and potentially infectious medical waste as defined in Section 3.360 of the Environmental Protection Act, dropped upon the highway from such vehicle.

625 ILCS 5/11-1414 — Approaching, overtaking, and passing school bus

Sec. 11-1414. Approaching, overtaking, and passing school bus.

(a) The driver of a vehicle shall stop such vehicle before meeting or overtaking, from either direction, any school bus stopped on a highway, roadway, private road, parking lot, school property, or at any other location, including, without limitation, a location that is not a highway or roadway for the purpose of receiving or discharging pupils. Such stop is required before reaching the school bus when there is in operation on the school bus the visual signals as specified in

Sections 12-803 and 12-805 of this Code. The driver of the vehicle shall not proceed until the school bus resumes motion or the driver of the vehicle is signaled by the school bus driver to proceed or the visual signals are no longer actuated.

(b) The stop signal arm required by Section 12-803 of this Code shall be extended after the school bus has come to a complete stop for the purpose of loading or discharging pupils and shall be closed before the school bus is placed in motion again. The stop signal arm shall not be extended at any other time.

(c) The alternately flashing red signal lamps of an 8-lamp flashing signal system required by Section 12-805 of this Code shall be actuated after the school bus has come to a complete stop for the purpose of loading or discharging pupils and shall be turned off before the school bus is placed in motion again. The red signal lamps shall not be actuated at any other time except as provided in paragraph

(d) of this Section.

(d) The alternately flashing amber signal lamps of an 8-lamp flashing signal system required by Section 12-805 of this Code shall be actuated continuously during not less than the last 100 feet traveled by the school bus before stopping for the purpose of loading or discharging pupils within an urban area and during not less than the last 200 feet traveled by the school bus outside an urban area. The amber signal lamps shall remain actuated until the school bus is stopped. The amber signal lamps shall not be actuated at any other time. (d-5) The alternately flashing head lamps permitted by Section 12-805 of this Code may be operated while the alternately flashing red or amber signal lamps required by that Section are actuated.

(e) The driver of a vehicle upon a highway having 4 or more lanes which permits at least 2 lanes of traffic to travel in opposite directions need not stop such vehicle upon meeting a school bus which is stopped in the opposing roadway; and need not stop such vehicle when driving upon a controlled access highway when passing a school bus traveling in either direction that is stopped in a loading zone adjacent to the surfaced or improved part of the controlled access highway where pedestrians are not permitted to cross.

(f) Beginning with the effective date of this amendatory Act of 1985, the Secretary of State shall suspend for a period of 3 months the driving privileges of any person convicted of a violation of subsection

(a) of this Section or a similar provision of a local ordinance; the Secretary shall suspend for a period of one year the driving privileges of any person convicted of a second or subsequent violation of subsection

(a) of this Section or a similar provision of a local ordinance if the second or subsequent violation occurs within 5 years of a prior conviction for the same offense. In addition to the suspensions authorized by this Section, any person convicted of violating this Section or a similar provision of a local ordinance shall be subject to a mandatory fine of \$300 or, upon a second or subsequent violation, \$1,000, and community service in an amount set by the court. The Secretary may also grant, for the duration of any suspension issued under this subsection, a restricted driving permit granting the privilege of driving a motor vehicle between the driver's residence and place of employment or within other proper limits that the Secretary of State shall find necessary to avoid any undue hardship. A restricted driving permit issued hereunder shall be subject to cancellation, revocation and suspension by the Secretary of State in like manner and for like cause as a driver's license may be cancelled, revoked or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension or cancellation of the restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a designated driver remedial or rehabilitative program. Any conviction for a violation of this subsection shall be included as an offense for the purposes of determining suspension action under any other provision of this Code, provided however, that the penalties provided under this subsection shall be imposed unless those penalties imposed under other applicable provisions are greater. The owner of any vehicle alleged to have violated paragraph

(a) of this Section shall, upon appropriate demand by the State's Attorney or other designated person acting in response to a signed complaint, provide a written statement or deposition identifying the operator of the vehicle if such operator was not the owner at the time of the alleged violation. Failure to supply such information shall result in the suspension of the vehicle registration of the vehicle for a period of 3 months. In the event the owner has assigned control for the use of the vehicle to another, the person to whom control was assigned shall comply with the provisions of this paragraph and be subject to the same penalties as herein provided.

625 ILCS 5/11-1414.1 — School transportation of students

Sec. 11-1414.1. School transportation of students.

(a) Every student enrolled in grade 12 or below in any entity listed in subsection

(a) of Section 1-182 of this Code must be transported in a school bus or a vehicle described in subdivision

(1) or

(2) of subsection

(b) of Section 1-182 of this Code for any curriculum-related school activity, except a student in any of grades 9 through 12 or a student in any of grades K through 12 with an Individualized Education Plan (IEP) with a staff to student ratio of 1 to 5, and attending Acacia Academy, Alexander Leigh, Marklund, Helping Hands Center, Connections Organization, Soaring Eagle Academy, or New Horizon Academy may be transported in a multi-function school activity bus (MFSAB) as defined in Section 1-148.3a-5 of this Code for any curriculum-related activity except for transportation on regular bus routes from home to school or from school to home, subject to the following conditions:

(i) A MFSAB may not be used to transport students under this Section unless the driver holds a valid school bus driver permit. (ii) The use of a MFSAB under this Section is subject to the requirements of Sections 6-106.11, 6-106.12, 12-707.01, 13-101, and 13-109 of this Code. "Curriculum-related school activity" as used in this subsection

(a) includes transportation from home to school or from school to home, tripper or shuttle service between school attendance centers, transportation to a vocational or career center or other trade-skill development site or a regional safe school or other school-sponsored alternative learning program, or a trip that is directly related to the regular curriculum of a student for which he or she earns credit.

(b) Every student enrolled in grade 12 or below in any entity listed in subsection

(a) of Section 1-182 of this Code who is transported in a vehicle that is being operated by or for a public or private primary or secondary school, including any primary or secondary school operated by a religious institution, for an interscholastic, interscholastic-athletic, or school-sponsored, noncurriculum-related activity that

(i) does not require student participation as part of the educational services of the entity and (ii) is not associated with the students' regular class-for-credit schedule shall transport students only in a school bus or vehicle described in subsection

(b) of Section 1-182 of this Code. A student participating in an agrarian-related activity may also be transported in a second division pick-up truck registered under paragraph 7 of subsection

(b) of Section 3-808.1. For purposes of this subsection, "pick-up truck" means a truck weighing 12,000 pounds or less with an enclosed cabin that can seat up to 6 passengers with seatbelts, including the driver, and an open cargo area. This subsection

(b) does not apply to any second division vehicle used by an entity listed in subsection

(a) of Section 1-182 of this Code for a parade, homecoming, or a similar noncurriculum-related school activity. (Text of Section from P.A. 104-256) Sec. 11-1414.1. School transportation of students.

(a) Every student enrolled in grade 12 or below in any entity listed in subsection

(a) of Section 1-182 of this Code must be transported in a school bus or a vehicle described in subdivision

(1) or

(2) of subsection

(b) of Section 1-182 of this Code for any curriculum-related school activity, except a student in any of grades 9 through 12 or a student in any of grades K through 12 with an Individualized Education Plan (IEP) with a staff to student ratio of 1 to 5, and attending Acacia Academy, Alexander Leigh, Marklund, Helping Hands Center, Connections Organization, Soaring Eagle Academy, or New Horizon Academy may be transported in a multifunction school activity bus (MFSAB) as defined in Section 1-148.3a-5 of this Code for any curriculum-related activity except for transportation on regular bus routes from home to school or from school to home. The use of a MFSAB for curriculum-related activities is subject to the following conditions:

(i) A MFSAB may not be used to transport students under this Section unless the driver holds a valid school bus driver permit. (ii) The use of a MFSAB under this Section is subject to the requirements of Sections 6-106.11, 6-106.12, 12-707.01, 13-101, and 13-109 of this Code. "Curriculum-related school activity" as used in this subsection

(a) includes transportation from home to school or from school to home, tripper or shuttle service between school attendance centers, transportation to a vocational or career center or other trade-skill development site or a regional safe school or other school-sponsored alternative learning program, or a trip that is directly related to the regular curriculum of a student for which he or she earns credit.

(b) Every student enrolled in grade 12 or below in any entity listed in subsection

(a) of Section 1-182 of this Code who is transported in a vehicle that is being operated by or for a public or private primary or secondary school, including any primary or secondary school operated by a religious institution, for an interscholastic, interscholastic-athletic, or school-sponsored, noncurriculum-related activity that

(i) does not require student participation as part of the educational services of the entity and (ii) is not associated with the students' regular class-for-credit schedule shall transport students only in a school bus or vehicle described in subsection

(b) of Section 1-182 of this Code. A student participating in an agrarian-related activity may also be transported in a second division pick-up truck registered under paragraph 7 of subsection

(b) of Section 3-808.1. For purposes of this subsection, "pick-up truck" means a truck weighing 12,000 pounds or less with an enclosed cabin that can seat up to 6 passengers with seatbelts, including the driver, and an open cargo area. This subsection

(b) does not apply to any second division vehicle used by an entity listed in subsection

(a) of Section 1-182 of this Code for a parade, homecoming, or a similar noncurriculum-related school activity. (Text of Section from P.A. 104-367) Sec. 11-1414.1. School transportation of students.

(a) Every student enrolled in grade 12 or below in any entity listed in subsection

(a) of Section 1-182 of this Code must be transported in a school bus or a vehicle described in subdivision

(1) or

(2) of subsection

(b) of Section 1-182 of this Code for any curriculum-related or career-related activity, except a student in any of grades 9 through 12 or a student in any of grades K through 12 with an individualized education program (IEP) with a staff to student ratio of 1 to 5, and attending Acacia Academy, Alexander Leigh, Marklund, Helping Hands Center, Connections Organization, Soaring Eagle Academy, or New Horizon Academy may be transported in a multifunction school activity bus (MFSAB) as defined in Section 1-148.3a-5 of this Code for any curriculum-related or career-related activity except for transportation on regular bus routes from home to school or from school to home, subject to the following conditions:

(i) A MFSAB may not be used to transport students under this Section unless the driver holds a valid school bus driver permit. (ii) The use of a MFSAB under this Section is subject to the requirements of Sections 6-106.11, 6-106.12, 12-707.01, 13-101, and 13-109 of this Code. "Curriculum-related or career-related activity" as used in this subsection

(a) includes transportation from home to school or from school to home, tripper or shuttle service between school attendance centers, transportation to a college, university, or student job site developed through a partnership with a school, a vocational or career center or other trade-skill development site or a regional safe school or other school-sponsored alternative learning program, or an experience that a school determines will contribute to the college or career readiness of a student, or a trip that is directly related to the regular curriculum of a student for which he or she earns credit.

(b) Every student enrolled in grade 12 or below in any entity listed in subsection

(a) of Section 1-182 of this Code who is transported in a vehicle that is being operated by or for a public or private primary or secondary school, including any primary or secondary school operated by a religious institution, for an interscholastic, interscholastic-athletic, or school-sponsored, noncurriculum-related activity that

(i) does not require student participation as part of the educational services of the entity and (ii) is not associated with the students' regular class-for-credit schedule shall transport students only in a school bus or vehicle described in subsection

(b) of Section 1-182 of this Code. A student participating in an agrarian-related activity may also be transported in a second division pick-up truck registered under paragraph 7 of subsection

(b) of Section 3-808.1. For purposes of this subsection, "pick-up truck" means a truck weighing 12,000 pounds or less with an enclosed cabin that can seat up to 6 passengers with seatbelts, including the driver, and an open cargo area. This subsection

(b) does not apply to any second division vehicle used by an entity listed in subsection

(a) of Section 1-182 of this Code for a parade, homecoming, or a similar noncurriculum-related school activity.

625 ILCS 5/11-1415 — School buses stopping, loading and discharging passengers on one-way roadways on highways having 4 or more lanes

Sec. 11-1415. School buses stopping, loading and discharging passengers on one-way roadways on highways having 4 or more lanes.

(a) A school bus traveling on a one-way roadway or a highway having 4 or more lanes for vehicular traffic shall stop for the loading or discharging of passengers only on the right side of the highway. If the highway has 4 or more lanes and permits traffic to operate in both directions, the school bus shall load or discharge only those passengers whose residences are located to the right of the highway. The routes of school buses shall be so arranged that no child shall be required to cross a highway of 4 or more lanes to board a school bus or to reach such child's residence after leaving the school bus. A school child in an urban area shall cross a highway only at a crossing for pedestrians, except as provided in paragraph

(b) of this Section.

(b) With respect to school children crossing a highway at other than a pedestrian crossing, this Section shall not apply when children are escorted or controlled by competent persons designated by the school authorities or by police officers.

625 ILCS 5/11-1416 — Obstructing person in highways

Sec. 11-1416. Obstructing person in highways. No person shall wilfully and unnecessarily hinder, obstruct or delay, or wilfully and unnecessarily attempt to delay, hinder or obstruct any other person in lawfully driving or traveling along or upon any highway within this State or offer for barter or sale merchandise on said highway so as to interfere with the effective movement of traffic.

625 ILCS 5/11-1417 — Travel regulated

Sec. 11-1417. Travel regulated. It shall be unlawful for any person to drive or cause to be driven a vehicle of any description in or upon any portion of the highway immediately after the same has been dragged and before such portion of the highway shall have partially dried out or frozen; provided, that nothing in this Section shall apply in those instances where it is impossible to drive with safety at one side of said dragged portion of the road, or where a vehicle does not make a rut on such dragged portion of the road, injurious to the work accomplished by use of the road drag or where a vehicle does not make a rut nearer than nine

(9) feet from the center of the dragged portion of the road.

625 ILCS 5/11-1418 — Farm tractor operation regulated

Sec. 11-1418. Farm tractor operation regulated. No person shall operate a farm tractor on a highway unless the tractor is being used as an implement of husbandry in connection with farming operations. For the purpose of this Section, use of a farm tractor as an implement of husbandry in connection with farming operations shall be deemed to include use of the tractor in connection with the transportation of agricultural products and of farm machinery, equipment and supplies as well as transportation of the implement of husbandry from its place of purchase to its place of storage, in connection with the obtaining of repairs of the implement of husbandry, and the towing of a registered truck not more than 8,000 pounds for use as return transportation after the tractor is left at the place of work or repair.

625 ILCS 5/11-1419

Sec. 11-1419. (Repealed).

625 ILCS 5/11-1419.01 — Operating without a valid single trip permit

Sec. 11-1419.01. Operating without a valid single trip permit. If a single trip permit is required by Section 13a.5 of the Motor Fuel Tax Law, a motor carrier shall not operate in Illinois without a single trip permit issued by the Department of Revenue or its agents. If a commercial motor vehicle is found operating in Illinois without displaying a required valid single trip permit, the operator is guilty of a petty offense as provided in Section 13a.6 of the Motor Fuel Tax Law.

625 ILCS 5/11-1419.02 — Failure to display a valid motor fuel use tax license

Sec. 11-1419.02. Failure to display a valid motor fuel use tax license.

(a) If required by Section 13a.4 of the Motor Fuel Tax Law, every valid motor fuel use tax license, or an authorized reproduction, shall at all times be carried in the cab of the vehicle. The operator shall display the license or reproduction upon demand of a police officer or agent of the Department of Revenue. An operator who fails to display a valid motor fuel use tax license is guilty of a petty offense as provided in Section 13a.6 of the Motor Fuel Tax Law.

(b) As used in this Section: "Display" means the manual surrender of the motor fuel use tax license into the hands of the demanding officer or agent for inspection. "Motor fuel use tax license" means a motor fuel use tax license issued by the Department of Revenue or by any member jurisdiction under the International Fuel Tax Agreement, or a valid 30 day International Fuel Tax Agreement temporary permit.

625 ILCS 5/11-1419.03 — Failure to Display Valid External Motor Fuel Use Tax Decals

Sec. 11-1419.03. Failure to Display Valid External Motor Fuel Use Tax Decals.

(a) Except as provided in the Motor Fuel Tax Law, a motor carrier shall not operate or cause to be operated a commercial motor vehicle upon the highways of this State unless there is properly affixed to that commercial vehicle 2 valid external motor use tax decals required by Section 13a.4 of the Motor Fuel Tax Law. An operator who operates a commercial motor vehicle without 2 properly displayed valid external motor fuel use tax decals is guilty of a petty offense as provided in Section 13a.6 of the Motor Fuel Tax Law. A valid 30-day International Fuel Tax Agreement temporary permit may be displayed instead of decals during the temporary period specified on the permit.

(b) As used in this Section: "Properly displayed" means 2 motor fuel use tax decals, one placed on each side of the exterior of the cab. In the case of transporters, manufacturers, dealers, or driveaway operations, the decals need not be permanently affixed but may be temporarily displayed in a visible manner on the exterior sides of the cab. "Commercial motor vehicle" means a motor vehicle used, designed, or maintained for the transportation of people or property and either having 2 axles and a gross vehicle weight or registered gross vehicle weight exceeding 26,000 pounds or 11,793 kilograms, or having 3 or more axles regardless of weight, or that is used in combination, when the weight of the combination exceeds 26,000 pounds or 11,793 kilograms gross vehicle weight or registered gross vehicle weight except for motor vehicles operated by this State or the United States, recreational vehicles, school buses, and commercial motor vehicles operated solely within this State for which all motor fuel is purchased within this State. "Motor carrier" means any person who operates or causes to be operated any commercial motor vehicle on any highway within this State.

625 ILCS 5/11-1419.04 — Failure to carry a manifest

Sec. 11-1419.04. Failure to carry a manifest. Any person who acts as a motor carrier and who fails to carry a manifest as provided in Section 5.5 of the Motor Fuel Tax Law is guilty of a Class A misdemeanor. For each subsequent offense, the person is guilty of a Class 4 felony.

625 ILCS 5/11-1419.05

Sec. 11-1419.05. A motor carrier shall not operate or cause to be operated a commercial motor vehicle upon the highways of this State with a revoked motor fuel use tax license. Any person who operates a commercial motor vehicle with a revoked motor fuel use tax license is guilty of a petty offense as provided in Section 13a.6 of the Motor Fuel Tax Law. When a commercial motor vehicle is found to be operating in Illinois with a revoked motor fuel use tax license, the vehicle shall be placed out of service and not allowed to operate in Illinois until the motor fuel use tax license is reinstated.

625 ILCS 5/11-1420 — Funeral processions

Sec. 11-1420. Funeral processions.

(a) Funeral processions have the right-of-way at intersections when vehicles comprising such procession have their headlights and hazard lights lighted, subject to the following conditions and exceptions: 1. Operators of vehicles in a funeral procession shall yield the right-of-way upon the approach of an authorized emergency vehicle giving an audible or visible signal; 2. Operators of vehicles in a funeral procession shall yield the right-of-way when directed to do so by a traffic officer; 3. The operator of the leading vehicle in a funeral procession shall comply with stop signs and traffic control signals but when the leading vehicle has proceeded across an intersection in accordance with such signal or after stopping as required by the stop sign, all vehicles in such procession may proceed without stopping, regardless of the sign or signal and the leading vehicle and the vehicles in procession shall proceed with due caution.

(b) The operator of a vehicle not in the funeral procession shall not drive his vehicle in the funeral procession except when authorized to do so by a traffic officer or when such vehicle is an authorized emergency vehicle giving audible or visible signal.

(c) Operators of vehicles not a part of a funeral procession may not form a procession or convoy and have their headlights or hazard lights or both lighted for the purpose of securing the right-of-way granted by this Section to funeral processions.

(d) The operator of a vehicle not in a funeral procession may overtake and pass the vehicles in such procession if such overtaking and passing can be accomplished without causing a traffic hazard or interfering with such procession.

(e) The lead vehicle in the funeral procession may be equipped with a flashing amber light which may be used only when such vehicle is used as a lead vehicle in such procession. Vehicles comprising a funeral procession may utilize funeral pennants or flags or windshield stickers or flashing hazard warning signal flashers to identify the individual vehicles in such a procession.

(f) In the absence of law enforcement traffic control assistance for a funeral procession, a funeral director or his or her designee may direct traffic during a funeral procession.

625 ILCS 5/11-1421 — Conditions for operating ambulances and rescue vehicles

Sec. 11-1421. Conditions for operating ambulances and rescue vehicles.

(a) No person shall operate an ambulance or rescue vehicle in a manner not conforming to the motor vehicle laws and regulations of this State or of any political subdivision of this State as such laws and regulations apply to motor vehicles in general, unless in compliance with the following conditions: 0.5. The operator of the ambulance or rescue vehicle shall have documented training in the operation of an ambulance or rescue vehicle prior to operating that vehicle. This training shall include the proper use of warning lights and sirens, situations where warning lights and sirens are warranted, and the provisions of this Section. 1. The person operating the ambulance shall be either responding to a bona fide emergency call or specifically directed by a licensed physician to disregard traffic laws in operating the ambulance during and for the purpose of the specific trip or journey that is involved; 2. The ambulance or rescue vehicle shall be equipped with a siren producing an audible signal of an intensity of 100 decibels at a distance of 50 feet from the siren, and with a lamp or lamps emitting an oscillating, rotating or flashing red beam directed in part toward the front of the vehicle, and these lamps shall have sufficient intensity to be visible at 500 feet in normal sunlight, and in addition to other lighting requirements, excluding those vehicles operated in counties with a population in excess of 2,000,000, may also operate with a lamp or lamps emitting an oscillating, rotating, or flashing green light; 3. The aforesaid siren and lamp or lamps shall be in operation at all times when it is reasonably necessary to warn pedestrians and other drivers of the approach thereof during such trip or journey, except that in a municipality with a population over 1,000,000, the siren and lamp or lamps shall be in operation only when it is reasonably necessary to warn pedestrians and other drivers of the approach thereof while responding to an emergency call or transporting a patient who presents a combination of circumstances resulting in a need for immediate medical intervention; 4. Whenever the ambulance or rescue vehicle is operated at a speed in excess of 40 miles per hour, the ambulance or rescue vehicle shall be operated in complete conformance with every other motor vehicle law and regulation of this State and of the political subdivision in which the ambulance or rescue vehicle is operated, relating to the operation of motor vehicles, as such provision applies to motor vehicles in general, except laws and regulations pertaining to compliance with official traffic-control devices or to vehicular operation upon the right half of the roadway; and 5. The ambulance shall display registration plates identifying the vehicle as an ambulance.

(a-5) The driver of an ambulance or rescue vehicle may proceed past a red traffic control signal or stop sign if the ambulance or rescue vehicle is making use of both the audible and visual signals meeting the requirement of this Section, but only after slowing down as necessary for safe operation.

(b) The foregoing provisions do not relieve the driver of an ambulance or rescue vehicle from the duty of driving with due regard for the safety of all persons, nor do such provisions protect the driver from the consequences resulting from the reckless disregard for the safety of others.

625 ILCS 5/11-1422 — Illegal operation of an ambulance or rescue vehicle - Penalty

Sec. 11-1422. Illegal operation of an ambulance or rescue vehicle - Penalty. A person who operates an ambulance or rescue vehicle in violation of Section 11-1421 shall be subject to the penalty prescribed by the applicable law, regulation or ordinance of this State or any political subdivision thereof.

625 ILCS 5/11-1423 — Passengers boarding or exiting a school bus

Sec. 11-1423. Passengers boarding or exiting a school bus.

(a) At all pick-up points where it is necessary for a school bus passenger to cross the roadway to board the bus, the school bus driver shall signal the awaiting passenger when it is safe to cross the roadway ahead of the bus.

(b) At all discharge points where it is necessary for a school bus passenger to cross the roadway, the school bus driver shall direct the passenger to a point approximately 10 feet in front of the bus on the shoulder and shall then signal the passenger when it is safe to cross the roadway.

625 ILCS 5/11-1424 — Operation of a religious organization bus

Sec. 11-1424. Operation of a religious organization bus.

(a) No religious organization bus may be operated on any street or highway unless all passengers, except for supervisory personnel, are seated in seats permanently mounted to the vehicle, and the aisle of the bus is kept clean and open.

(b) No religious organization bus may be operated on any street or highway while carrying more than the manufacturer's rated passenger capacity for such bus, or at a gross weight in excess of the chassis manufacturer's gross vehicle weight rating (GVWR) or gross axle weight rating (GAWR), or in excess of the weight load ratings of the tires on such bus. For buses or tires on which the manufacturer has not shown such ratings, by a label, embossment, molding or equivalent means, the Department shall provide, or assist in obtaining, the necessary ratings and may publish such ratings.

(c) In loading or unloading passengers, the religious organization bus driver shall stop the bus out of the lane of moving traffic at any bus stop, officially designated as such by government authorities or in a parking lane on the pavement of the highway or on the shoulder off of the highway, if wide enough to permit the safe loading or unloading of passengers. If, however, there is no such bus stop, parking lane or shoulder within 50 feet of the residence or temporary residence of the passenger transported or to be transported by the bus or within 50 feet of the religious facility, the driver may stop the bus on the pavement of the highway after activating unison amber warning lights for not less than 200 feet before the bus is brought to a stop and while passengers are being loaded or unloaded, or if the bus is equipped as a school bus and meets the requirements of Article VIII of this Act, by complying with the subsections (b),

(c) and

(d) of Section 11-1414.

(d) At all pickup points where it is necessary for a religious organization bus passenger under the age of 12 years to cross the roadway to board the bus, a responsible supervisor on the bus shall personally escort the awaiting passenger when it is safe to cross the roadway ahead of the bus.

(e) At all discharge points where it is necessary for a religious organization bus passenger under the age of 12 to cross the roadway, a responsible supervisor on the bus shall personally escort the passenger to a point approximately 10 feet in front of the bus on the shoulder and then, when it is safe to cross the roadway, across the roadway to a place of safety.

(f) If a school bus is used by a religious organization bus for the purposes specified in subsection

(a) of Section 1-111.1a and activates the visual signals as required by subsections (b),

(c) and

(d) of Section 11-1414 when picking up or discharging passengers, compliance with subsections

(d) and

(e) of this Section is optional.

625 ILCS 5/11-1425 — Stop when traffic obstructed

Sec. 11-1425. Stop when traffic obstructed.

(a) No driver shall enter an intersection or a marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk or railroad grade crossing to accommodate the vehicle he is operating without obstructing the passage of other vehicles, pedestrians, or railroad trains notwithstanding any traffic-control signal indication to proceed.

(b) No driver shall enter a highway rail grade crossing unless there is sufficient space on the other side of the highway rail grade crossing to accommodate the vehicle being operated without obstructing the passage of a train or other railroad equipment using the rails, notwithstanding any traffic-control signal indication to proceed. (b-5) No driver operating a commercial motor vehicle, as defined in Section 6-500 of this Code, shall enter a highway rail grade crossing unless there

is sufficient space on the other side of the highway rail grade crossing to accommodate the vehicle being operated without obstructing the passage of a train or other railroad equipment using the rails, notwithstanding any traffic-control signal indication to proceed.

(c) (Blank).

(d) Beginning with the effective date of this amendatory Act of the 95th General Assembly, the Secretary of State shall suspend for a period of one month the driving privileges of any person convicted of a violation of subsection

(b) or (b-5) of this Section or a similar provision of a local ordinance; the Secretary shall suspend for a period of 3 months the driving privileges of any person convicted of a second or subsequent violation of subsection

(b) or (b-5) of this Section or a similar provision of a local ordinance if the second or subsequent violation occurs within 5 years of a prior conviction for the same offense. In addition to the suspensions authorized by this Section, any person convicted of violating subsection

(b) or (b-5) of this Section or a similar provision of a local ordinance shall be subject to a mandatory fine of \$500 or 50 hours of community service. Any person given a disposition of court supervision for violating subsection

(b) or (b-5) of this Section or a similar provision of a local ordinance shall also be subject to a mandatory fine of \$500 or 50 hours of community service. Upon a second or subsequent violation, in addition to the suspensions authorized by this Section, the person shall be subject to a mandatory fine of \$500 and 50 hours community service. The Secretary may also grant, for the duration of any suspension issued under this subsection, a restricted driving permit granting the privilege of driving a motor vehicle between the driver's residence and place of employment or within other proper limits that the Secretary of State shall find necessary to avoid any undue hardship. A restricted driving permit issued hereunder shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of the restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a designated driver remedial or rehabilitative program. Any conviction for a violation of this subsection shall be included as an offense for the purposes of determining suspension action under any other provision of this Code, provided however, that the penalties provided under this subsection shall be imposed unless those penalties imposed under other applicable provisions are greater.

625 ILCS 5/11-1426

Sec. 11-1426. (Repealed).

625 ILCS 5/11-1426.1 — Operation of non-highway vehicles on streets, roads, and highways

Sec. 11-1426.1. Operation of non-highway vehicles on streets, roads, and highways.

(a) As used in this Section, "non-highway vehicle" means a motor vehicle not specifically designed to be used on a public highway, including:

- (1) an all-terrain vehicle, as defined by Section 1-101.8 of this Code;
- (2) a golf cart, as defined by Section 1-123.9;
- (3) an off-highway motorcycle, as defined by Section 1-153.1; and
- (4) a recreational off-highway vehicle, as defined by Section 1-168.8.

(b) Except as otherwise provided in this Section, it is unlawful for any person to drive or operate a non-highway vehicle upon any street, highway, or roadway in this State. If the operation of a non-highway vehicle is authorized under subsection (d), the non-highway vehicle may be operated only on streets where the posted speed limit is 35 miles per hour or less. This subsection

(b) does not prohibit a non-highway vehicle from crossing a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour. (b-5) A person may not operate a non-highway vehicle upon any street, highway, or roadway in this State unless he or she has a valid driver's license issued in his or her name by the Secretary of State or by a foreign jurisdiction.

(c) No person operating a non-highway vehicle shall make a direct crossing upon or across any tollroad, interstate highway, or controlled access highway in this State. No person operating a non-highway vehicle shall make a direct

crossing upon or across any other highway under the jurisdiction of the State except at an intersection of the highway with another public street, road, or highway. (c-5) (Blank).

(d) A municipality, township, county, or other unit of local government may authorize, by ordinance or resolution, the operation of non-highway vehicles on roadways under its jurisdiction if the unit of local government determines that the public safety will not be jeopardized. The Department may authorize the operation of non-highway vehicles on the roadways under its jurisdiction if the Department determines that the public safety will not be jeopardized. The unit of local government or the Department may restrict the types of non-highway vehicles that are authorized to be used on its streets. Before permitting the operation of non-highway vehicles on its roadways, a municipality, township, county, other unit of local government, or the Department must consider the volume, speed, and character of traffic on the roadway and determine whether non-highway vehicles may safely travel on or cross the roadway. Upon determining that non-highway vehicles may safely operate on a roadway and the adoption of an ordinance or resolution by a municipality, township, county, or other unit of local government, or authorization by the Department, appropriate signs shall be posted. If a roadway is under the jurisdiction of more than one unit of government, non-highway vehicles may not be operated on the roadway unless each unit of government agrees and takes action as provided in this subsection.

(e) No non-highway vehicle may be operated on a roadway unless, at a minimum, it has the following: brakes, a steering apparatus, tires, a rearview mirror, red reflectorized warning devices in the front and rear, a slow moving emblem (as required of other vehicles in Section 12-709 of this Code) on the rear of the non-highway vehicle, a headlight that emits a white light visible from a distance of 500 feet to the front, a tail lamp that emits a red light visible from at least 100 feet from the rear, brake lights, and turn signals. When operated on a roadway, a non-highway vehicle shall have its headlight and tail lamps lighted as required by Section 12-201 of this Code.

(f) A person who drives or is in actual physical control of a non-highway vehicle on a roadway while under the influence is subject to Sections 11-500 through 11-502 of this Code.

(g) Any person who operates a non-highway vehicle on a street, highway, or roadway shall be subject to the mandatory insurance requirements under Article VI of Chapter 7 of this Code.

(h) It shall not be unlawful for any person to drive or operate a non-highway vehicle, as defined in paragraphs

(1) and

(4) of subsection

(a) of this Section, on a county roadway or township roadway for the purpose of conducting farming operations to and from the home, farm, farm buildings, and any adjacent or nearby farm land. Non-highway vehicles, as used in this subsection (h), shall not be subject to subsections

(e) and

(g) of this Section. However, if the non-highway vehicle, as used in this Section, is not covered under a motor vehicle insurance policy pursuant to subsection

(g) of this Section, the vehicle must be covered under a farm, home, or non-highway vehicle insurance policy issued with coverage amounts no less than the minimum amounts set for bodily injury or death and for destruction of property under Section 7-203 of this Code. Non-highway vehicles operated on a county or township roadway at any time between one-half hour before sunset and one-half hour after sunrise must be equipped with head lamps and tail lamps, and the head lamps and tail lamps must be lighted. Non-highway vehicles, as used in this subsection (h), shall not make a direct crossing upon or across any tollroad, interstate highway, or controlled access highway in this State. Non-highway vehicles, as used in this subsection (h), shall be allowed to cross a State highway, municipal street, county highway, or road district highway if the operator of the non-highway vehicle makes a direct crossing provided:

(1) the crossing is made at an angle of approximately 90 degrees to the direction of the street, road or highway and at a place where no obstruction prevents a quick and safe crossing;

(2) the non-highway vehicle is brought to a complete stop before attempting a crossing;

(3) the operator of the non-highway vehicle yields the right of way to all pedestrian and vehicular traffic which constitutes a hazard; and

(4) that when crossing a divided highway, the crossing is made only at an intersection of the highway with another public street, road, or highway.

(i) No action taken by a unit of local government under this Section designates the operation of a non-highway vehicle as an intended or permitted use of property with respect to Section 3-102 of the Local Governmental and Governmental Employees Tort Immunity Act.

625 ILCS 5/11-1426.2 — Operation of low-speed vehicles on streets

Sec. 11-1426.2. Operation of low-speed vehicles on streets.

(a) Except as otherwise provided in this Section, it is lawful for any person to drive or operate a low-speed vehicle upon any street in this State where the posted speed limit is 30 miles per hour or less.

(b) Low-speed vehicles may cross a street at an intersection where the street being crossed has a posted speed limit of not more than 45 miles per hour. Low-speed vehicles may not cross a street with a speed limit in excess of 45 miles per hour unless the crossing is at an intersection controlled by a traffic light or 4-way stop sign.

(c) The Department of Transportation or a municipality, township, county, or other unit of local government may prohibit, by regulation, ordinance, or resolution, the operation of low-speed vehicles on streets under its jurisdiction where the posted speed limit is 30 miles per hour or less if the Department of Transportation or unit of local government determines that the public safety would be jeopardized.

(d) Upon determining that low-speed vehicles may not safely operate on a street, and upon the adoption of an ordinance or resolution by a unit of local government, or regulation by the Department of Transportation, the operation of low-speed vehicles may be prohibited. The unit of local government or the Department of Transportation may prohibit the operation of low-speed vehicles on any and all streets under its jurisdiction. Appropriate signs shall be posted in conformance with the State Manual on Uniform Traffic Control Devices adopted pursuant to Section 11-301 of this Code.

(e) If a street is under the jurisdiction of more than one unit of local government, or under the jurisdiction of the Department of Transportation and one or more units of local government, low-speed vehicles may be operated on the street unless each unit of local government and the Department of Transportation agree and take action to prohibit such operation as provided in this Section. (e-5) A unit of local government may, by ordinance or resolution, authorize the operation of low-speed vehicles on one or more streets under its jurisdiction that have a speed limit of more than 30 miles per hour but not greater than 35 miles per hour. Before authorizing the operation of low-speed vehicles on any street under this subsection (e-5), the unit of local government must consider the volume, speed, and character of traffic on the street and determine whether low-speed vehicles may travel safely on that street. If a street is under the jurisdiction of more than one unit of government, low-speed vehicles may not be operated on the street under this subsection (e-5) unless each unit of government agrees and takes action as provided in this subsection. Upon the adoption of an ordinance authorizing low-speed vehicles under this subsection (e-5), appropriate signs shall be posted.

(f) No low-speed vehicle may be operated on any street unless, at a minimum, it has the following: a parking brake, a steering apparatus, tires, a windshield that conforms to the federal vehicle safety standards on glazing materials as set forth in 49 CFR part 571.205, a vehicle identification number, seat belts, a rearview mirror, an exterior rearview mirror mounted on the driver's side of the vehicle, red reflectorized warning devices on each rear side and one on the center rear of the vehicle, a headlight that emits a white light visible from a distance of 500 feet to the front, a tail lamp that emits a red light visible from at least 100 feet from the rear, brake lights, and front and rear turn signals. When operated on a street, a low-speed vehicle shall have its headlight and tail lamps lighted as required by Section 12-201 of this Code.

(g) A person may not operate a low-speed vehicle upon any street in this State unless he or she has a valid driver's license issued in his or her name by the Secretary of State or a foreign jurisdiction.

(h) The operation of a low-speed vehicle upon any street is subject to the provisions of Chapter 11 of this Code concerning the Rules of the Road, and applicable local ordinances.

(i) Every owner of a low-speed vehicle is subject to the mandatory insurance requirements specified in Article VI of Chapter 7 of this Code.

(j) Any person engaged in the retail sale of low-speed vehicles are required to comply with the motor vehicle dealer licensing, registration, and bonding laws of this State, as specified in Sections 5-101 and 5-102 of this Code.

(k) No action taken by a unit of local government under this Section designates the operation of a low-speed vehicle as an intended or permitted use of property with respect to Section 3-102 of the Local Governmental and Governmental Employees Tort Immunity Act.

(l) Every owner of a low-speed vehicle which may be operated upon a highway shall secure a certificate of title and display valid registration.

625 ILCS 5/11-1427 — Illegal operation of an all-terrain vehicle or off-highway motorcycle

Sec. 11-1427. Illegal operation of an all-terrain vehicle or off-highway motorcycle. It is unlawful for any person to drive or operate any all-terrain vehicle or off-highway motorcycle in the following ways:

(a) Careless Operation. No person shall operate any all-terrain vehicle or off-highway motorcycle in a careless or heedless manner so as to be grossly indifferent to the person or property of other persons, or at a rate of speed greater than will permit him in the exercise of reasonable care to bring the all-terrain vehicle or off-highway motorcycle to a stop within the assured clear distance ahead.

(b) Reckless Operation. No person shall operate any all-terrain vehicle or off-highway motorcycle in such a manner as to endanger the life, limb or property of any person.

(c) Within any nature preserve as defined in Section 3.11 of the Illinois Natural Areas Preservation Act.

(d) On the tracks or right of way of an operating railroad.

(e) In any tree nursery or planting in a manner which damages or destroys growing stock, or creates a substantial risk thereto.

(f) On private property, without the written or verbal consent of the owner or lessee thereof. Any person operating an all-terrain vehicle or off-highway motorcycle upon lands of another shall stop and identify himself upon the request of the landowner or his duly authorized representative, and, if requested to do so by the landowner shall promptly remove the all-terrain vehicle or off-highway motorcycle from the premises.

(g) Notwithstanding any other law to the contrary, an owner, lessee, or occupant of premises owes no duty of care to keep the premises safe for entry or use by others for use by an all-terrain vehicle or off-highway motorcycle, or to give warning of any condition, use, structure or activity on such premises. This subsection does not apply where permission to drive or operate an all-terrain vehicle or off-highway motorcycle is given for a valuable consideration other than to this State, any political subdivision or municipality of this State, or any landowner who is paid with funds from the Off-Highway Vehicle Trails Fund. In the case of land leased to the State or a subdivision of the State, any consideration received is not valuable consideration within the meaning of this Section. Nothing in this subsection limits in any way liability which otherwise exists for willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity.

(h) On publicly owned lands unless such lands are designated for use by all-terrain vehicles or off-highway motorcycles. For publicly owned lands to be designated for use by all-terrain vehicles or off-highway motorcycles a public hearing shall be conducted by the governmental entity that has jurisdiction over the proposed land prior to the designation. Nothing in this subsection limits in any way liability which otherwise exists for willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity. (h-1) At a rate of speed too fast for conditions, and the fact that the speed of the all-terrain vehicle or off-highway motorcycle does not exceed the applicable maximum speed limit allowed does not relieve the driver from the duty to decrease speed as may be necessary to avoid colliding with any person, vehicle, or object within legal requirements and the duty of all persons to use due care. (h-2) On the frozen surface of public waters of this State within 100 feet of a person, including a skater, not in or upon an all-terrain vehicle or off-highway motorcycle; within 100 feet of a person engaged in fishing, except at the minimum speed required to maintain forward movement of the all-terrain vehicle or off-highway motorcycle; on an area which has been cleared of snow for skating purposes unless the area is necessary for access to the frozen waters of this State. (h-3) Within 100 feet of a dwelling between midnight and 6 a.m. at a speed greater than the minimum required to maintain forward movement of the all-terrain vehicle or off-highway motorcycle. This subdivision (h-5) does not apply on private property where verbal or written consent of the owner or lessee has been granted to drive or operate an all-terrain vehicle or off-highway motorcycle upon the private property or frozen waters of this State.

(i) Other Prohibitions.

(1) No person, except persons permitted by law, shall operate or ride any all-terrain vehicle or off-highway motorcycle with any firearm in his or her possession unless he or she is in compliance with Section 2.33 of the Wildlife Code.

(2) No person shall operate any all-terrain vehicle or off-highway motorcycle emitting pollutants in violation of standards established pursuant to the Environmental Protection Act.

(3) No person shall deposit from an all-terrain vehicle or off-highway motorcycle on the snow, ice or ground surface, trash, glass, garbage, insoluble material, or other offensive matter.

625 ILCS 5/11-1427.1 — Operation of an all-terrain vehicle or off-highway motorcycle on ice

Sec. 11-1427.1. Operation of an all-terrain vehicle or off-highway motorcycle on ice. All-terrain vehicles and off-highway motorcycles may be operated on the frozen waters of this State subject to the provisions of this Section and the rules of the Department of Natural Resources.

625 ILCS 5/11-1427.2 — Special all-terrain vehicle or off-highway motorcycle event

Sec. 11-1427.2. Special all-terrain vehicle or off-highway motorcycle event. Nothing contained in Section 11-1427 or 11-1427.1 shall be construed to prohibit any local authority of this State from designating a special all-terrain vehicle or off-highway motorcycle event. In such case the provisions of Sections 11-1427 and 11-1427.1 shall not apply to areas or highways under the jurisdiction of that local authority.

625 ILCS 5/11-1427.3 — Rules for all-terrain vehicles and off-highway motorcycles

Sec. 11-1427.3. Rules for all-terrain vehicles and off-highway motorcycles. The Department of Natural Resources may adopt rules to implement and administer the provisions of Sections 11-1427, 11-1427.1, and 11-1427.2.

625 ILCS 5/11-1427.4 — Signal from officer to stop

Sec. 11-1427.4. Signal from officer to stop. An all-terrain vehicle or off-highway motorcycle operator, after having received a visual or audible signal from a law enforcement officer to come to a stop, may not:

- (1) operate an all-terrain vehicle or off-highway motorcycle in willful or wanton disregard of the signal to stop;
- (2) interfere with or endanger the law enforcement officer or another person or vehicle; or
- (3) increase speed or attempt to flee or elude the officer.

625 ILCS 5/11-1427.5 — Recreational off-highway vehicles

Sec. 11-1427.5. Recreational off-highway vehicles. All provisions of this Code that apply to an all-terrain vehicle shall apply the same to a recreational off-highway vehicle.

625 ILCS 5/11-1428

Sec. 11-1428. (Repealed).

625 ILCS 5/11-1429 — Excessive idling

Sec. 11-1429. Excessive idling.

(a) The purpose of this law is to protect public health and the environment by reducing emissions while conserving fuel and maintaining adequate rest and safety of all drivers of diesel vehicles.

(b) As used in this Section, "affected areas" means the counties of Cook, DuPage, Lake, Kane, McHenry, Will, Madison, St. Clair, and Monroe and the townships of Aux Sable and Goose Lake in Grundy County and the township of Oswego in Kendall County.

(c) A person that operates a motor vehicle operating on diesel fuel in an affected area may not cause or allow the motor vehicle, when it is not in motion, to idle for more than a total of 10 minutes within any 60 minute period, except under the following circumstances:

- (1) the motor vehicle has a Gross Vehicle Weight Rating of less than 8,000 pounds;
- (2) the motor vehicle idles while forced to remain motionless because of on-highway traffic, an official traffic control device or signal, or at the direction of a law enforcement official;
- (3) the motor vehicle idles when operating defrosters, heaters, air conditioners, or other equipment solely to prevent a safety or health emergency;
- (4) a police, fire, ambulance, public safety, other emergency or law enforcement motor vehicle, or any motor vehicle used in an emergency capacity, idles while in an emergency or training mode and not for the convenience of the vehicle operator;

- (5) the primary propulsion engine idles for maintenance, servicing, repairing, or diagnostic purposes if idling is necessary for such activity;
- (6) a motor vehicle idles as part of a government inspection to verify that all equipment is in good working order, provided idling is required as part of the inspection;
- (7) when idling of the motor vehicle is required to operate auxiliary equipment to accomplish the intended use of the vehicle (such as loading, unloading, mixing, or processing cargo; controlling cargo temperature; construction operations; lumbering operations; oil or gas well servicing; or farming operations), provided that this exemption does not apply when the vehicle is idling solely for cabin comfort or to operate non-essential equipment such as air conditioning, heating, microwave ovens, or televisions;
- (8) an armored motor vehicle idles when a person remains inside the vehicle to guard the contents, or while the vehicle is being loaded or unloaded;
- (9) a bus idles a maximum of 15 minutes in any 60 minute period to maintain passenger comfort while non-driver passengers are on board;
- (10) if the motor vehicle has a sleeping berth, when the operator is occupying the vehicle during a rest or sleep period and idling of the vehicle is required to operate air conditioning or heating;
- (11) when the motor vehicle idles due to mechanical difficulties over which the operator has no control;
- (12) the motor vehicle is used as airport ground support equipment, including, but not limited to, motor vehicles operated on the air side of the airport terminal to service or supply aircraft;
- (13) the motor vehicle is
- (i) a bus owned by a public transit authority and (ii) being operated on a designated bus route or on a street or highway between designated bus routes for the provision of public transportation;
- (14) the motor vehicle is an implement of husbandry exempt from registration under subdivision A(2) of Section 3-402 of this Code;
- (15) the motor vehicle is owned by an electric utility and is operated for electricity generation or hydraulic pressure to power equipment necessary in the restoration, repair, modification or installation of electric utility service;
- (16) the outdoor temperature is less than 32 degrees Fahrenheit or greater than 80 degrees Fahrenheit; or
- (17) the motor vehicle idles while being operated by a remote starter system.
- (d) When the outdoor temperature is 32 degrees Fahrenheit or higher and 80 degrees Fahrenheit or lower, a person who operates a motor vehicle operating on diesel fuel in an affected area may not cause or allow the motor vehicle to idle for a period greater than 30 minutes in any 60 minute period while waiting to weigh, load, or unload cargo or freight, unless the vehicle is in a line of vehicles that regularly and periodically moves forward.
- (e) This Section does not prohibit the operation of an auxiliary power unit or generator set as an alternative to idling the main engine of a motor vehicle operating on diesel fuel.
- (f) This Section does not apply to the owner of a motor vehicle rented or leased to another entity or person operating the vehicle.
- (g) Any person convicted of any violation of this Section is guilty of a petty offense and shall be fined \$90 for the first conviction and \$500 for a second or subsequent conviction within any 12 month period.
- (h) Fines; distribution. All fines and all penalties collected under this Section shall be deposited in the State Treasury and shall be distributed as follows:
- (i) \$50 for the first conviction and \$150 for a second or subsequent conviction within any 12 month period under this Section shall be deposited into the State's General Revenue Fund; (ii) \$20 for the first conviction and \$262.50 for a second or subsequent conviction within any 12 month period under this Section shall be distributed to the law enforcement agency that issued the citation; and (iii) \$20 for the first conviction and \$87.50 for a second or subsequent conviction within any 12 month period under this Section shall be deposited into the Vehicle Inspection Fund.
- (i) (Blank).
- (j) Notwithstanding any other provision of this Section, a person who operates a motor vehicle with a gross vehicle weight rating of 8,000 pounds or more operating on diesel fuel on property that

(i) offers paid parking services to vehicle owners, (ii) does not involve fuel dispensing, and (iii) is located in an affected area within a county of over 3 million residents but outside of a municipality of over 2 million residents may not cause or allow the motor vehicle, when it is not in motion, to idle for more than a total of 10 minutes within any 60-minute period under any circumstances if the vehicle is within 200 feet of a residential area. This Section may be enforced by either the law enforcement agency having jurisdiction over the residential area or the law enforcement agency having jurisdiction over the property on which the violation took place. This subsection does not apply to:

- (1) school buses;
- (2) waste hauling vehicles;
- (3) facilities operated by the Department of Transportation;
- (4) vehicles owned by a public utility and operated to power equipment necessary in the restoration, repair, modification, or installation of a utility service; or
- (5) ambulances.

625 ILCS 5/11-1430 — Vehicle immobilization and impoundment upon certification of the Department of Healthcare and Family Services

Sec. 11-1430. Vehicle immobilization and impoundment upon certification of the Department of Healthcare and Family Services. Any municipality may provide by ordinance for a program of vehicle immobilization and impoundment in cases in which the Department of Healthcare and Family Services has certified to the municipality under Section 10-17.13 of the Illinois Public Aid Code that the registered owner of a vehicle owes past due support. The program shall provide for immobilization of any eligible vehicle upon the public way by presence of a restraint in a manner to prevent operation of the vehicle and for subsequent towing and impoundment of such vehicle solely upon the certification of past due support by the Department of Healthcare and Family Services. Further process, hearings, or redetermination of the past due support by the municipality shall not be required under the ordinance. The ordinance shall provide that the municipality may terminate immobilization and impoundment of the vehicle if the registered owner has arranged for payment of past and current support obligations in a manner satisfactory to the Department of Healthcare and Family Services.

625 ILCS 5/11-1430.1 — Vehicle immobilization for failure to pay municipal vehicle tax violation liability

Sec. 11-1430.1. Vehicle immobilization for failure to pay municipal vehicle tax violation liability.

(a) A municipality may provide by ordinance for a program of vehicle immobilization to facilitate enforcement of municipal vehicle tax liability. The program of vehicle immobilization shall provide for immobilizing an eligible vehicle upon the public way by presence of a restraint in a manner to prevent operation of the vehicle. An ordinance establishing a program of vehicle immobilization under this Section shall include the following provisions:

(1) A vehicle shall be eligible for immobilization when the registered owner of the vehicle has accumulated the number of unpaid final determinations of vehicle tax violation liability or other violation liability under subsection

(c) of Section 11-208.3 of this Code, or both.

(2) The vehicle owner shall be provided with notice of the impending vehicle immobilization and the right to a hearing to challenge the validity of the action by disproving liability for unpaid final determinations of vehicle tax or other violation liability under subsection

(c) of Section 11-208.3 of this Code.

(3) The vehicle owner shall have the right to a prompt hearing after a vehicle has been immobilized or subsequently towed for nonpayment of outstanding fines and penalties for which final determinations have been issued. An order issued after the hearing is a final administrative decision within the meaning of Section 3-101 of the Code of Civil Procedure.

(4) A post-immobilization and post-towing notice shall be provided to the registered owner of the vehicle advising the registered owner of the right to a hearing to challenge the validity of the impoundment.

(b) Judicial review of final determinations of vehicle tax violations and final administrative decisions issued after hearings regarding vehicle immobilization and impoundment made under this Section shall be subject to the Administrative Review Law.

(c) A fine, penalty, or part thereof, remaining unpaid after the exhaustion of, or the failure to exhaust, administrative remedies and the conclusion of judicial review procedures shall be a debt due and owing the municipality and, as such, may be collected in accordance with applicable law. Payment in full of any fine or penalty resulting from a vehicle tax violation shall constitute a final disposition of that violation.

625 ILCS 5/11-1431 — Solicitations at crash or disablement scene prohibited

Sec. 11-1431. Solicitations at crash or disablement scene prohibited.

(a) A tower, as defined by Section 1-205.2 of this Code, or an employee or agent of a tower may not:

(i) stop at the scene of a motor vehicle crash or at or near a damaged or disabled vehicle for the purpose of soliciting the owner or operator of the damaged or disabled vehicle to enter into a towing service transaction; or (ii) stop at the scene of a crash or at or near a damaged or disabled vehicle unless called to the location by a law enforcement officer, the Illinois Department of Transportation, the Illinois State Toll Highway Authority, a local agency having jurisdiction over the highway, the owner or operator of the damaged or disabled vehicle, or the owner or operator's authorized agent, including his or her insurer or motor club of which the owner or operator is a member. This Section shall not apply to employees of the Department, the Illinois State Toll Highway Authority, or local agencies when engaged in their official duties. Nothing in this Section shall prevent a tower from stopping at the scene of a motor vehicle crash or at or near a damaged or disabled vehicle if the owner or operator signals the tower for assistance from the location of the motor vehicle crash or damaged or disabled vehicle.

(b) A person or company who violates this Section is guilty of a Class 4 felony. A person convicted of violating this Section shall also have his or her driver's license, permit, or privileges suspended for 3 months. After the expiration of the 3-month suspension, the person's driver's license, permit, or privileges shall not be reinstated until he or she has paid a reinstatement fee of \$100. If a person violates this Section while his or her driver's license, permit, or privileges are suspended under this subsection (b), his or her driver's license, permit, or privileges shall be suspended for an additional 6 months, and shall not be reinstated after the expiration of the 6-month suspension until he or she pays a reinstatement fee of \$100. A vehicle owner, or his or her authorized agent or automobile insurer, may bring a claim against a company or person who willfully and materially violates this Section. A court may award the prevailing party reasonable attorney's fees, costs, and expenses relating to that action.

625 ILCS 5/11-1432 — Prohibit smoking in a motor vehicle with a minor present

Sec. 11-1432. Prohibit smoking in a motor vehicle with a minor present.

(a) For purposes of this Section: "Smoke" means to inhale, exhale, burn, or carry a lighted cigarette, cigar, pipe, weed, plant, regulated narcotic, or other combustible substance. "Vehicle" has the same meaning as defined in Section 1-217 of this Code and does not include motorcycles as defined in Section 1-147.

(b) A person shall not smoke in a motor vehicle, whether it is in motion or at rest, if a person under 18 years of age is in the vehicle, regardless of whether the vehicle's windows are open. This subsection does not apply to a person who is the sole occupant of a vehicle.

(c) A police officer may not stop or detain a motor vehicle or its driver nor inspect or search the vehicle, the contents of the vehicle, or the operator or passenger of the vehicle solely for a violation or suspected violation of this Section.

(d) A violation of this Section is a petty offense punishable by a fine not to exceed \$100 and, for a second or subsequent offense, a fine not to exceed \$250.

625 ILCS 5/11-1501 — Application of rules

Sec. 11-1501. Application of rules.

(a) It is unlawful for any person to do any act forbidden or fail to perform any act required in Article XV of Chapter 11 of this Code.

(b) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this Code.

625 ILCS 5/11-1502 — Traffic laws apply to persons riding bicycles

Sec. 11-1502. Traffic laws apply to persons riding bicycles. Every person riding a bicycle upon a highway shall be granted all of the rights, including, but not limited to, rights under Article IX of this Chapter, and shall be subject to all of the duties

applicable to the driver of a vehicle by this Code, except as to special regulations in this Article XV and those provisions of this Code which by their nature can have no application.

625 ILCS 5/11-1503 — Riding on bicycles

Sec. 11-1503. Riding on bicycles.

- (a) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.
- (b) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped, except that an adult rider may carry a child securely attached to his person in a back pack or sling.

625 ILCS 5/11-1504 — Clinging to vehicles

Sec. 11-1504. Clinging to vehicles. No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

625 ILCS 5/11-1505 — Position of bicycles and motorized pedal cycles on roadways - Riding on roadways and bicycle paths

Sec. 11-1505. Position of bicycles and motorized pedal cycles on roadways - Riding on roadways and bicycle paths.

- (a) Any person operating a bicycle or motorized pedal cycle upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as close as practicable and safe to the right-hand curb or edge of the roadway except under the following situations: 1. When overtaking and passing another bicycle, motorized pedal cycle or vehicle proceeding in the same direction; or 2. When preparing for a left turn at an intersection or into a private road or driveway; or 3. When reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, bicycles, motorized pedal cycles, pedestrians, animals, surface hazards, or substandard width lanes that make it unsafe to continue along the right-hand curb or edge. For purposes of this subsection, a "substandard width lane" means a lane that is too narrow for a bicycle or motorized pedal cycle and a vehicle to travel safely side by side within the lane; or 4. When approaching a place where a right turn is authorized.
- (b) Any person operating a bicycle or motorized pedal cycle upon a one-way highway with two or more marked traffic lanes may ride as near the left-hand curb or edge of such roadway as practicable.

625 ILCS 5/11-1505.1

Sec. 11-1505.1. Persons riding bicycles or motorized pedal cycles upon a roadway shall not ride more than 2 abreast, except on paths or parts of roadways set aside for their exclusive use. Persons riding 2 abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane subject to the provisions of Section 11-1505.

625 ILCS 5/11-1506 — Carrying articles

Sec. 11-1506. Carrying articles. No person operating a bicycle shall carry any package, bundle or article which prevents the use of both hands in the control and operation of the bicycle. A person operating a bicycle shall keep at least one hand on the handlebars at all times.

625 ILCS 5/11-1507 — Lamps and other equipment on bicycles

Sec. 11-1507. Lamps and other equipment on bicycles.

- (a) Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type approved by the Department which shall be visible from all distances from 100 feet to 600 feet to the rear when directly in front of lawful lower beams of headlamps on a motor vehicle, except that a lamp emitting a steady or flashing red light visible from a distance of 500 feet to the rear may be used in addition to or instead of the red reflector.
- (b) A bicycle shall not be equipped with nor shall any person use upon a bicycle any siren. This subsection (b) does not apply to a bicycle that is a police vehicle or fire department vehicle.
- (c) Every bicycle shall be equipped with a brake which will adequately control movement of and stop and hold such bicycle.

(d) No person shall sell a new bicycle or pedal for use on a bicycle that is not equipped with a reflex reflector conforming to specifications prescribed by the Department, on each pedal, visible from the front and rear of the bicycle during darkness from a distance of 200 feet.

(e) No person shall sell or offer for sale a new bicycle that is not equipped with side reflectors. Such reflectors shall be visible from each side of the bicycle from a distance of 500 feet and shall be essentially colorless or red to the rear of the center of the bicycle and essentially colorless or amber to the front of the center of the bicycle provided. The requirements of this paragraph may be met by reflective materials which shall be at least 3/16 of an inch wide on each side of each tire or rim to indicate as clearly as possible the continuous circular shape and size of the tires or rims of such bicycle and which reflective materials may be of the same color on both the front and rear tire or rim. Such reflectors shall conform to specifications prescribed by the Department.

(f) No person shall sell or offer for sale a new bicycle that is not equipped with an essentially colorless front-facing reflector.

625 ILCS 5/11-1507.1 — Lamps on mopeds

Sec. 11-1507.1. Lamps on mopeds. Every moped, when in use at nighttime, shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front, and with a red reflector on the rear of a type approved by the Department which shall be visible from all distances from 100 feet to 600 feet to the rear when in front of lawful, low-powered beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

625 ILCS 5/11-1508 — Bicycle identifying number

Sec. 11-1508. Bicycle identifying number. A person engaged in the business of selling bicycles at retail shall not sell any bicycle unless the bicycle has an identifying number permanently stamped or cast on its frame.

625 ILCS 5/11-1509 — Inspecting bicycles

Sec. 11-1509. Inspecting bicycles. A uniformed police officer may at any time upon reasonable cause to believe that a bicycle is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair, require the person riding the bicycle to stop and submit the bicycle to an inspection and such test with reference thereto as may be appropriate.

625 ILCS 5/11-1510 — Left Turns

Sec. 11-1510. Left Turns.

(a) A person riding a bicycle or moped intending to turn left shall follow a course described in Section 11-801 or in paragraph

(b) of this Section.

(b) A person riding a bicycle or moped intending to turn left shall approach the turn as close as practicable to the right curb or edge of the roadway. After proceeding across the intersecting roadway to the far corner of the curb or intersection of the roadway edges, the bicyclist or moped driver shall stop, as much as practicable out of the way of traffic. After stopping the person shall yield to any traffic proceeding in either direction along the roadway such person had been using. After yielding, the bicycle or moped driver shall comply with any official traffic control device or police officer regulating traffic on the highway along which he intends to proceed, and the bicyclist or moped driver may proceed in the new direction.

(c) Notwithstanding the foregoing provisions, the Department and local authorities in their respective jurisdictions may cause official traffic-control devices to be placed and thereby require and direct that a specific course be traveled by turning bicycles and moped, and when such devices are so placed, no person shall turn a bicycle or moped other than as directed and required by such devices.

625 ILCS 5/11-1511 — Turn and stop signals

Sec. 11-1511. Turn and stop signals.

(a) Except as provided in this Section, a person riding a bicycle shall comply with Section 11-804.

(b) A signal of intention to turn right or left when required shall be given during not less than the last 100 feet traveled by the bicycle before turning, and shall be given while the bicycle is stopped waiting to turn. A signal by hand and arm need not be given continuously if the hand is needed in the control or operation of the bicycle.

625 ILCS 5/11-1512 — Bicycles on sidewalks

Sec. 11-1512. Bicycles on sidewalks.

(a) A person propelling a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall yield the right of way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

(b) A person shall not ride a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, where such use of bicycles is prohibited by official traffic-control devices.

(c) A person propelling a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall have all the rights and duties applicable to a pedestrian under the same circumstances.

625 ILCS 5/11-1513 — Bicycle parking

Sec. 11-1513. Bicycle parking.

(a) A person may park a bicycle on a sidewalk unless prohibited or restricted by an official traffic-control device.

(b) A bicycle parked on a sidewalk shall not impede the normal and reasonable movement of pedestrian or other traffic.

(c) A bicycle may be parked on the roadway at any angle to the curb or edge of the roadway at any location where parking is allowed.

(d) A bicycle may be parked on the roadway abreast of another bicycle or bicycles near the side of the roadway at any location where parking is allowed.

(e) A person shall not park a bicycle on a roadway in such a manner as to obstruct the movement of a legally parked motor vehicle.

(f) In all other respects, bicycles parked anywhere on a highway shall conform with the provisions of this Code regulating the parking of vehicles.

625 ILCS 5/11-1514 — Bicycle racing

Sec. 11-1514. Bicycle racing.

(a) Bicycle racing on a highway shall not be unlawful when a racing event has been approved by State or local authorities on any highway under their respective jurisdictions. Approval of bicycle highway racing events shall be granted only under conditions which assure reasonable safety for all race participants, spectators and other highway users, and which prevent unreasonable interference with traffic flow which would seriously inconvenience other highway users.

(b) By agreement with the approving authority, participants in an approved bicycle highway racing event may be exempted from compliance with any traffic laws otherwise applicable thereto, provided that traffic control is adequate to assure the safety of all highway users.

625 ILCS 5/11-1515

Sec. 11-1515. No person, firm, or corporation shall operate a commercial bicycle messenger service in a city with a population of more than 2,000,000 unless the bicycles used are covered by a liability insurance policy at the expense of the person, firm, or corporation. The insurance policy shall be issued in amounts no less than the minimum amounts set for bodily injury or death and for destruction of property under Section 7-203 of this Code. No insurer other than an insurer authorized to do business in this State shall issue a policy under this Section.

625 ILCS 5/11-1516 — Low-speed gas bicycles

Sec. 11-1516. Low-speed gas bicycles.

(a) A person may operate a low-speed gas bicycle only if the person is at least 16 years of age.

(b) A person may not operate a low-speed gas bicycle at a speed greater than 20 miles per hour upon any highway, street, or roadway.

(c) A person may not operate a low-speed gas bicycle on a sidewalk.

(d) Except as otherwise provided in this Section, the provisions of this Article XV that apply to bicycles also apply to low-speed gas bicycles.

625 ILCS 5/11-1517 — Low-speed electric bicycles

Sec. 11-1517. Low-speed electric bicycles.

(a) Except as otherwise provided in this Section, the provisions of this Chapter that apply to bicycles also apply to low-speed electric bicycles.

(b) Each low-speed electric bicycle operating in this State shall comply with equipment and manufacturing requirements adopted by the United States Consumer Product Safety Commission under 16 CFR 1512. Each Class 3 low-speed electric bicycle shall be equipped with a speedometer that displays the speed the bicycle is traveling in miles per hour.

(c) Beginning on or after January 1, 2018, every manufacturer and distributor of low-speed electric bicycles shall apply a label that is permanently affixed to the bicycle in a prominent location. The label shall contain, in Arial font in at least 9-point type:

(1) a classification number for the bicycle that corresponds with a class under Section 1-140.10 of this Code;

(2) the bicycle's top assisted speed; and

(3) the bicycle's motor wattage. No person shall knowingly tamper or modify the speed capability or engagement of a low-speed electric bicycle without replacing the label required under this subsection (c).

(d) A Class 2 low-speed electric bicycle shall operate in a manner so that the electric motor is disengaged or ceases to function when the brakes are applied. A Class 1 low-speed electric bicycle and a Class 3 low-speed electric bicycle shall operate in a manner so that the electric motor is disengaged or ceases to function when the rider stops pedaling.

(e) A person may operate a low-speed electric bicycle upon any highway, street, or roadway authorized for use by bicycles, including, but not limited to, bicycle lanes.

(f) A person may operate a low-speed electric bicycle upon any bicycle path unless the municipality, county, or local authority with jurisdiction prohibits the use of low-speed electric bicycles or a specific class of low-speed electric bicycles on that path.

(g) A person may not operate a low-speed electric bicycle on a sidewalk.

(h) A person may operate a Class 3 low-speed electric bicycle only if he or she is 16 years of age or older. A person who is less than 16 years of age may ride as a passenger on a Class 3 low-speed electric bicycle that is designed to accommodate passengers.

625 ILCS 5/11-1518 — Low-speed electric scooters

Sec. 11-1518. Low-speed electric scooters.

(a) Subject to the restrictions of this Section, a municipality, park district, forest preserve district, or conservation district may authorize and regulate the operation of low-speed electric scooters within the unit of local government on any or all highways under their respective jurisdiction, sidewalks, trails, or other public right-of-way where the operation of bicycles is permitted. The use of low-speed electric scooters within any municipality, park district, forest preserve district, or conservation district is allowed only if authorized by the municipality, park district, forest preserve district, or conservation district under this Section. Any authorization or regulation by a park district, forest preserve district, or conservation district applies only on property owned, managed, or leased by the park district, forest preserve district, or conservation district.

(a-5) Subject to the restrictions of this Section, the Department of Natural Resources may authorize and regulate the operation of low-speed electric scooters on any or all properties owned, managed, or leased by the Department of Natural Resources including, but not limited to, sidewalks, trails, or other public rights-of-way where the operation of bicycles is permitted. The use of low-speed electric scooters within any property that is owned, managed, or leased by the Department of Natural Resources is allowed only if authorized by the Department of Natural Resources. The Department of Natural Resources is authorized to adopt administrative rules for the regulation of low-speed electric scooters on any and all properties owned, managed, or leased by the Department of Natural Resources.

(b) A person may not operate a low-speed electric scooter on a highway with a posted speed limit in excess of 35 mph.

(c) A person may not operate a low-speed electric scooter unless he or she is 18 years of age or older.

(d) A low-speed electric scooter may be parked in the same manner and at the same locations as a bicycle may be parked.

(e) Every low-speed electric scooter when in use at nighttime shall be equipped with a lamp on the front that emits a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear that is visible from all distances from 100 feet to 600 feet to the rear when directly in front of lawful lower beams of headlamps on a motor vehicle, except that a lamp emitting a steady or flashing red light visible from a distance of 500 feet to the rear may be used in addition to or instead of the red reflector.

(f) A low-speed electric scooter shall not be equipped with nor shall any person use upon a low-speed electric scooter any siren. This subsection does not apply to a low-speed electric scooter that is a police vehicle or fire department vehicle.

(g) Every low-speed electric scooter shall be equipped with a brake that will adequately control movement of and stop and hold the low-speed electric scooter.

(h) A person may not operate a low-speed electric scooter while carrying any package, bundle, or article that prevents the operator from keeping at least one hand upon the handlebars.

(i) A person may not use a low-speed electric scooter to carry more than one person at a time. A person operating a low-speed electric scooter may not attach himself or herself or the scooter to any other vehicle being operated on the public right-of-way.

(j) A person may not operate a low-speed electric scooter upon any public highway in the State while under the influence of alcohol or any drug.

(k) The use of low-speed electric scooters is not permitted on State highways.

(l) Every low-speed electric scooter shall be well-maintained and in good operating condition.

625 ILCS 5/12-100

Sec. 12-100. (Repealed).

625 ILCS 5/12-101 — Scope and effect of equipment requirements

Sec. 12-101. Scope and effect of equipment requirements.

(a) It is unlawful for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person or property, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this Chapter 12, or which is equipped in any manner in violation of this Code, or for any person to do any act forbidden or fail to perform any act required under this Chapter 12.

(b) The provisions of this Chapter 12 with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors or to farm-wagon type trailers having a fertilizer spreader attachment permanently mounted thereon, having a gross weight of not to exceed 36,000 pounds and used only for the transportation of bulk fertilizer or to farm-wagon type tank trailers of not to exceed 2,000 gallons capacity, used during the liquid fertilizer season as field-storage "nurse tanks" supplying the fertilizer to a field applicator and moved on highways only for bringing the fertilizer from a local source of supply to farm or field or from one farm or field to another.

625 ILCS 5/12-201 — When lighted lamps are required

Sec. 12-201. When lighted lamps are required.

(a) When operated upon any highway in this State, every motorcycle shall at all times exhibit at least one lighted lamp, showing a white light visible for at least 500 feet in the direction the motorcycle is proceeding. However, in lieu of such lighted lamp, a motorcycle may be equipped with and use a means of modulating the upper beam of the head lamp between high and a lower brightness. No such head lamp shall be modulated, except to otherwise comply with this Code, during times when lighted lamps are required for other motor vehicles.

(b) All other motor vehicles shall exhibit at least 2 lighted head lamps, with at least one on each side of the frontmost of the vehicle, which satisfy United States Department of Transportation requirements, as set forth in 49 CFR 571.108, showing white lights, including that emitted by high intensity discharge (HID) lamps, or lights of a yellow or amber tint, during the period from sunset to sunrise, at times when rain, snow, fog, or other atmospheric conditions require the use of windshield wipers, and at any other times when, due to insufficient light or unfavorable atmospheric conditions, persons

and vehicles on the highway are not clearly discernible at a distance of 1000 feet. Parking lamps may be used in addition to but not in lieu of such head lamps. Every motor vehicle, trailer, or semi-trailer shall also exhibit at least 2 lighted lamps, commonly known as tail lamps, which shall be mounted on the left rearmost and right rearmost of the vehicle so as to throw a red light visible for at least 500 feet in the reverse direction, except that a truck tractor or road tractor manufactured before January 1, 1968 and all motorcycles need be equipped with only one such tail lamp.

(c) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light a rear registration plate when required and render it clearly legible from a distance of 50 feet to the rear. Any tail lamp or tail lamps, together with any separate lamp or lamps for illuminating a rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.

(d) A person shall install only head lamps that satisfy United States Department of Transportation regulations, as set forth in 49 CFR 571.108, and show white light, including that emitted by HID lamps, or light of a yellow or amber tint for use by a motor vehicle.

(e) (Blank).

625 ILCS 5/12-202 — Clearance, identification and side marker lamps

Sec. 12-202. Clearance, identification and side marker lamps.

(a) Second division vehicles with a GVWR over 10,000 pounds, the length of which together with any trailer or trailers in tow thereof, is more than 25 feet or the width of which is more than 80 inches exclusive of mirrors, bumpers and other required safety devices, while being operated on the highways of this State during the period from sunset to sunrise, shall display on the front of the vehicle 2 yellow or amber lights, one on each upper front corner of the vehicle, which shall be plainly visible at a distance of at least 500 feet; also on the rear thereof in a horizontal line, 3 red lights plainly visible at a distance of not less than 500 feet; also on the front of the body of that vehicle near the lower left hand corner one yellow or amber tinted reflector, and near the lower right hand corner one yellow or amber tinted reflector; also red reflectors on the rear of the body of that vehicle, not more than 12 inches from the lower left and right hand corners. All motor vehicles of the second division more than 20 feet long, and all trailers and semitrailers, except trailers and semitrailers having a gross weight of 3,000 pounds or less including the weight of the trailer and maximum load, while being operated on the highways of this State during the period from sunset to sunrise, shall display on each side of the vehicle at approximately the one-third points of the length of the same, at a height not exceeding 5 feet above the surface of the road, and reflecting on a line approximately at right angles to the center line of the vehicle, 2 amber tinted reflectors. After January, 1974, all new motor vehicles of the second division more than 20 feet long, and all trailers and semitrailers except trailers and semitrailers having a gross weight of 3,000 pounds or less including the weight of the trailer and maximum load sold as new in this State, while being operated on the highways of this State during period from sunset to sunrise, shall display on each side of the vehicle, not more than 12 inches from the front, one amber tinted reflector, and not more than 12 inches from the rear one red reflector at a height not exceeding 5 feet above the surface of the road, and reflecting on a line approximately at right angles to the center line of the vehicle, approved by the Department.

(b) Every trailer and semitrailer having a gross weight of 3,000 pounds or less including the weight of the trailer and maximum load, towed either by a motor vehicle of the first division or a motor vehicle of the second division shall be equipped with 2 red reflectors, which will be visible when hit by headlight beams 300 feet away at night, on the rear of the body of such trailer, not more than 12 inches from the lower left hand and lower right hand corners.

(c) Every vehicle designated in paragraph

(a) or

(b) of this Section that is manufactured after December 31, 1973, shall, at the places and times specified in paragraph

(a) or

(b) of this Section, display reflectors and clearance, identification, and side marker lamps in conformance with the specifications prescribed by the Department.

625 ILCS 5/12-203 — Lamps on parked vehicles

Sec. 12-203. Lamps on parked vehicles.

(a) During the period from sunset to sunrise every motorcycle or motor vehicle which is standing on any highway shall display a parking light on the front and at the rear of the same. However, any city, village or incorporated town may by

ordinance, under rules and regulations it may prescribe, designate any part or parts of any street, or other highway under their jurisdiction, as parking places in which motorcycles and motor vehicles may be parked without having their lamps lighted, as otherwise required by this Section.

(b) Any lighted driving lamps upon a parked vehicle shall be depressed or dimmed.

625 ILCS 5/12-204 — Lamp or flag on projecting load

Sec. 12-204. Lamp or flag on projecting load. Whenever the load upon any vehicle extends to the rear 4 feet, or more beyond the bed or body of such vehicle there shall be displayed at the extreme rear end of the load, at the times specified in Section 12-201 hereof, a red light or lantern plainly visible from a distance of at least 500 feet to the sides and rear. The red light or lantern required under this Section shall be in addition to the red rear light required upon every vehicle. At any other time there shall be displayed at the extreme rear end of such load a red flag or cloth not less than 12 inches square.

625 ILCS 5/12-205 — Lamps on other vehicles and equipment

Sec. 12-205. Lamps on other vehicles and equipment. Every vehicle, including animal drawn vehicles, referred to in paragraph

(b) of Section 12-101, not specifically required by the provisions of this Article to be equipped with lamps or other lighting devices, shall at all times specified in Section 12-201 of this Act be equipped with at least 2 lamps on the power or towing unit, displaying a white light visible from a distance of not less than 1,000 feet to the front of such vehicle and shall also be equipped with 2 lamps each displaying a red light visible from a distance of not less than 1,000 feet to the rear of such vehicle. Where the towed unit or any load thereon partially or totally obscures the 2 lamps displaying red light to the rear of the towing unit, the rearmost towed unit shall be equipped with 2 lamps displaying red light visible from a distance of not less than 1,000 feet to the rear of such towed unit which are positioned in such a manner as to not obstruct the visibility of the red light to any vehicle operator approaching from the rear of such vehicle or combination of vehicles. Where the 2 lamps displaying red light are not obscured by the towed unit or its load, then either towing unit or towed unit, or both, may be equipped with the 2 lamps displaying red light as required. The preceding paragraph does not apply to antique vehicles, expanded-use antique vehicles, custom vehicles, or street rods. An antique vehicle or expanded-use antique vehicle shall be equipped with lamps of the same type originally installed by the manufacturer as original equipment and in working order.

625 ILCS 5/12-205.1 — Implements of husbandry or slow-moving vehicles-Display of amber signal lamp

Sec. 12-205.1. Implements of husbandry or slow-moving vehicles-Display of amber signal lamp. Every animal drawn vehicle, farm tractor, implement of husbandry and special mobile equipment, except when used for road construction or maintenance within the limits of a construction or maintenance project where traffic control devices are used in compliance with the applicable provisions of the manual and specifications adopted under Section 11-301 of the Illinois Vehicle Code, when operated on a highway during a time when lighted lamps are required by Section 12-201 of this Chapter, shall display to the rear at least one flashing amber signal lamp mounted as high as practicable and of sufficient intensity to be visible for a distance of at least 500 feet in normal sunlight; provided, that only the rearmost vehicle of a combination of vehicles coupled together need display such lamp. The flashing amber signal lamp may be operated lighted during daylight hours when other lamps are not required to be lighted when vehicles authorized in this Section are operated on a highway. Implements of husbandry manufactured on or after January 1, 2003 and operated on public roads between sunset and sunrise shall display markings and lighting that meet or exceed the design, performance, and mounting specifications adopted by the American Society of Agricultural Engineers and published by that body as ASAE S279.11 APR01.

625 ILCS 5/12-207 — Spot lamps and auxiliary driving lamps

Sec. 12-207. Spot lamps and auxiliary driving lamps.

(a) Any motor vehicle may be equipped with not to exceed one spot lamp that shall emit a white light without glare and every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle nor more than 100 feet ahead of the vehicle.

(b) Any motor vehicle may be equipped with not to exceed 3 auxiliary driving lamps showing white light, including white light emitted by a high intensity discharge (HID) lamp, or light of a yellow or amber tint, mounted forward facing on the

front at a height not less than 12 inches nor more than 42 inches above the level surface upon which the vehicle stands. As used in this subsection, "auxiliary driving lamp" means a lamp, whether temporarily or permanently installed on a vehicle, not originally installed by the manufacturer at the original point of assembly.

(c) The restrictions of subsections 12-207

(a) and 12-207

(b) of this Act shall not apply to authorized emergency vehicles or equipment used for snow and ice removal operations if owned or operated by or for any governmental body.

(d) The minimum and maximum height restrictions prescribed in subsection

(b) of Section 12-207 shall not apply to privately owned motor vehicles on which a snow plow is mounted, while in transit between or during snow and ice removal operations. This exemption shall apply only during the period from November 15 through April 1, and only when the snow plow blade, commonly referred to as a "moldboard", is properly and securely affixed to the front of the motor vehicle.

625 ILCS 5/12-208 — Signal lamps and signal devices

Sec. 12-208. Signal lamps and signal devices.

(a) Every vehicle other than an antique vehicle displaying an antique plate or an expanded-use antique vehicle displaying expanded-use antique vehicle plates operated in this State shall be equipped with a stop lamp or lamps on the rearmost of the vehicle which shall display a red or amber light visible from a distance of not less than 500 feet to the rear in normal sunlight and which shall be actuated upon application of the service (foot) brake, and which may but need not be incorporated with other rear lamps. During times when lighted lamps are not required, an antique vehicle or an expanded-use antique vehicle may be equipped with a stop lamp or lamps on the rear of such vehicle of the same type originally installed by the manufacturer as original equipment and in working order. However, at all other times, except as provided in subsection (a-1), such antique vehicle or expanded-use antique vehicle must be equipped with stop lamps meeting the requirements of Section 12-208 of this Act. (a-1) A motorcycle or an antique vehicle or an expanded-use antique vehicle, including an antique motorcycle, may display a blue light or lights of up to one inch in diameter as part of the vehicle's rear stop lamp or lamps.

(b) Every motor vehicle other than an antique vehicle displaying an antique plate or an expanded-use antique vehicle displaying expanded-use antique vehicle plates shall be equipped with an electric turn signal device which shall indicate the intention of the driver to turn to the right or to the left, change lanes, turn a vehicle, or otherwise turn or maneuver a vehicle from a direct course of travel in the form of flashing lights located at and showing to the front and rear of the vehicle on the side of the vehicle toward which the turn is to be made. The lamps showing to the front shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit a white or amber light, or any shade of light between white and amber. The lamps showing to the rear shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit a red or amber light. An antique vehicle or expanded-use antique vehicle shall be equipped with a turn signal device of the same type originally installed by the manufacturer as original equipment and in working order.

(c) Every trailer and semitrailer shall be equipped with an electric turn signal device which indicates the intention of the driver in the power unit to turn to the right or to the left in the form of flashing red or amber lights located at the rear of the vehicle on the side toward which the turn is to be made and mounted on the same level and as widely spaced laterally as practicable.

(d) Turn signal lamps must be visible from a distance of not less than 300 feet in normal sunlight.

(e) Motorcycles and motor-driven cycles need not be equipped with electric turn signals. Antique vehicles and expanded-use antique vehicles need not be equipped with turn signals unless such were installed by the manufacturer as original equipment.

(f) (Blank).

(g) Motorcycles and motor-driven cycles may be equipped with a stop lamp or lamps on the rear of the vehicle that display a red or amber light, visible from a distance of not less than 500 feet to the rear in normal sunlight, that flashes and becomes steady only when the brake is actuated.

(h) Electric turn signal lamps shall not be flashed or left in the on position other than to indicate the intention of a driver to turn a vehicle left or right, change lanes, or otherwise turn or maneuver a vehicle from a direct course of travel.

625 ILCS 5/12-209 — Additional lighting equipment

Sec. 12-209. Additional lighting equipment.

(a) Any motor vehicle may be equipped with not more than 2 side cowl or fender lamps which shall emit an amber or white light without glare.

(b) Any motor vehicle may be equipped with not more than one running board courtesy lamp on each side thereof which shall emit a white or amber light without glare.

(c) Any motor vehicle may be equipped with one or more back-up lamps either separately or in combination with other lamps which shall emit a white or amber light without glare; but any such back-up lamp or lamps shall not be lighted when the motor vehicle is in forward motion.

625 ILCS 5/12-210 — Use of head lamps and auxiliary driving lamps

Sec. 12-210. Use of head lamps and auxiliary driving lamps.

(a) Whenever the driver of any vehicle equipped with an electric driving head lamp, driving head lamps, auxiliary driving lamp or auxiliary driving lamps is within 500 feet of another vehicle approaching from the opposite direction, the driver shall dim or drop such head lamp or head lamps and shall extinguish all auxiliary driving lamps.

(b) The driver of any vehicle equipped with an electric driving head lamp, head lamps, auxiliary driving lamp or auxiliary driving lamps shall dim or drop such head lamp or head lamps and shall extinguish all auxiliary driving lamps when there is another vehicle traveling in the same direction less than 300 feet to the front of him.

(c) No vehicle shall have the lighting system modified to allow more than 2 electric head lamps to be lighted while operating in the dimmed or dropped position.

(d) Nothing in this Section shall prohibit the use of 2 lamps mounted on the frontmost of the motor vehicle that emit white or amber light without glare, installed by the manufacturer at the original point of assembly, when used in conjunction with head lamps. All lamps, including auxiliary driving lamps, shall be adjusted and so aimed that the glaring rays are not projected into the eyes of drivers of oncoming vehicles. As used in this subsection, "auxiliary driving lamp" means a lamp, whether temporarily or permanently installed on a vehicle, not originally installed by the manufacturer at the original point of assembly.

625 ILCS 5/12-211 — Number of driving lamps required or permitted

Sec. 12-211. Number of driving lamps required or permitted.

(a) At all times specified in Section 12-201, at least 2 lighted driving lamps shall be displayed, one on each side of the front of every motor vehicle other than a motorcycle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles.

(b) Whenever a motor vehicle equipped with driving lamps as herein required is also equipped with any auxiliary driving lamps or a spot lamp or any other lamp on the front thereof, not more than a total of 4 of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

625 ILCS 5/12-212 — Special restrictions on lamps

Sec. 12-212. Special restrictions on lamps.

(a) No person shall drive or move any vehicle or equipment upon any highway with any lamp or device on the vehicle or equipment displaying a red light visible from directly in front of the vehicle or equipment except as otherwise provided in this Act.

(b) Subject to the restrictions of this Act, flashing lights are prohibited on motor vehicles except as expressly authorized in this Chapter or as a means for indicating a right or left turn, lane change, or a maneuver of a vehicle from a direct course of travel as provided in Section 12-208 or the presence of a vehicular traffic hazard requiring unusual care as expressly provided in Sections 11-804 or 12-215.

(c) Unless otherwise expressly authorized by this Code, all other lighting or combination of lighting on any vehicle shall be prohibited.

(d) No person shall drive or move any motor vehicle or equipment upon any highway with any lighting or combination of lighting with a smoked or tinted lens or cover.

625 ILCS 5/12-214 — Special lighting equipment on rural mail delivery vehicles

Sec. 12-214. Special lighting equipment on rural mail delivery vehicles. If a rural mail delivery vehicle is equipped with special signal lamps, there shall be displayed to the front 2 such alternately flashing amber lamps located at the same level and mounted as high and as widely spaced laterally as practicable and to the rear 2 alternately flashing amber lamps located at the same level and mounted as high and as widely spaced laterally as practicable. Such lamps shall be of sufficient intensity to be visible at 500 feet in normal sunlight and shall be controlled so that they will only be used to indicate to other traffic that a stop is being made for the purpose of picking up or delivering U. S. mail.

625 ILCS 5/12-214.1 — Tow trucks meeting federal motor carrier safety requirements; lighting and signalling equipment

Sec. 12-214.1. Tow trucks meeting federal motor carrier safety requirements; lighting and signalling equipment. Any tow truck that meets the requirements of the Federal Motor Carrier Safety Regulations of the United States Department of Transportation, regarding lighting and signalling equipment required on commercial motor vehicles, shall be deemed to comply with the provisions of this Chapter regarding required lighting and signalling equipment.

625 ILCS 5/12-215 — Oscillating, rotating, or flashing lights on motor vehicles

Sec. 12-215. Oscillating, rotating, or flashing lights on motor vehicles. Except as otherwise provided in this Code:

(a) The use of red or white oscillating, rotating, or flashing lights, whether lighted or unlighted, is prohibited except on: 1. Law enforcement vehicles of State, federal, or local authorities; 2. A vehicle operated by a police officer or county coroner and designated or authorized by local authorities, in writing, as a law enforcement vehicle; however, such designation or authorization must be carried in the vehicle; 2.1. A vehicle operated by a fire chief, deputy fire chief, assistant fire chief, or a chief of a Mutual Aid Box Alarm System who has completed an emergency vehicle operation training course approved by the Office of the State Fire Marshal and designated or authorized by local authorities, fire departments, fire protection districts, or Mutual Aid Box Alarm Systems, in writing, as a fire department, fire protection district, township fire department, or Mutual Aide Box Alarm System vehicle; however, the designation or authorization must be carried in the vehicle, and the lights may be visible or activated only when responding to a bona fide emergency; 3. Vehicles of local fire departments and State or federal firefighting vehicles; 4. Vehicles which are designed and used exclusively as ambulances or rescue vehicles; furthermore, such lights shall not be lighted except when responding to an emergency call for and while actually conveying the sick or injured; 4.5. Vehicles which are occasionally used as rescue vehicles that have been authorized for use as rescue vehicles by a volunteer EMS provider, provided that the operator of the vehicle has successfully completed an emergency vehicle operation training course recognized by the Department of Public Health; furthermore, the lights shall not be lighted except when responding to an emergency call for the sick or injured; 5. Tow trucks licensed in a state that requires such lights; furthermore, such lights shall not be lighted on any such tow truck while the tow truck is operating in the State of Illinois; 6. Vehicles of the Illinois Emergency Management Agency, vehicles of the Office of the Illinois State Fire Marshal, vehicles of the Illinois Department of Public Health, vehicles of the Illinois Department of Corrections, and vehicles of the Illinois Department of Juvenile Justice; 7. Vehicles operated by a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act; 8. School buses operating alternately flashing head lamps as permitted under Section 12-805 of this Code; 9. Vehicles that are equipped and used exclusively as organ transplant vehicles when used in combination with blue oscillating, rotating, or flashing lights; furthermore, these lights shall be lighted only when the transportation is declared an emergency by a member of the transplant team or a representative of the organ procurement organization; 10. Vehicles of the Illinois Department of Natural Resources that are used for mine rescue and explosives emergency response; 11. Vehicles of the Illinois Department of Transportation identified as Emergency Traffic Patrol; the lights shall not be lighted except when responding to an emergency call or when parked or stationary while engaged in motor vehicle assistance or at the scene of the emergency; and 12. Vehicles of the Illinois State Toll Highway Authority with a gross vehicle weight rating of 9,000 pounds or more and those identified as Highway Emergency Lane Patrol; the lights shall not be lighted except when responding to an emergency call or when parked or stationary while engaged in motor vehicle assistance or at the scene of the emergency.

(b) The use of amber oscillating, rotating, or flashing lights, whether lighted or unlighted, is prohibited except on: 1. Second division vehicles designed and used for towing or hoisting vehicles; furthermore, such lights shall not be lighted

except as required in this paragraph 1; such lights shall be lighted when such vehicles are actually being used at the scene of a crash or disablement; if the towing vehicle is equipped with a flat bed that supports all wheels of the vehicle being transported, the lights shall not be lighted while the vehicle is engaged in towing on a highway; if the towing vehicle is not equipped with a flat bed that supports all wheels of a vehicle being transported, the lights shall be lighted while the towing vehicle is engaged in towing on a highway during all times when the use of headlights is required under Section 12-201 of this Code; in addition, these vehicles may use white oscillating, rotating, or flashing lights in combination with amber oscillating, rotating, or flashing lights as provided in this paragraph; 2. Motor vehicles or equipment of the State of Illinois, the Illinois State Toll Highway Authority, local authorities, and contractors; furthermore, such lights shall not be lighted except while such vehicles are engaged in maintenance or construction operations within the limits of construction projects; 3. Vehicles or equipment used by engineering or survey crews; furthermore, such lights shall not be lighted except while such vehicles are actually engaged in work on a highway; 4. Vehicles of public utilities, municipalities, or other construction, maintenance, or automotive service vehicles except that such lights shall be lighted only as a means for indicating the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking, or passing while such vehicles are engaged in maintenance, service, or construction on a highway; 5. Oversized vehicle or load; however, such lights shall only be lighted when moving under permit issued by the Department under Section 15-301 of this Code; 6. The front and rear of motorized equipment owned and operated by the State of Illinois or any political subdivision thereof, which is designed and used for removal of snow and ice from highways; 6.1. The front and rear of motorized equipment or vehicles that

(i) are not owned by the State of Illinois or any political subdivision of the State, (ii) are designed and used for removal of snow and ice from highways and parking lots, and (iii) are equipped with a snow plow that is 12 feet in width; these lights may not be lighted except when the motorized equipment or vehicle is actually being used for those purposes on behalf of a unit of government; 7. Fleet safety vehicles registered in another state, furthermore, such lights shall not be lighted except as provided for in Section 12-212 of this Code; 8. Such other vehicles as may be authorized by local authorities; 9. Law enforcement vehicles of State or local authorities when used in combination with red oscillating, rotating, or flashing lights; 9.5. Propane delivery trucks; 10. Vehicles used for collecting or delivering mail for the United States Postal Service provided that such lights shall not be lighted except when such vehicles are actually being used for such purposes; 10.5. Vehicles of the Office of the Illinois State Fire Marshal, provided that such lights shall not be lighted except for when such vehicles are engaged in work for the Office of the Illinois State Fire Marshal; 11. Any vehicle displaying a slow-moving vehicle emblem as provided in Section 12-205.1; 12. All trucks equipped with self-compactors or roll-off hoists and roll-on containers for garbage, recycling, or refuse hauling. Such lights shall not be lighted except when such vehicles are actually being used for such purposes; 13. Vehicles used by a security company, alarm responder, control agency, or the Illinois Department of Corrections; 14. Security vehicles of the Department of Human Services; however, the lights shall not be lighted except when being used for security related purposes under the direction of the superintendent of the facility where the vehicle is located; and 15. Vehicles of union representatives, except that the lights shall be lighted only while the vehicle is within the limits of a construction project.

(c) The use of blue oscillating, rotating, or flashing lights, whether lighted or unlighted, is prohibited except on: 1. Rescue squad vehicles not owned by a fire department or fire protection district and vehicles owned or operated by a: voluntary firefighter; paid firefighter; part-paid firefighter; call firefighter; member of the board of trustees of a fire protection district; paid or unpaid member of a rescue squad; paid or unpaid member of a voluntary ambulance unit; or paid or unpaid members of a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, designated or authorized by local authorities, in writing, and carrying that designation or authorization in the vehicle. However, such lights are not to be lighted except when responding to a bona fide emergency or when parked or stationary at the scene of a fire, rescue call, ambulance call, or motor vehicle crash. Any person using these lights in accordance with this subdivision (c)1 must carry on his or her person an identification card or letter identifying the bona fide member of a fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency that owns or operates that vehicle. The card or letter must include: (A) the name of the fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency; (B) the member's position within the fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency; (C) the member's term of service; and (D) the name of a person within the fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency to contact to verify the information provided. 2. Police department vehicles in cities having a population of 500,000 or more inhabitants. 3. Law enforcement vehicles of State or local authorities when used in combination with red oscillating, rotating, or flashing lights.

4. Vehicles of local fire departments and State or federal firefighting vehicles when used in combination with red oscillating, rotating, or flashing lights. 5. Vehicles which are designed and used exclusively as ambulances or rescue vehicles when used in combination with red oscillating, rotating, or flashing lights; furthermore, such lights shall not be lighted except when responding to an emergency call. 6. Vehicles that are equipped and used exclusively as organ transport vehicles when used in combination with red oscillating, rotating, or flashing lights; furthermore, these lights shall only be lighted when the transportation is declared an emergency by a member of the transplant team or a representative of the organ procurement organization. 7. Vehicles of the Illinois Emergency Management Agency, vehicles of the Office of the Illinois State Fire Marshal, vehicles of the Illinois Department of Public Health, vehicles of the Illinois Department of Corrections, and vehicles of the Illinois Department of Juvenile Justice, when used in combination with red oscillating, rotating, or flashing lights. 8. Vehicles operated by a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, when used in combination with red oscillating, rotating, or flashing lights. 9. Vehicles of the Illinois Department of Natural Resources that are used for mine rescue and explosives emergency response, when used in combination with red oscillating, rotating, or flashing lights. (c-1) In addition to the blue oscillating, rotating, or flashing lights permitted under subsection (c), and notwithstanding subsection (a), a vehicle operated by a voluntary firefighter, a voluntary member of a rescue squad, or a member of a voluntary ambulance unit may be equipped with flashing white headlights and blue grill lights, which may be used only in responding to an emergency call or when parked or stationary at the scene of a fire, rescue call, ambulance call, or motor vehicle crash. (c-2) In addition to the blue oscillating, rotating, or flashing lights permitted under subsection (c), and notwithstanding subsection (a), a vehicle operated by a paid or unpaid member of a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, may be equipped with white oscillating, rotating, or flashing lights to be used in combination with blue oscillating, rotating, or flashing lights, if authorization by local authorities is in writing and carried in the vehicle.

(d) The use of a combination of amber and white oscillating, rotating, or flashing lights, whether lighted or unlighted, is prohibited except on second division vehicles designed and used for towing or hoisting vehicles or motor vehicles or equipment of the State of Illinois, local authorities, contractors, and union representatives; furthermore, such lights shall not be lighted on second division vehicles designed and used for towing or hoisting vehicles or vehicles of the State of Illinois, local authorities, and contractors except while such vehicles are engaged in a tow operation, highway maintenance, or construction operations within the limits of highway construction projects, and shall not be lighted on the vehicles of union representatives except when those vehicles are within the limits of a construction project. (d-5) The use of green oscillating, flashing, or rotating lights, whether lighted or unlighted, is prohibited except on: 1. Second division vehicles designed and used for towing or hoisting vehicles when the lights on those vehicles are used in combination with amber or amber and white oscillating, flashing, or rotating lights; furthermore, such lights shall not be lighted except when such vehicles are actually being used at the scene of a crash or disablement. 2. Motor vehicles or equipment of the State of Illinois when the lights on those vehicles or equipment are used in combination with amber or amber and white oscillating, flashing, or rotating lights; furthermore, such lights shall not be lighted except while such vehicles or equipment are engaged in maintenance operations, snow and ice removal operations, or performing traffic control and protection duties while at an emergency scene. 3. Motor vehicles of the Department of Transportation identified as Emergency Traffic Patrol when the lights on those vehicles are used in combination with red and white oscillating, flashing, or rotating lights when responding to an emergency call or when parked or stationary while engaged in motor vehicle assistance or at an emergency scene. 4. Motor vehicles of the Illinois State Toll Highway Authority when the lights on those vehicles are used in combination with amber oscillating, flashing, or rotating lights; furthermore, such lights shall not be lighted except while such vehicles are engaged in maintenance operations, snow and ice removal operations, or performing traffic control and protection duties while at an emergency scene. 5. Motor vehicles of the Illinois State Toll Highway Authority with a gross vehicle weight rating of 9,000 pounds or more and those identified as Highway Emergency Lane Patrol when the lights on those vehicles are used in combination with red and white oscillating, flashing, or rotating lights when responding to an emergency call or when parked or stationary while engaged in motor vehicle assistance or at the scene of the emergency. 6. Motor vehicles or equipment of local authority or municipalities which perform highway maintenance operations, when the lights on those vehicles are used in combination with amber or amber and white oscillating, flashing, or rotating lights; furthermore, such lights shall not be lighted except while such vehicles are engaged in the maintenance operations, snow and ice removal operations, or performing traffic control and protection duties while at an emergency scene. 7. Fire department vehicles of local fire departments and State or federal firefighting vehicles when the lights on those vehicles are used in combination with red, or red and white, or red and blue, oscillating, rotating, or flashing lights.

8. Vehicles used by a security company when the lights on those vehicles are used in combination with amber oscillating, flashing, or rotating lights; furthermore, such lights shall not be lighted except when the vehicle is being operated upon the property or location where the security company is employed to perform security or crime prevention duties. 9.

Ambulances or rescue vehicles operating in counties with populations of less than 2,000,000. (d-10) Fire department vehicles of local fire departments and State or federal firefighting vehicles, police vehicles of State, federal, or local authorities, and vehicles designated by local or State authority, while parked at an emergency scene, may use a steady-on illumination or steady-burn, or flashing green beacon or beacons if such steady-on, steady-burn, or flashing beacon is used to indicate an emergency operations command post or incident command location.

(e) All oscillating, rotating, or flashing lights referred to in this Section shall be of sufficient intensity, when illuminated, to be visible at 500 feet in normal sunlight.

(f) Nothing in this Section shall prohibit a manufacturer of oscillating, rotating, or flashing lights or his representative or authorized vendor from temporarily mounting such lights on a vehicle for demonstration purposes only. If the lights are not covered while the vehicle is operated upon a highway, the vehicle shall display signage indicating that the vehicle is out of service or not an emergency vehicle. The signage shall be displayed on all sides of the vehicle in letters at least 2 inches tall and one-half inch wide. A vehicle authorized to have oscillating, rotating, or flashing lights mounted for demonstration purposes may not activate the lights while the vehicle is operated upon a highway.

(g) Any person violating the provisions of subsection (a), (b), (c), (d), (d-5), or (d-10) of this Section who without lawful authority stops or detains or attempts to stop or detain another person shall be guilty of a Class 2 felony.

(h) Except as provided in subsection

(g) above, any person violating the provisions of subsection

(a) or

(c) of this Section shall be guilty of a Class A misdemeanor. (Text of Section from P.A. 104-213) Sec. 12-215. Oscillating, rotating, or flashing lights on motor vehicles. Except as otherwise provided in this Code:

(a) The use of red or white oscillating, rotating, or flashing lights, whether lighted or unlighted, is prohibited except on: 1. Law enforcement vehicles of State, federal, or local authorities; 2. A vehicle operated by a police officer or county coroner and designated or authorized by local authorities, in writing, as a law enforcement vehicle; however, such designation or authorization must be carried in the vehicle; 2.1. A vehicle operated by a fire chief, deputy fire chief, or assistant fire chief who has completed an emergency vehicle operation training course approved by the Office of the State Fire Marshal and designated or authorized by local authorities, fire departments, or fire protection districts, in writing, as a fire department, fire protection district, or township fire department vehicle; however, the designation or authorization must be carried in the vehicle, and the lights may be visible or activated only when responding to a bona fide emergency; 3. Vehicles of local fire departments and State or federal firefighting vehicles; 4. Vehicles which are designed and used exclusively as ambulances or rescue vehicles; furthermore, such lights shall not be lighted except when responding to an emergency call for and while actually conveying the sick or injured; 4.5. Vehicles operated by an EMS chief that are affixed with EMS chief special registration plates or vehicles which are occasionally used as rescue vehicles that have been authorized for use as rescue vehicles by a volunteer EMS provider, provided that the operator of the vehicle has successfully completed an emergency vehicle operation training course recognized by the Department of Public Health; furthermore, the lights shall not be lighted except when responding to an emergency call for the sick or injured; 5. Tow trucks licensed in a state that requires such lights; furthermore, such lights shall not be lighted on any such tow truck while the tow truck is operating in the State of Illinois; 6. Vehicles of the Illinois Emergency Management Agency, vehicles of the Office of the Illinois State Fire Marshal, vehicles of the Illinois Department of Public Health, vehicles of the Illinois Department of Corrections, and vehicles of the Illinois Department of Juvenile Justice; 7. Vehicles operated by a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act; 8. School buses operating alternately flashing head lamps as permitted under Section 12-805 of this Code; 9. Vehicles that are equipped and used exclusively as organ transplant vehicles when used in combination with blue oscillating, rotating, or flashing lights; furthermore, these lights shall be lighted only when the transportation is declared an emergency by a member of the transplant team or a representative of the organ procurement organization; 10. Vehicles of the Illinois Department of Natural Resources that are used for mine rescue and explosives emergency response; 11. Vehicles of the Illinois Department of Transportation identified as Emergency Traffic Patrol; the lights shall not be lighted except when responding to an emergency call or when parked or stationary while engaged in motor vehicle assistance or at the scene of the emergency; and 12. Vehicles of the Illinois State Toll Highway Authority with a gross vehicle weight rating of 9,000

pounds or more and those identified as Highway Emergency Lane Patrol; the lights shall not be lighted except when responding to an emergency call or when parked or stationary while engaged in motor vehicle assistance or at the scene of the emergency.

(b) The use of amber oscillating, rotating, or flashing lights, whether lighted or unlighted, is prohibited except on: 1. Second division vehicles designed and used for towing or hoisting vehicles; furthermore, such lights shall not be lighted except as required in this paragraph 1; such lights shall be lighted when such vehicles are actually being used at the scene of a crash or disablement; if the towing vehicle is equipped with a flat bed that supports all wheels of the vehicle being transported, the lights shall not be lighted while the vehicle is engaged in towing on a highway; if the towing vehicle is not equipped with a flat bed that supports all wheels of a vehicle being transported, the lights shall be lighted while the towing vehicle is engaged in towing on a highway during all times when the use of headlights is required under Section 12-201 of this Code; in addition, these vehicles may use white oscillating, rotating, or flashing lights in combination with amber oscillating, rotating, or flashing lights as provided in this paragraph; 2. Motor vehicles or equipment of the State of Illinois, the Illinois State Toll Highway Authority, local authorities, and contractors; furthermore, such lights shall not be lighted except while such vehicles are engaged in maintenance or construction operations within the limits of construction projects; 3. Vehicles or equipment used by engineering or survey crews; furthermore, such lights shall not be lighted except while such vehicles are actually engaged in work on a highway; 4. Vehicles of public utilities, municipalities, or other construction, maintenance, or automotive service vehicles except that such lights shall be lighted only as a means for indicating the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking, or passing while such vehicles are engaged in maintenance, service, or construction on a highway; 5. Oversized vehicle or load; however, such lights shall only be lighted when moving under permit issued by the Department under Section 15-301 of this Code; 6. The front and rear of motorized equipment owned and operated by the State of Illinois or any political subdivision thereof, which is designed and used for removal of snow and ice from highways; 6.1. The front and rear of motorized equipment or vehicles that

(i) are not owned by the State of Illinois or any political subdivision of the State, (ii) are designed and used for removal of snow and ice from highways and parking lots, and (iii) are equipped with a snow plow that is 12 feet in width; these lights may not be lighted except when the motorized equipment or vehicle is actually being used for those purposes on behalf of a unit of government; 7. Fleet safety vehicles registered in another state, furthermore, such lights shall not be lighted except as provided for in Section 12-212 of this Code; 8. Such other vehicles as may be authorized by local authorities; 9. Law enforcement vehicles of State or local authorities when used in combination with red oscillating, rotating, or flashing lights; 9.5. Propane delivery trucks; 10. Vehicles used for collecting or delivering mail for the United States Postal Service provided that such lights shall not be lighted except when such vehicles are actually being used for such purposes; 10.5. Vehicles of the Office of the Illinois State Fire Marshal, provided that such lights shall not be lighted except for when such vehicles are engaged in work for the Office of the Illinois State Fire Marshal; 11. Any vehicle displaying a slow-moving vehicle emblem as provided in Section 12-205.1; 12. All trucks equipped with self-compactors or roll-off hoists and roll-on containers for garbage, recycling, or refuse hauling. Such lights shall not be lighted except when such vehicles are actually being used for such purposes; 13. Vehicles used by a security company, alarm responder, control agency, or the Illinois Department of Corrections; 14. Security vehicles of the Department of Human Services; however, the lights shall not be lighted except when being used for security related purposes under the direction of the superintendent of the facility where the vehicle is located; and 15. Vehicles of union representatives, except that the lights shall be lighted only while the vehicle is within the limits of a construction project.

(c) The use of blue oscillating, rotating, or flashing lights, whether lighted or unlighted, is prohibited except on: 1. Rescue squad vehicles not owned by a fire department or fire protection district and vehicles owned or operated by an EMS chief as provided in subsection (a); a voluntary firefighter; a paid firefighter; a part-paid firefighter; a call firefighter; a member of the board of trustees of a fire protection district; a paid or unpaid member of a rescue squad; a paid or unpaid member of a voluntary ambulance unit; or a paid or unpaid members of a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, designated or authorized by local authorities, in writing, and carrying that designation or authorization in the vehicle. However, such lights are not to be lighted except when responding to a bona fide emergency or when parked or stationary at the scene of a fire, rescue call, ambulance call, or motor vehicle crash. Any person using these lights in accordance with this subdivision (c)1 must carry on his or her person an identification card or letter identifying the bona fide member of a fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency that owns or operates that vehicle. The card or letter must include: (A) the name of the fire department, fire protection district, rescue squad, ambulance unit, or emergency

management services agency; (B) the member's position within the fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency; (C) the member's term of service; and (D) the name of a person within the fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency to contact to verify the information provided. 2. Police department vehicles in cities having a population of 500,000 or more inhabitants. 3. Law enforcement vehicles of State or local authorities when used in combination with red oscillating, rotating, or flashing lights. 4. Vehicles of local fire departments and State or federal firefighting vehicles when used in combination with red oscillating, rotating, or flashing lights. 5. Vehicles which are designed and used exclusively as ambulances or rescue vehicles when used in combination with red oscillating, rotating, or flashing lights; furthermore, such lights shall not be lighted except when responding to an emergency call. 6. Vehicles that are equipped and used exclusively as organ transport vehicles when used in combination with red oscillating, rotating, or flashing lights; furthermore, these lights shall only be lighted when the transportation is declared an emergency by a member of the transplant team or a representative of the organ procurement organization. 7. Vehicles of the Illinois Emergency Management Agency, vehicles of the Office of the Illinois State Fire Marshal, vehicles of the Illinois Department of Public Health, vehicles of the Illinois Department of Corrections, and vehicles of the Illinois Department of Juvenile Justice, when used in combination with red oscillating, rotating, or flashing lights. 8. Vehicles operated by a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, when used in combination with red oscillating, rotating, or flashing lights. 9. Vehicles of the Illinois Department of Natural Resources that are used for mine rescue and explosives emergency response, when used in combination with red oscillating, rotating, or flashing lights. (c-1) In addition to the blue oscillating, rotating, or flashing lights permitted under subsection (c), and notwithstanding subsection (a), a vehicle operated by a voluntary firefighter, a voluntary member of a rescue squad, or a member of a voluntary ambulance unit may be equipped with flashing white headlights and blue grill lights, which may be used only in responding to an emergency call or when parked or stationary at the scene of a fire, rescue call, ambulance call, or motor vehicle crash. (c-2) In addition to the blue oscillating, rotating, or flashing lights permitted under subsection (c), and notwithstanding subsection (a), a vehicle operated by a paid or unpaid member of a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, may be equipped with white oscillating, rotating, or flashing lights to be used in combination with blue oscillating, rotating, or flashing lights, if authorization by local authorities is in writing and carried in the vehicle.

(d) The use of a combination of amber and white oscillating, rotating, or flashing lights, whether lighted or unlighted, is prohibited except on second division vehicles designed and used for towing or hoisting vehicles or motor vehicles or equipment of the State of Illinois, local authorities, contractors, and union representatives; furthermore, such lights shall not be lighted on second division vehicles designed and used for towing or hoisting vehicles or vehicles of the State of Illinois, local authorities, and contractors except while such vehicles are engaged in a tow operation, highway maintenance, or construction operations within the limits of highway construction projects, and shall not be lighted on the vehicles of union representatives except when those vehicles are within the limits of a construction project. (d-5) The use of green oscillating, flashing, or rotating lights, whether lighted or unlighted, is prohibited except on: 1. Second division vehicles designed and used for towing or hoisting vehicles when the lights on those vehicles are used in combination with amber or amber and white oscillating, flashing, or rotating lights; furthermore, such lights shall not be lighted except when such vehicles are actually being used at the scene of a crash or disablement. 2. Motor vehicles or equipment of the State of Illinois when the lights on those vehicles or equipment are used in combination with amber or amber and white oscillating, flashing, or rotating lights; furthermore, such lights shall not be lighted except while such vehicles or equipment are engaged in maintenance operations, snow and ice removal operations, or performing traffic control and protection duties while at an emergency scene. 3. Motor vehicles of the Department of Transportation identified as Emergency Traffic Patrol when the lights on those vehicles are used in combination with red and white oscillating, flashing, or rotating lights when responding to an emergency call or when parked or stationary while engaged in motor vehicle assistance or at an emergency scene. 4. Motor vehicles of the Illinois State Toll Highway Authority when the lights on those vehicles are used in combination with amber oscillating, flashing, or rotating lights; furthermore, such lights shall not be lighted except while such vehicles are engaged in maintenance operations, snow and ice removal operations, or performing traffic control and protection duties while at an emergency scene. 5. Motor vehicles of the Illinois State Toll Highway Authority with a gross vehicle weight rating of 9,000 pounds or more and those identified as Highway Emergency Lane Patrol when the lights on those vehicles are used in combination with red and white oscillating, flashing, or rotating lights when responding to an emergency call or when parked or stationary while engaged in motor vehicle assistance or at the scene of the emergency. 6. Motor vehicles or equipment of local authority or municipalities which perform highway maintenance

operations, when the lights on those vehicles are used in combination with amber or amber and white oscillating, flashing, or rotating lights; furthermore, such lights shall not be lighted except while such vehicles are engaged in the maintenance operations, snow and ice removal operations, or performing traffic control and protection duties while at an emergency scene. 7. Fire department vehicles of local fire departments and State or federal firefighting vehicles when the lights on those vehicles are used in combination with red, or red and white, or red and blue, oscillating, rotating, or flashing lights. 8. Vehicles used by a security company when the lights on those vehicles are used in combination with amber oscillating, flashing, or rotating lights; furthermore, such lights shall not be lighted except when the vehicle is being operated upon the property or location where the security company is employed to perform security or crime prevention duties. 9. Ambulances or rescue vehicles operating in counties with populations of less than 2,000,000. (d-10) Fire department vehicles of local fire departments and State or federal firefighting vehicles, police vehicles of State, federal, or local authorities, and vehicles designated by local or State authority, while parked at an emergency scene, may use a steady-on illumination or steady-burn, or flashing green beacon or beacons if such steady-on, steady-burn, or flashing beacon is used to indicate an emergency operations command post or incident command location.

(e) All oscillating, rotating, or flashing lights referred to in this Section shall be of sufficient intensity, when illuminated, to be visible at 500 feet in normal sunlight.

(f) Nothing in this Section shall prohibit a manufacturer of oscillating, rotating, or flashing lights or his representative or authorized vendor from temporarily mounting such lights on a vehicle for demonstration purposes only. If the lights are not covered while the vehicle is operated upon a highway, the vehicle shall display signage indicating that the vehicle is out of service or not an emergency vehicle. The signage shall be displayed on all sides of the vehicle in letters at least 2 inches tall and one-half inch wide. A vehicle authorized to have oscillating, rotating, or flashing lights mounted for demonstration purposes may not activate the lights while the vehicle is operated upon a highway.

(g) Any person violating the provisions of subsection (a), (b), (c), (d), (d-5), or (d-10) of this Section who without lawful authority stops or detains or attempts to stop or detain another person shall be guilty of a Class 2 felony.

(h) Except as provided in subsection

(g) above, any person violating the provisions of subsection

(a) or

(c) of this Section shall be guilty of a Class A misdemeanor.

625 ILCS 5/12-215.1

Sec. 12-215.1. Possession of oscillating, rotating, or flashing lights in motor vehicles; police equipment, markings, and other indicia of emergency vehicle authority.

(a) A person, except those given exceptions in Section 12-215 or 12-609 of this Code, may not possess or be in actual physical control of oscillating, rotating, or flashing lights or other indicia of emergency vehicle authority within any portion of a motor vehicle, including but not limited to wig-wags, red and blue LEDs, sirens, mounted or affixed devices or other equipment, markings or indicia of emergency vehicle authority.

(b) A person found guilty of violating this Section is guilty of a Class A misdemeanor.

(c) Oscillating, rotating, or flashing lights and any other equipment, markings, or indicia of emergency vehicle authority shall be seized by the law enforcement officer at the time of a violation of this Section or of Section 12-215 or 12-609 of this Code upon any legal search. The officer may seize the vehicle containing the prohibited device or mechanism, and this device or mechanism shall be removed and held for evidentiary purposes. When the device or mechanism is no longer needed for evidence, the defendant may petition the court for the return of the device or mechanism. The defendant must prove to the court by a preponderance of the evidence that the device or mechanism will be used for a legitimate and lawful purpose.

625 ILCS 5/12-216 — Operation of oscillating, rotating or flashing lights

Sec. 12-216. Operation of oscillating, rotating or flashing lights. Oscillating, rotating or flashing lights located on or within police vehicles in this State shall be lighted whenever a police officer is in pursuit of a violator of a traffic law or regulation.

625 ILCS 5/12-217 — Special lighting equipment for interstate transportation authority

Sec. 12-217. Special lighting equipment for interstate transportation authority.

(a) Notwithstanding any other provisions of this Chapter, an interstate transportation authority, as defined in this Section, in addition to headlights and other required or authorized lighting, may affix to the top front of its buses, 2 sets of lights, each containing up to 5 stationary lights, of different colors, including the colors white, yellow, blue, green and purple, and excepting, however, the color red. Such lights shall be located symmetrically above the windshield with one set of lights on each side of the headsign and may reflect an intensity of up to 64 candlepower each. Provided further however, that normally no more than 3 of such colored lights on each set of lights may be on or displayed at any one time. Such lights shall be stationary only, and shall not be oscillating, rotating, or flashing. The lights shall be displayed only on the top front of such buses, lighted in various combinations to indicate the route, the destination, and the express or local nature of the service.

(b) As used herein, the term "interstate transportation authority" shall mean any body, agency, entity, or political subdivision created by compact between Illinois and another state, which is a body corporate and politic, and which operates a public mass transportation or transit system.

625 ILCS 5/12-218 — Auxiliary accent lighting on motorcycles

Sec. 12-218. Auxiliary accent lighting on motorcycles.

(a) A motorcycle registered in this State may be equipped with, and a person operating the motorcycle may use, standard bulb running lights or light-emitting diode (L.E.D.) pods and strips as auxiliary lighting with the intent of protecting the driver.

(b) Auxiliary lighting authorized under subsection

(a) of this Section:

(1) shall not project a beam of light of an intensity greater than 25 candlepower or its equivalent from a single lamp or single light-emitting diode (L.E.D.);

(2) shall not be directed horizontally;

(3) shall be so directed that no part of the beam will strike the level of the surface on which the motorcycle stands at a distance of more than 10 feet from the motorcycle;

(4) shall be directed towards the ground;

(5) shall not emit blue light, but may emit red light only while the stop lamp on the motorcycle is illuminated and motorcycle is in the course of braking;

(6) shall not be: (A) blinking; (B) flashing; (C) oscillating; or (D) rotating; and

(7) shall not be attached to the wheels of the motorcycle.

625 ILCS 5/12-218.5 — Optional lighting on motorcycles

Sec. 12-218.5. Optional lighting on motorcycles.

(a) A motorcycle may be equipped with 2 forward facing electric turn signals mounted on or near the handlebar grip assembly, or on the front fork assembly, or front fender shroud. The lamps shall be mounted on the same level and as widely spaced laterally as practicable, and when signaling, shall emit a white or amber light.

(b) A motorcycle may be equipped with 2 forward facing electric driving lights which display a steady-on white or amber light. These lights may be in addition to but not in lieu of the required lamps on motorcycles under Section 12-201 and may be used either when the provisions of Section 12-201 are required or not required. The driving lights under this subsection

(b) may be the same lamp housing specified under subsection

(a) which shall only be actuated to a flashing signal to comply with the requirements of Section 12-208.

625 ILCS 5/12-301 — Brakes

Sec. 12-301. Brakes.

(a) Brake equipment required. 1. Every motor vehicle, other than a motor-driven cycle, an antique vehicle displaying an antique plate, and an expanded-use antique vehicle displaying expanded-use antique vehicle plates, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including 2 separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least

one wheel on a motorcycle and at least 2 wheels on all other first division and second division vehicles. If these 2 separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes. 2. Every motor-driven cycle when operated upon a highway shall be equipped with at least one brake which may be operated by hand or foot. 3. Every antique vehicle shall be equipped with the brakes of the same type originally installed by the manufacturer as original equipment and in working order. 4. Except as provided in paragraph 4.1, every trailer or semitrailer of a gross weight of over 3,000 pounds, when operated upon a highway must be equipped with brakes adequate to control the movement of, to stop and to hold such vehicle, and designed so as to be operable by the driver of the towing vehicle from its cab. Such brakes must be so designed and connected that in case of an accidental breakaway of a towed vehicle over 5,000 pounds, the brakes are automatically applied. 4.1. Every boat trailer of a gross weight of over 3,000 pounds, when operated upon a highway, must be equipped with brakes adequate to control the movement of, to stop, and to hold that boat trailer. The brakes must be designed to ensure that, in case of an accidental breakaway of a towed boat trailer over 5,000 pounds, the brakes are automatically applied. 5. Every motor vehicle, expanded-use antique vehicle, trailer, pole trailer or semitrailer, sold in this State or operated upon the highways shall be equipped with service brakes upon all wheels of every such vehicle, except any motor-driven cycle, and except that any trailer, pole trailer or semitrailer 3,000 pounds gross weight or less need not be equipped with brakes, and except that any trailer or semitrailer with gross weight over 3,000 pounds but under 5,001 pounds need be equipped with brakes on only one wheel on each side of the vehicle. Any motor vehicle and truck tractor having 3 or more axles and manufactured prior to July 25, 1980 need not have brakes on the front wheels, except when such vehicles are equipped with at least 2 steerable axles, the wheels of one such axle need not be equipped with brakes. However, a vehicle that is more than 30 years of age and which is driven on the highways only in going to and returning from an antique auto show or for servicing or for a demonstration need be equipped with 2 wheel brakes only.

(b) Performance ability of brakes. 1. The service brakes upon any motor vehicle or combination of vehicles operating on a level surface shall be adequate to stop such vehicle or vehicles when traveling 20 miles per hour within a distance of 30 feet when upon dry asphalt or concrete pavement surface free from loose material. 2. Under the above conditions the hand brake shall be adequate to stop such vehicle or vehicles, except any motorcycle, within a distance of 55 feet and the hand brake shall be adequate to hold such vehicle or vehicles stationary on any grade upon which operated. 3. Under the above conditions the service brakes upon an antique vehicle or expanded-use antique vehicle shall be adequate to stop the vehicle within a distance of 40 feet and the hand brake adequate to stop the vehicle within a distance of 55 feet. 4. All braking distances specified in this Section apply to all vehicles mentioned, whether such vehicles are unloaded or are loaded to the maximum capacity permitted under this Act. 5. All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle. 6. Brake assembly requirements for mobile homes shall be the standards required by the United States Department of Housing and Urban Development adopted under Title VI of the Housing and Community Development Act of 1974.

(c) (Blank).

625 ILCS 5/12-302 — Brake fluid

Sec. 12-302. Brake fluid. No person shall sell, offer for sale or distribute brake fluid for use on motor vehicles for repair purposes unless such fluid conforms to specifications prescribed by the Department.

625 ILCS 5/12-401 — Restriction as to tire equipment

Sec. 12-401. Restriction as to tire equipment. No metal tired vehicle, including tractors, motor vehicles of the second division, traction engines and other similar vehicles, shall be operated over any improved highway of this State, if such vehicle has on the periphery of any of the road wheels any block, stud, flange, cleat, ridge, lug or any projection of metal or wood which projects radially beyond the tread or traffic surface of the tire. This prohibition does not apply to pneumatic tires with metal studs used on vehicles operated by rural letter carriers who are employed or enjoy a contract with the United States Postal Service for the purpose of delivering mail if such vehicle is actually used for such purpose during operations between November 15 of any year and April 1 of the following year, or to motor vehicles displaying a disability license plate or a license plate for veterans with disabilities whose owner resides in an unincorporated area located upon a county or township highway or road and possesses a valid driver's license and operates the vehicle with such tires only during the period heretofore described, or to tracked type motor vehicles when that part of the vehicle coming in contact with the road surface does not contain any projections of any kind likely to injure the surface of the road; however, tractors, traction engines, and similar vehicles may be operated which have upon their road wheels V-shaped, diagonal or

other cleats arranged in such a manner as to be continuously in contact with the road surface, provided that the gross weight upon such wheels per inch of width of such cleats in contact with the road surface, when measured in the direction of the axle of the vehicle, does not exceed 800 pounds. All motor vehicles and all other vehicles in tow thereof, or thereunto attached, operating upon any roadway, shall have tires of rubber or some material of equal resiliency. Solid tires shall be considered defective and shall not be permitted to be used if the rubber or other material has been worn or otherwise reduced to a thickness of less than three-fourths of an undue vibration when the vehicle is in motion or to cause undue concentration of the wheel load on the surface of the road. The requirements of this Section do not apply to agricultural tractors or traction engines or to agricultural machinery, including wagons being used for agricultural purposes in tow thereof, or to road rollers or road building machinery operated at a speed not in excess of 10 miles per hour. All motor vehicles of the second division, operating upon any roadway shall have pneumatic tires, unless exempted herein. Nothing in this Section shall be deemed to prohibit the use of tire chains of reasonable proportion upon any vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to skid.

625 ILCS 5/12-402 — Sale or lease of siped or regrooved pneumatic tire

Sec. 12-402. Sale or lease of siped or regrooved pneumatic tire. No person or organization shall sell or lease or offer for sale or lease, for use on a highway, any pneumatic tire, either original tread or retread, on which the tread is siped or regrooved to a depth equal to or deeper than the molded groove depth, unless the tire was constructed or retreaded with sufficient tread material and type of labels to permit such siping or regrooving. Such labels and siping or regrooving shall be in compliance with Part 569 of Title 49 of the Code of Federal Regulations, and after siping or regrooving the tire shall conform to that Part. For the purpose of this Article, siped shall mean cut without removing material, and regrooved shall mean the tread groove pattern is renewed, or a new pattern generated, or both, without additional tread material being added.

625 ILCS 5/12-403 — Sale or lease of retreaded or "recapped" pneumatic tire

Sec. 12-403. Sale or lease of retreaded or "recapped" pneumatic tire. No person or organization shall sell or lease or offer for sale or lease, for use on a highway, any pneumatic tire produced or rebuilt by a process in which tread material is attached to a used tire, unless the tire, tread material, labelling and certification, before and after processing, conform to Part 571.117 of Title 49 of the Code of Federal Regulations.

625 ILCS 5/12-404 — Sale or lease of pneumatic tire without marking

Sec. 12-404. Sale or lease of pneumatic tire without marking. No person or organization shall sell or lease or offer for sale or lease, for use on a highway, any pneumatic tire that does not bear the special marking required by this Section.

(a) Regrooved or siped tire. In addition to the identification, labelling and certification required under Section 12-402, either the word "regrooved" or the word "siped" shall be branded on each side of a pneumatic tire on which the tread is either regrooved or siped, as the case may be. In the case of a tire that is both regrooved and siped, the word "regrooved" alone on each side shall suffice, although both words may appear on each side. Each branding shall be conspicuous but shall be sized, located and applied so as not to weaken or damage the tire or otherwise degrade the performance of the tire or shorten its useful life.

(b) Retreaded tire. In addition to the labelling, identification, certification and other marking required under Section 12-403, the word "retreaded" shall be branded or molded into or onto each side of a pneumatic tire that has been retreaded or "recapped". Each molding or branding shall be conspicuous but shall be sized, located and applied so as not to weaken or damage the tire or otherwise degrade the performance of the tire or shorten its useful life.

(c) New tire. The labelling, identification, certification and other marking required by Part 571.109 of Title 49 of the Code of Federal Regulations shall appear on each new pneumatic tire intended for use on a passenger car other than a multipurpose passenger vehicle. The labelling, identification, certification and other marking required by Part 571.119 of Title 49 of the Code of Federal Regulations shall appear on each new pneumatic tire intended for use on either a multipurpose passenger vehicle or other type of vehicle that is not a passenger car.

625 ILCS 5/12-405 — Operating condition of pneumatic tires

Sec. 12-405. Operating condition of pneumatic tires.

(a) Definition. The term "spare tire" as used in this Section 12-405 means any new, used or specially constructed tire that is either carried or installed for short term emergency use.

(b) Promulgated Rules. The Department shall promulgate rules concerning unsafe operating conditions of pneumatic tires. The rules shall be enforced by police officers by visual inspection of tires, including visual comparison with simple measuring scales or gauges. The rules shall include precepts and standards for determining unsafe conditions, including the determination of an effective depth of tread groove, and shall be based upon, to the extent that it is reasonable and practical, all provisions set forth in paragraph

(d) of this Section.

(c) Use of Unsafe Tire. 1. No person or organization shall place, drive or move, or cause or allow to be placed, driven or moved, on a highway of this State, any vehicle equipped with one or more pneumatic tires deemed to be unsafe under a provision of paragraph

(d) of this Section or a rule promulgated under paragraph

(b) of this Section. 2. Exemptions. Any restriction stated in this paragraph

(c) shall not apply:

(i) To a tire on a damaged, disabled, abandoned, or other unsafe or unwanted vehicle being legally towed, pushed or otherwise transferred to a repair, relocation, storage, salvage, junking, or other collection site; (ii) To a tire on a racing or other competitive vehicle being legally moved or transported, not under its own power, to a lawful competition site or to a bona fide testing site; or (iii) To a spare tire either carried or in short term emergency use for only such distance or time as is reasonably necessary to accomplish the repair or replacement of the damaged or unsafe tire for which the spare was substituted.

(d) Criteria for Unsafe Pneumatic Tires. A pneumatic tire shall be deemed to be unsafe if it has: 1. Any part of a ply or cord exposed; 2. A tread or sidewall crack, cut, snag, or other surface interruption deep enough to expose a ply or cord; 3. Any bulge, knot, or separation; 4. Tread wear indicators flush with the tread outer surface in any 2 or more adjacent tread grooves at 3 locations approximately equally spaced around the circumference of the tire; 5. A depth of tread groove less than 2/32 of an inch or less than 1/32 of an inch if on a motorcycle or truckster, measured in any 2 or more adjacent tread grooves at 3 locations approximately equally spaced around the circumference of the tire, at least one of which, in the judgment of the inspecting officer, is a location at which the tread is thinnest, provided that any measurement over a tie bar, tread wear indicator, hump or fillet is excluded; 6. A depth of tread groove less than 4/32 of an inch at any one location and the tire is mounted on the front wheel of a motor vehicle subject to the provisions of Chapter 18B of this Code, provided that any measurement over a tie bar, tread wear indicator, hump or fillet is excluded; 7. A marking which indicates that the tire is not intended for use on a public highway; 8. Been regrooved or recut below the bottom of an original tread groove, except in the case of a special "regroovable" tire that was manufactured or retreaded with thick undertread, identified and regrooved in compliance with the applicable federal standard in Title 49 of the Code of Federal Regulations, and in compliance with each applicable Section of this Code; or 9. Other condition, marking or lack of marking that may be reasonably demonstrated to identify the tire as unsuitable for highway use, including inflation, load, speed or installation condition seriously incompatible with the tire size, construction, or other pertinent marking or feature.

(e) Sale, Lease or Installation of Pneumatic Tires. 1. No person or organization shall sell, lease, or offer for sale or lease, or mount, install, or cause or allow to be mounted or installed, for use on a highway, any pneumatic tire deemed to be unsafe under paragraph

(d) of this Section or under a rule promulgated under paragraph

(b) of this Section. Except as provided in paragraph

(c) of this Section, any person or organization offering a vehicle for sale or lease shall, prior to its being placed, driven or moved on a highway, correct any unsafe tire condition. 2. No person or organization shall sell, lease, or offer for sale or lease, for highway use, any pneumatic tire, or any vehicle equipped with a pneumatic tire, which has a depth of tread groove less than 3/32 of an inch; except a pneumatic tire on a motorcycle or truckster may have a depth of tire groove of not less than 2/32 of an inch. Groove depth shall not be measured where a tie bar, tread wear indicator, hump or fillet is located.

(f) Compliance and Enforcement. Any police officer, upon reasonable cause to believe that a person or organization has acted or is acting in violation of any provision of this Section, shall require the driver, owner, or other appropriate custodian to submit the tire or tires to an inspection. When so required, the owner or other appropriate custodian shall allow the tire inspection and the driver of a vehicle or combination of vehicles shall stop at a designated location and allow the tire or tires to be inspected or shall move the vehicle or combination to a location that is reasonably convenient and is

suitable for such inspection.

625 ILCS 5/12-407 — Rules and regulations

Sec. 12-407. Rules and regulations. The Department may promulgate rules and regulations to clarify or specify the requirements of this Article IV.

625 ILCS 5/12-500

Sec. 12-500. (Repealed).

625 ILCS 5/12-501 — Windshields and safety glazing material in motor vehicles

Sec. 12-501. Windshields and safety glazing material in motor vehicles.

(a) Every motor vehicle operated upon the highways of this State shall be equipped with a front windshield which complies with those standards as established pursuant to this Section and Section 12-503 of this Code. This subsection shall not apply to motor vehicles designed and used exclusively for off-highway use, motorcycles, motor-driven cycles, motorized pedalcycles, nor to motor vehicles registered as antique vehicles, expanded-use antique vehicles, custom vehicles, or street rods when the original design of such vehicles did not include front windshields.

(b) No person shall knowingly sell any 1936 or later model motor vehicle unless such vehicle is equipped with safety glazing material conforming to specifications prescribed by the Department wherever glazing material is used in doors, windows and windshields. Regulations promulgated by the Department specifying standards for safety glazing material on windshields shall, as a minimum, conform with those applicable Federal Motor Vehicles Safety Standards (49 CFR 571.205). These provisions apply to all motor vehicles of the first and second division but with respect to trucks, including truck tractors, the requirements as to safety glazing material apply to all glazing material used in doors, windows and windshields in the drivers' compartments of such vehicles.

(c) It is unlawful for the owner or any other person knowingly to install or cause to be installed in any motor vehicle any glazing material other than safety glazing material conforming to the specifications prescribed by the Department.

625 ILCS 5/12-502 — Mirrors

Sec. 12-502. Mirrors. Every motor vehicle, operated singly or when towing another vehicle, shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of such motor vehicle.

625 ILCS 5/12-503 — Windshields must be unobstructed and equipped with wipers

Sec. 12-503. Windshields must be unobstructed and equipped with wipers.

(a) No person shall drive a motor vehicle with any sign, poster, window application, reflective material, nonreflective material, or tinted film upon the front windshield, except that a nonreflective tinted film may be used along the uppermost portion of the windshield if such material does not extend more than 6 inches down from the top of the windshield. (a-3) No new or used motor vehicle dealer shall permit a driver to drive a motor vehicle offered for sale or lease off the premises where the motor vehicle is being offered for sale or lease, including when the driver is test driving the vehicle, with signs, decals, paperwork, or other material on the front windshield or on the windows immediately adjacent to each side of the driver that would obstruct the driver's view in violation of subsection

(a) of this Section. For purposes of this subsection (a-3), "test driving" means when a driver, with permission of the new or used vehicle dealer or employee of the new or used vehicle dealer, drives a vehicle owned and held for sale or lease by a new or used vehicle dealer that the driver is considering to purchase or lease. (a-5) No window treatment or tinting shall be applied to the windows immediately adjacent to each side of the driver, except:

(1) On vehicles where none of the windows to the rear of the driver's seat are treated in a manner that allows less than 30% light transmittance, a nonreflective tinted film that allows at least 50% light transmittance, with a 5% variance observed by any law enforcement official metering the light transmittance, may be used on the vehicle windows immediately adjacent to each side of the driver.

(2) On vehicles where none of the windows to the rear of the driver's seat are treated in a manner that allows less than 35% light transmittance, a nonreflective tinted film that allows at least 35% light transmittance, with a 5% variance observed by any law enforcement official metering the light transmittance, may be used on the vehicle windows immediately adjacent to each side of the driver.

(3) (Blank).

(4) On vehicles where a nonreflective smoked or tinted glass that was originally installed by the manufacturer on the windows to the rear of the driver's seat, a nonreflective tint that allows at least 50% light transmittance, with a 5% variance observed by a law enforcement official metering the light transmittance, may be used on the vehicle windows immediately adjacent to each side of the driver. (a-10) No person shall install or repair any material prohibited by subsection

(a) of this Section.

(1) Nothing in this subsection shall prohibit a person from removing or altering any material prohibited by subsection (a) to make a motor vehicle comply with the requirements of this Section.

(2) Nothing in this subsection shall prohibit a person from installing window treatment for a person with a medical condition described in subsection

(g) of this Section. An installer who installs window treatment for a person with a medical condition described in subsection

(g) must obtain a copy of the certified statement or letter written by a physician described in subsection

(g) from the person with the medical condition prior to installing the window treatment. The copy of the certified statement or letter must be kept in the installer's permanent records.

(b) On motor vehicles where window treatment has not been applied to the windows immediately adjacent to each side of the driver, the use of a perforated window screen or other decorative window application on windows to the rear of the driver's seat shall be allowed. (b-5) Any motor vehicle with a window to the rear of the driver's seat treated in this manner shall be equipped with a side mirror on each side of the motor vehicle which are in conformance with Section 12-502.

(c) No person shall drive a motor vehicle with any objects placed or suspended between the driver and the rear window, side wings, or side windows immediately adjacent to each side of the driver which materially obstructs the driver's view.

(c-5) No person shall drive a motor vehicle with any objects placed or suspended between the driver and the front windshield which materially obstruct the driver's view. No motor vehicle, or driver or passenger of such vehicle, shall be stopped or searched by any law enforcement officer solely on the basis of a violation or suspected violation of this subsection.

(d) Every motor vehicle, except motorcycles, shall be equipped with a device, controlled by the driver, for cleaning rain, snow, moisture, or other obstructions from the windshield; and no person shall drive a motor vehicle with snow, ice, moisture, or other material on any of the windows or mirrors, which materially obstructs the driver's clear view of the highway.

(e) No person shall drive a motor vehicle when the windshield, side, or rear windows are in such defective condition or repair as to materially impair the driver's view to the front, side, or rear. A vehicle equipped with a side mirror on each side of the vehicle which are in conformance with Section 12-502 will be deemed to be in compliance in the event the rear window of the vehicle is materially obscured.

(f) Subsections (a), (a-5), (b), and (b-5) of this Section shall not apply to:

(1) (Blank).

(2) those motor vehicles properly registered in another jurisdiction.

(g) Subsections

(a) and (a-5) of this Section shall not apply to window treatment, including, but not limited to, a window application, nonreflective material, or tinted film, applied or affixed to a motor vehicle for which distinctive license plates or license plate stickers have been issued pursuant to subsection

(k) of Section 3-412 of this Code, and which:

(1) is owned and operated by a person afflicted with or suffering from a medical disease, including, but not limited to, systemic or discoid lupus erythematosus, disseminated superficial actinic porokeratosis, light sensitivity as a result of a traumatic brain injury, or albinism, which would require that person to be shielded from the direct rays of the sun; or

(2) is used in transporting a person when the person resides at the same address as the registered owner of the vehicle and the person is afflicted with or suffering from a medical disease which would require the person to be shielded from the direct rays of the sun, including, but not limited to, systemic or discoid lupus erythematosus, disseminated superficial actinic porokeratosis, light sensitivity as a result of a traumatic brain injury, or albinism. The owner must obtain a certified

statement or letter written by a physician licensed to practice medicine in Illinois that such person owning and operating or being transported in a motor vehicle is afflicted with or suffers from such disease, including, but not limited to, systemic or discoid lupus erythematosus, disseminated superficial actinic porokeratosis, light sensitivity as a result of a traumatic brain injury, or albinism. However, no exemption from the requirements of subsection (a-5) shall be granted for any condition for which protection from the direct rays of the sun can be adequately obtained by the use of sunglasses or other eye protective devices. Such certification must be carried in the motor vehicle at all times. The certification shall be legible and shall contain the date of issuance, the name, address, and signature of the attending physician, and the name, address, and medical condition of the person requiring exemption. The information on the certificate for a window treatment must remain current and shall be renewed every 4 years by the attending physician. The owner shall also submit a copy of the certification to the Secretary of State. The Secretary of State may forward notice of certification to law enforcement agencies. (g-5) (Blank). (g-7) Installers shall only install window treatment authorized by subsection (g) on motor vehicles for which distinctive plates or license plate stickers have been issued pursuant to subsection (k) of Section 3-412 of this Code. The distinctive license plates or plate sticker must be on the motor vehicle at the time of window treatment installation.

(h) Subsection

(a) of this Section shall not apply to motor vehicle stickers or other certificates issued by State or local authorities which are required to be displayed upon motor vehicle windows to evidence compliance with requirements concerning motor vehicles.

(i) (Blank).

(j) A person found guilty of violating subsection (a), (a-3), (a-5), (a-10), (b), (b-5), or (g-7) of this Section shall be guilty of a petty offense and fined no less than \$50 nor more than \$500. A second or subsequent violation of subsection (a), (a-3), (a-5), (a-10), (b), (b-5), or (g-7) of this Section shall be treated as a Class C misdemeanor and the violator fined no less than \$100 nor more than \$500. Any person convicted under subsection (a), (a-5), (b), or (b-5) of this Section shall be ordered to alter any nonconforming windows into compliance with this Section.

(k) Except as provided in subsection (a-3) of this Section, nothing in this Section shall create a cause of action on behalf of a buyer against a vehicle dealer or manufacturer who sells a motor vehicle with a window which is in violation of this Section.

(l) The Secretary of State shall provide a notice of the requirements of this Section to a new resident applying for vehicle registration in this State pursuant to Section 3-801 of this Code. The Secretary of State may comply with this subsection by posting the requirements of this Section on the Secretary of State's website.

(m) A home rule unit may not regulate motor vehicles in a manner inconsistent with this Section. This Section is a limitation under subsection

(i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

625 ILCS 5/12-600

Sec. 12-600. (Repealed).

625 ILCS 5/12-601 — Horns and warning devices

Sec. 12-601. Horns and warning devices.

(a) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 200 feet, but no horn or other warning device shall emit an unreasonable loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to insure safe operation give audible warning with his horn but shall not otherwise use such horn when upon a highway.

(b) No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this Section. Any authorized emergency vehicle or organ transport vehicle as defined in Chapter 1 of this Code or a vehicle operated by a fire chief, deputy fire chief, assistant fire chief, chief of a Mutual Aid Box Alarm System, or the Director or Coordinator of a municipal or county emergency services and disaster agency may be equipped with a siren, whistle, or bell capable of emitting sound audible under normal conditions from a distance of not

less than 500 feet, but such siren, whistle, or bell shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law in either of which events the driver of such vehicle shall sound such siren, whistle, or bell when necessary to warn pedestrians and other drivers of the approach thereof.

(c) Trackless trolley coaches, as defined by Section 1-206 of this Code, and replica trolleys, as defined by Section 1-171.04 of this Code, may be equipped with a bell or bells in lieu of a horn, and may, in addition to the requirements of subsection

(a) of this Section, use a bell or bells for the purpose of indicating arrival or departure at designated stops during the hours of scheduled operation. (Text of Section from P.A. 104-213) Sec. 12-601. Horns and warning devices.

(a) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 200 feet, but no horn or other warning device shall emit an unreasonable loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to insure safe operation give audible warning with his horn but shall not otherwise use such horn when upon a highway.

(b) No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this Section. Any authorized emergency vehicle or organ transport vehicle as defined in Chapter 1 of this Code or a vehicle operated by a fire chief, deputy fire chief, assistant fire chief, EMS chief, or the Director or Coordinator of a municipal or county emergency services and disaster agency may be equipped with a siren, whistle, or bell capable of emitting sound audible under normal conditions from a distance of not less than 500 feet, but such siren, whistle, or bell shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law in either of which events the driver of such vehicle shall sound such siren, whistle, or bell when necessary to warn pedestrians and other drivers of the approach thereof.

(c) Trackless trolley coaches, as defined by Section 1-206 of this Code, and replica trolleys, as defined by Section 1-171.04 of this Code, may be equipped with a bell or bells in lieu of a horn, and may, in addition to the requirements of subsection

(a) of this Section, use a bell or bells for the purpose of indicating arrival or departure at designated stops during the hours of scheduled operation.

625 ILCS 5/12-601.1 — Traffic control signal preemption devices

Sec. 12-601.1. Traffic control signal preemption devices.

(a) As used in this Section, "traffic control signal preemption device" means any device, either mechanical or electrical, that emits a pulse of light or other signal that, when received by a detector attached to a traffic control signal, changes that traffic control signal to a green light or, if the traffic control signal is already green, extends the duration of the green light.

(b) Except as provided in subsection (d), a traffic control signal preemption device may not be installed on a motor vehicle, may not be transported in the passenger compartment of a motor vehicle, and may not be operated by the driver or passenger of a motor vehicle. Violation of this subsection

(b) is a Class A misdemeanor, punishable by a fine of \$1,000 in addition to any other penalty that may be imposed.

(c) A retailer or manufacturer may not sell a traffic control signal preemption device to any person or entity for any intended use other than operation as permitted under subsection (d). Violation of this subsection

(c) is a Class A misdemeanor, punishable by a fine of \$5,000 for each sale of each device, in addition to any other penalty that may be imposed.

(d) Installation of a traffic control signal preemption device is permitted on the following vehicles, and operation of the device is permitted as follows:

(1) Police department vehicles, when responding to a bona fide emergency, when used in combination with red or blue oscillating, rotating, or flashing lights.

(2) Law enforcement vehicles of State or local authorities, when responding to a bona fide emergency, when used in combination with red oscillating, rotating, or flashing lights.

(3) Vehicles of local fire departments, fire protection districts, and State or federal firefighting vehicles, when responding to a bona fide emergency, when used in combination with red oscillating, rotating, or flashing lights.

- (4) Vehicles that are designed and used exclusively as ambulances or rescue vehicles, when responding to a bona fide emergency, when used in combination with red oscillating, rotating, or flashing lights.
- (5) Vehicles that are equipped and used exclusively as organ transport vehicles, when the transportation is declared an emergency by a member of the transplant team or a representative of the organ procurement organization, when used in combination with red oscillating, rotating, or flashing lights.
- (6) Vehicles of the Illinois Emergency Management Agency and vehicles of the Department of Nuclear Safety, when responding to a bona fide emergency, when used in combination with red oscillating, rotating, or flashing lights.
- (7) Commuter buses owned by any political subdivision of this State, operated either by the political subdivision or its lessee or agent, and offering short-haul for-hire regularly scheduled passenger transportation service, over regular routes with fixed schedules, within metropolitan and suburban areas, when used to extend the duration of an already green light to meet schedules.
- (8) Vehicles used for snow removal owned by any political subdivision of this State, operated either by the political subdivision or its lessee or agent, when used during a snow emergency in combination with yellow or amber oscillating, rotating, or flashing lights, when used to extend the duration of an already green light.
- (9) Vehicles used by a local or county emergency management services agency, as defined in the Illinois Emergency Management Agency Act, when responding to a bona fide emergency and when used in combination with red oscillating, rotating, or flashing lights.
- (e) This Section does not prohibit use by motorcycles of electronic or magnetic safety devices designed to allow traffic control signal systems to recognize or detect motorcycles.

625 ILCS 5/12-601.2

Sec. 12-601.2. (Repealed).

625 ILCS 5/12-602 — Mufflers, prevention of noise

Sec. 12-602. Mufflers, prevention of noise. Every motor vehicle driven or operated upon the highways of this State shall at all times be equipped with an adequate muffler or exhaust system in constant operation and properly maintained to prevent any excessive or unusual noise. No such muffler or exhaust system shall be equipped with a cutout, bypass or similar device. No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise of such vehicle above that emitted by the muffler originally installed on the vehicle, and such original muffler shall comply with all the requirements of this Section.

625 ILCS 5/12-602.1 — Excessive engine braking noise signs

Sec. 12-602.1. Excessive engine braking noise signs.

- (a) A county or municipality may post signs that prohibit the driver of a commercial vehicle, as defined in Section 1-111.8 of this Code, from operating or actuating any engine braking system that emits excessive noise. The Department of Transportation may erect and maintain the signs on interstate highways near weigh stations that are adjacent to residential areas or communities.
- (b) The sign shall state, "EXCESSIVE ENGINE BRAKING NOISE PROHIBITED". The Department of Transportation shall adopt rules providing for the erection and placement of these signs.
- (c) This Section does not apply to the use of an engine braking system that has an adequate sound muffling system in proper working order that prevents excessive noise.
- (d) It is a defense to this Section that the driver used an engine braking system that emits excessive noise in an emergency to avoid a collision with a person or another vehicle on the highway.
- (e) A violation of this Section is an equipment violation punishable by a fine of \$75.

625 ILCS 5/12-603 — Seat safety belts

Sec. 12-603. Seat safety belts.

- (a) No person shall sell any 1965 or later model motor vehicle of the first division unless the front seat of such motor vehicle is equipped with 2 sets of seat safety belts. Motorcycles are exempted from the provisions of this Section.

(b) No person shall operate any 1965 or later model motor vehicle of the first division that is titled or licensed by the Secretary of State unless the front seat of such motor vehicle is equipped with 2 sets of seat safety belts. (b-5) No person under the age of 18 years shall operate any motor vehicle, except a motor driven cycle or motorcycle, with more than one passenger in the front seat of the motor vehicle and no more passengers in the back seats than the number of available seat safety belts, except that each driver under the age of 18 years operating a second division vehicle having a gross vehicle weight rating of 8,000 pounds or less that contains only a front seat may operate the vehicle with more than one passenger in the front seat, provided that each passenger is wearing a properly adjusted and fastened seat safety belt.

(c) (Blank).

(d) The Department shall establish performance specifications for seat safety belts and for the attachment and installation thereof.

625 ILCS 5/12-603.1 — Driver and passenger required to use safety belts, exceptions and penalty

Sec. 12-603.1. Driver and passenger required to use safety belts, exceptions and penalty.

(a) Each driver and passenger of a motor vehicle operated on a street or highway in this State shall wear a properly adjusted and fastened seat safety belt. A child less than 8 years of age shall be protected as required pursuant to the Child Passenger Protection Act. Each driver of a motor vehicle transporting a child 8 years of age or more, but less than 16 years of age, shall secure the child in a properly adjusted and fastened seat safety belt as required under the Child Passenger Protection Act. Each driver of a motor vehicle transporting a passenger who is unable, due to infirmity, illness, or age, to properly adjust and fasten a seat safety belt and is not exempted from wearing a seat safety belt under subsection

(b) shall secure the passenger in a properly adjusted and fastened seat safety belt as required under this Section.

(b) Paragraph

(a) shall not apply to any of the following: 1. A driver or passenger frequently stopping and leaving the vehicle or delivering property from the vehicle, if the speed of the vehicle between stops does not exceed 15 miles per hour. 2. A driver or passenger possessing a written statement from a physician that such person is unable, for medical or physical reasons, to wear a seat safety belt. 3. A driver or passenger possessing an official certificate or license endorsement issued by the appropriate agency in another state or country indicating that the driver is unable for medical, physical, or other valid reasons to wear a seat safety belt. 4. A driver operating a motor vehicle in reverse. 5. A motor vehicle with a model year prior to 1965. 6. A motorcycle or motor driven cycle. 7. A moped. 8. A motor vehicle which is not required to be equipped with seat safety belts under federal law. 9. A motor vehicle operated by a rural letter carrier of the United States postal service while performing duties as a rural letter carrier. 10. A driver or passenger of an authorized emergency vehicle, except this exception does not apply to vehicles of the fire department; vehicles of the Office of the State Fire Marshal; or ambulances, unless the delivery of life-saving measures prohibits the use of a seat safety belt. 11. A back seat passenger of a taxicab.

(c) Failure to wear a seat safety belt in violation of this Section shall not be considered evidence of negligence, shall not limit the liability of an insurer, and shall not diminish any recovery for damages arising out of the ownership, maintenance, or operation of a motor vehicle.

(d) A violation of this Section shall be a petty offense and subject to a fine not to exceed \$25.

(e) (Blank).

(f) A law enforcement officer may not search or inspect a motor vehicle, its contents, the driver, or a passenger solely because of a violation of this Section.

625 ILCS 5/12-604

Sec. 12-604. (Repealed).

625 ILCS 5/12-604.1 — Video devices

Sec. 12-604.1. Video devices.

(a) A person may not operate a motor vehicle if a television receiver, a video monitor, a television or video screen, or any other similar means of visually displaying a television broadcast or video signal that produces entertainment or business applications is operating and is located in the motor vehicle at any point forward of the back of the driver's seat, or is

operating and visible to the driver while driving the motor vehicle. (a-5) A person commits aggravated use of a video device when he or she violates subsection

(a) and in committing the violation he or she was involved in a motor vehicle crash that results in great bodily harm, permanent disability, disfigurement, or death to another and the violation was a proximate cause of the injury or death.

(b) This Section does not apply to the following equipment, whether or not permanently installed in a vehicle:

(1) a vehicle information display;

(2) a global positioning display;

(3) a mapping or navigation display;

(4) a visual display used to enhance or supplement the driver's view forward, behind, or to the sides of a motor vehicle for the purpose of maneuvering the vehicle;

(5) television-type receiving equipment used exclusively for safety or traffic engineering studies; or

(6) a television receiver, video monitor, television or video screen, or any other similar means of visually displaying a television broadcast or video signal, if that equipment has an interlock device that, when the motor vehicle is driven, disables the equipment for all uses except as a visual display as described in paragraphs

(1) through

(5) of this subsection (b).

(c) This Section does not apply to a mobile, digital terminal installed in an authorized emergency vehicle, a motor vehicle providing emergency road service or roadside assistance, or to motor vehicles utilized for public transportation.

(d) This Section does not apply to a television receiver, video monitor, television or video screen, or any other similar means of visually displaying a television broadcast or video signal if:

(i) the equipment is permanently installed in the motor vehicle; and (ii) the moving entertainment images that the equipment displays are not visible to the driver while the motor vehicle is in motion. (d-5) This Section does not apply to a video event recorder, as defined in Section 1-218.10 of this Code, installed in a contract carrier vehicle.

(e) Except as provided in subsection

(f) of this Section, a person convicted of violating this Section is guilty of a petty offense and shall be fined not more than \$100 for a first offense, not more than \$200 for a second offense within one year of a previous conviction, and not more than \$250 for a third or subsequent offense within one year of 2 previous convictions.

(f) A person convicted of violating subsection (a-5) commits a Class A misdemeanor if the violation resulted in great bodily harm, permanent disability, or disfigurement to another. A person convicted of violating subsection (a-5) commits a Class 4 felony if the violation resulted in the death of another person.

625 ILCS 5/12-604.3 — Video event recorder notice

Sec. 12-604.3. Video event recorder notice. A contract carrier vehicle carrying passengers that is equipped with a video event recorder shall have a notice posted in a visible location stating that a passenger's conversation may be recorded. Any data recorded by a video event recorder shall be the sole property of the registered owner or lessee of the contract carrier vehicle.

625 ILCS 5/12-605 — Taxicabs-Bullet proof shields

Sec. 12-605. Taxicabs-Bullet proof shields. In municipalities with 1,000,000 or more population, any taxicab manufactured, owned or operated after September 1, 1970, and regularly operated in such a municipality must have a bullet proof shield completely separating the driver's seat from the back seat.

625 ILCS 5/12-605.1

Sec. 12-605.1.

(a) On or after two years from the effective date of this Act, no bus which was first placed in service after July 1, 1969, or which has undergone complete renovation and restoration since July 1, 1969 shall be operated as a part of any local mass transit system in this State unless the vehicle is equipped with radio facilities permitting two-way vocal communications between the bus and a local transit control office. This Section does not apply to buses used for charter service, school buses, intrastate carriers while not providing transportation services pursuant to contracts with any local

mass transit system, private non-profit carriers receiving assistance under Section 16(b)2 of the Urban Mass Transportation Act of 1964 as amended, carriers receiving assistance pursuant to Article III of the Downstate Public Transportation Act, or interstate carriers and buses owned by a private local mass transit system;

(b) A local mass transit system operating a bus not in compliance with the requirements of subsection

(a) shall not be in violation of that subsection, provided that the bus is brought into compliance within a reasonable time (in no event to exceed 1 week) following written notification to the mass transit system of the fact that the bus is not in compliance.

625 ILCS 5/12-605.2

Sec. 12-605.2. Beginning 30 days after the effective date of this amendatory Act of 1988, no person shall consume any food or drink, excluding any medicine, upon any bus operated as a part of any local mass transit system in this State. This Section does not apply to buses used for charter service, school buses, intrastate carriers while not providing transportation services pursuant to contracts with any local mass transit system, and private non-profit carriers. Persons found guilty of violating this Section shall be fined \$100.

625 ILCS 5/12-606 — Tow trucks; identification; equipment; insurance

Sec. 12-606. Tow trucks; identification; equipment; insurance.

(a) Every tow truck, except those owned by governmental agencies, shall have displayed on each side thereof, a sign with letters not less than 2 inches in height, contrasting in color to that of the background, stating the full legal name, complete address (including street address and city), and telephone number of the owner or operator thereof. This information shall be permanently affixed to the sides of the tow truck.

(b) Every tow truck shall be equipped with:

(1) One or more brooms and shovels;

(2) One or more trash cans of at least 5 gallon capacity; and

(3) One fire extinguisher. This extinguisher shall be either:

(i) of the dry chemical or carbon dioxide type with an aggregate rating of at least 4-B, C units, and bearing the approval of a laboratory qualified by the Division of Fire Prevention for this purpose; or (ii) One that meets the requirements of the Federal Motor Carrier Safety Regulations of the United States Department of Transportation for fire extinguishers on commercial motor vehicles.

(c) Every owner or operator and driver of a tow truck shall comply with Section 11-1413 of this Code and shall remove or cause to be removed all glass and debris, except any

(i) hazardous substance as defined in Section 3.215 of the Environmental Protection Act, (ii) hazardous waste as defined in Section 3.220 of the Environmental Protection Act, and (iii) medical samples or waste, including but not limited to any blood samples, used syringes, other used medical supplies, or any other potentially infectious medical waste as defined in Section 3.360 of the Environmental Protection Act, deposited upon any street or highway by the disabled vehicle being serviced, and shall in addition, spread dirt or sand or oil absorbent upon that portion of any street or highway where oil or grease has been deposited by the disabled vehicle being serviced.

(d) Every tow truck operator shall in addition file an indemnity bond, insurance policy, or other proof of insurance in a form to be prescribed by the Secretary for: garagekeepers liability insurance, in an amount no less than a combined single limit of \$500,000, and truck (auto) liability insurance in an amount no less than a combined single limit of \$500,000, on hook coverage or garagekeepers coverage in an amount of no less than \$25,000 which shall indemnify or insure the tow truck operator for the following:

(1) Bodily injury or damage to the property of others.

(2) Damage to any vehicle towed by the tower.

(3) In case of theft, loss of, or damage to any vehicle stored, garagekeepers legal liability coverage in an amount of no less than \$25,000.

(4) In case of injury to or occupational illness of the tow truck driver or helper, workers compensation insurance meeting the minimum requirements of the Workers' Compensation Act. Any such bond or policy shall be issued only by a bonding or insuring firm authorized to do business as such in the State of Illinois, and a certificate of such bond or policy shall be

carried in the cab of each tow truck.

(e) The bond or policy required in subsection

(d) shall provide that the insurance carrier may cancel it by serving previous notice, as required by Sections 143.14 and 143.16 of the Illinois Insurance Code, in writing, either personally or by registered mail, upon the owner or operator of the motor vehicle and upon the Secretary of State. Whenever any such bond or policy shall be so cancelled, the Secretary of State shall mark the policy "Cancelled" and shall require such owner or operator either to furnish a new bond or policy, in accordance with this Act.

625 ILCS 5/12-607 — Suspension System

Sec. 12-607. Suspension System.

(a) It shall be unlawful to operate a motor vehicle on any highway of this State when the suspension system has been modified from the original manufactured design by lifting the body from the chassis in excess of 3 inches or to cause the horizontal line from the front to the rear bumper to vary over 3 inches in height when measured from a level surface of the highway to the lower edge of the bumper, except that it is unlawful to operate a street rod or custom vehicle when the suspension system has been modified from the original manufactured design so that the horizontal line from the front to the rear bumper varies over 7 inches in height when measured from a level surface of the highway to the lower edge of the bumper.

(b) Nothing in this Section shall prevent the installation of manufactured heavy duty equipment to include shock absorbers and overload springs, nor shall anything contained in this Section prevent a person to operate a motor vehicle on any highway of this State with normal wear of the suspension system if normal wear does not affect the control or safe operation of the vehicle. This Section shall not apply to motor vehicles designed or modified primarily for off-highway racing purposes while such vehicles are in tow or to motorcycles or motor driven cycles.

625 ILCS 5/12-607.1 — Frame and floor height

Sec. 12-607.1. Frame and floor height.

(a) No person shall operate upon a highway a first division vehicle which has a clearance between the frame and ground in excess of 22 inches. The lowest portion of the body floor shall not be more than 4 inches above the top of the frame. No such vehicle shall be modified to cause the vehicle body or chassis to come in contact with the ground, expose the fuel tank to damage from collision or cause the wheels to come in contact with the body under normal operation.

(b) No person shall operate upon a highway a second division vehicle which has a clearance between the frame and ground which is in excess of the limits specified within this subsection for its gross vehicle weight rating (GVWR) category. For the purpose of this section, GVWR means the manufacturer's gross vehicle weight rating whether or not the vehicle is modified by the use of parts not originally installed by the manufacturer. The stacking or attaching of vehicle frames (one frame on top of or beneath another frame) is prohibited. No portion of the body floor shall be raised above the frame.

(1) The frame height of second division vehicles, whose GVWR is under 4,500 pounds, shall be no more than 24 inches.

(2) The frame height of second division vehicles, whose GVWR is more than 4,500 pounds and less than 7,500 pounds, shall be no more than 26 inches.

(3) The frame height of second division vehicles, whose GVWR is more than 7,500 pounds and less than 10,000 pounds, shall be no more than 28 inches.

(c) Under subsections

(a) or

(b) of this Section, measurements shall be made when a vehicle is unladen on a level surface at the lowest point from the bottom of the original vehicle manufacturer's longitudinal frame rail between the front axle and second axle on the vehicle.

(d) This Section does not apply to specially designed or modified motor vehicles when operated off the highways. Such motor vehicles may be transported upon the highway only by use of a trailer or semitrailer. The specially designed or modified motor vehicle may also be transported upon another vehicle, providing that the entire weight of the specifically designed or modified vehicle is resting upon the transporting vehicle.

(e) Any violation of this Section is a Class C misdemeanor. A second conviction under this Section shall be punished with a fine of not less than \$500. An officer making an arrest under this Section shall order the vehicle driver to remove the

vehicle from the highway. A person convicted under this Section shall be ordered to bring his vehicle into compliance with this Section.

625 ILCS 5/12-608 — Bumpers

Sec. 12-608. Bumpers.

(a) It shall be unlawful to operate any motor vehicle with a gross vehicle weight rating of 9,000 pounds or less or any motor vehicle registered as a recreational vehicle under this Code on any highway of this State unless such motor vehicle is equipped with both a front and rear bumper. Except as indicated below, maximum bumper heights of such motor vehicles shall be determined by weight category of gross vehicle weight rating (GVWR) measured from a level surface to the highest point of the bottom of the bumper when the vehicle is unloaded and the tires are inflated to the manufacturer's recommended pressure. Maximum bumper heights are as follows: Maximum Front Maximum Rear Bumper height Bumper Height All motor vehicles of the first division except multipurpose passenger vehicles: 22 inches 22 inches Multipurpose passenger vehicles and all other motor vehicles: 4,500 lbs. and under GVWR 24 inches 26 inches 4,501 lbs. through 7,500 lbs. GVWR 27 inches 29 inches 7,501 lbs. through 9,000 lbs. GVWR 28 inches 30 inches It is unlawful to operate upon any highway of this State any vehicle with a front bumper height that exceeds 28 inches or a rear bumper height that exceeds 30 inches, regardless of the GVWR of the vehicle, except those vehicles covered by Chapter 18b of this Code. For any vehicle with bumpers or attaching components which have been modified or altered from the original manufacturer's design in order to conform with the maximum bumper requirements of this section, the bumper height shall be measured from a level surface to the bottom of the vehicle frame rail at the most forward and rearward points of the frame rail. The bumper on any vehicle so modified or altered shall be at least 4.5 inches in vertical height and extend no less than the width of the respective wheel tracks outermost distance. However, nothing in this Section shall prevent the installation of bumper guards.

(b) This Section shall not apply to street rods, custom vehicles, motor vehicles designed or modified primarily for off-highway purposes while such vehicles are in tow or to motorcycles or motor driven cycles, nor to motor vehicles registered as antique vehicles or expanded-use antique vehicles when the original design of such antique vehicles or expanded-use antique vehicles did not include bumpers. The provisions of this Section shall not apply to any motor vehicle driven during the first 1000 recorded miles of that vehicle, when such vehicle is owned or operated by a manufacturer, dealer or transporter displaying a special plate or plates as described in Chapter 3 of this Code while such vehicle is

(1) being delivered from the manufacturing or assembly plant directly to the purchasing dealer or distributor, or from one dealership or distributor to another;

(2) being moved by the most direct route from one location to another for the purpose of installing special bodies or equipment; or

(3) being driven for purposes of demonstration by a prospective buyer with the dealer or his agent present in the cab of the vehicle during the demonstration. The dealer shall, prior to the receipt of any deposit made or any contract signed by the buyer to secure the purchase of a vehicle, inform such buyer, by written statement signed by the purchaser to indicate acknowledgement of the contents thereof, of the legal requirements of this Section regarding front and rear bumpers if such vehicle is not to be equipped with bumpers at the time of delivery.

(c) Any violation of this Section is a Class C misdemeanor. A second conviction under this Section shall be punishable with a fine of not less than \$500. An officer making an arrest under this Section shall order the vehicle driver to remove the vehicle from the highway. A person convicted under this Section shall be ordered to bring his vehicle into compliance with this Section.

625 ILCS 5/12-609

Sec. 12-609.

(a) No official or employee of the State, any political subdivision thereof, any county, municipality, or local authority, and no owner or employee of any new vehicle dealer, used vehicle dealer, or vehicle auctioneer shall sell, trade or otherwise dispose of any motor vehicle bearing equipment, markings, or other indicia of police authority unless, prior to delivery of the vehicle, the equipment and markings have been sufficiently altered or obliterated to remove the appearance of such authority.

(b) A person may not operate on the highways of this State a vehicle bearing the equipment, markings, or other indicia of police authority, unless the vehicle is an authorized emergency vehicle as defined in Section 1-105 of this Code.

(c) This Section does not apply to vehicles bearing indicia of police authority that are antique vehicles, as defined in Section 1-102.1, and are registered as antique vehicles, as provided in Section 3-804. (c-5) Nothing in this Section shall prohibit a manufacturer of authorized emergency vehicle equipment, markings, or other indicia, or the manufacturer's representative or authorized vendor, from temporarily mounting the equipment, markings, or other indicia on a vehicle for demonstration purposes only. If the equipment, markings, or other indicia are not covered while the vehicle is operated upon a highway, the vehicle shall display signage indicating that the vehicle is out of service or not an emergency vehicle. The signage shall be displayed on all sides of the vehicle in letters at least 2 inches tall and one-half inch wide.

(d) Any police officer is authorized to seize any vehicle that is in violation of this Section and to impound that vehicle, at the owner's expense, until any equipment, markings, or other indicia of police authority have been sufficiently removed, altered, or obliterated to remove the appearance of police authority.

(e) A person convicted of violating this Section is guilty of a petty offense and subject to a fine of not less than \$500 and not more than \$1,000.

625 ILCS 5/12-610 — Headset receivers

Sec. 12-610. Headset receivers.

(a) Except as provided under Section 11-1403.3, no driver of a motor vehicle on the highways of this State shall wear headset receivers while driving.

(b) This Section does not prohibit the use of a headset type receiving equipment used exclusively for safety or traffic engineering studies, by law enforcement personnel on duty, or emergency medical services and fire service personnel.

(c) This Section does not prohibit the use of any single sided headset type receiving and transmitting equipment designed to be used in or on one ear which is used exclusively for providing two-way radio vocal communications by an individual in possession of a current and valid novice class or higher amateur radio license issued by the Federal Communications Commission and an amateur radio operator special registration plate or digital registration plate issued under Section 3-607 of this Code.

(d) This Section does not prohibit the use of a single-sided headset or earpiece with a cellular or other mobile telephone.

625 ILCS 5/12-610.1 — Wireless telephones

Sec. 12-610.1. Wireless telephones.

(a) As used in this Section, "wireless telephone" means a device that is capable of transmitting or receiving telephonic communications without a wire connecting the device to the telephone network.

(b) A person under the age of 19 years who holds an instruction permit issued under Section 6-105 or 6-107.1, or a person under the age of 19 years who holds a graduated license issued under Section 6-107, may not drive a vehicle on a roadway while using a wireless phone. (b-5) A person under the age of 19 commits aggravated use of a wireless telephone when he or she violates subsection

(b) and in committing the violation he or she was involved in a motor vehicle crash that results in great bodily harm, permanent disability, disfigurement, or death to another and the violation was a proximate cause of the injury or death.

(c) This Section does not apply to a person under the age of 19 years using a wireless telephone for emergency purposes, including, but not limited to, an emergency call to a law enforcement agency, health care provider, fire department, or other emergency services agency or entity.

(d) If a graduated driver's license holder over the age of 18 committed an offense against traffic regulations governing the movement of vehicles or any violation of Section 6-107 or Section 12-603.1 of this Code in the 6 months prior to the graduated driver's license holder's 18th birthday, and was subsequently convicted of the violation, the provisions of paragraph

(b) shall continue to apply until such time as a period of 6 consecutive months has elapsed without an additional violation and subsequent conviction of an offense against traffic regulations governing the movement of vehicles or any violation of Section 6-107 or Section 12-603.1 of this Code.

(e) A person, regardless of age, may not use a wireless telephone at any time while operating a motor vehicle on a roadway in a school speed zone established under Section 11-605, on a highway in a construction or maintenance speed zone established under Section 11-605.1, or within 500 feet of an emergency scene. As used in this Section, "emergency scene" means a location where an authorized emergency vehicle as defined by Section 1-105 of this Code is present and has activated its oscillating, rotating, or flashing lights. This subsection

(e) does not apply to

(i) a person engaged in a highway construction or maintenance project for which a construction or maintenance speed zone has been established under Section 11-605.1, (ii) a person using a wireless telephone for emergency purposes, including, but not limited to, law enforcement agency, health care provider, fire department, or other emergency services agency or entity, (iii) a law enforcement officer or operator of an emergency vehicle when performing the officer's or operator's official duties, (iv) a person using a wireless telephone in voice-operated mode, which may include the use of a headset,

(v) a person using a wireless telephone by pressing a single button to initiate or terminate a voice communication, or (vi) a person using an electronic communication device for the sole purpose of reporting an emergency situation and continued communication with emergency personnel during the emergency situation. (e-5) A person commits aggravated use of a wireless telephone when he or she violates subsection

(e) and in committing the violation he or she was involved in a motor vehicle crash that results in great bodily harm, permanent disability, disfigurement, or death to another and the violation was a proximate cause of the injury or death.

(f) A person convicted of violating subsection (b-5) or (e-5) commits a Class A misdemeanor if the violation resulted in great bodily harm, permanent disability, or disfigurement to another. A person convicted of violating subsection (b-5) or (e-5) commits a Class 4 felony if the violation resulted in the death of another person.

625 ILCS 5/12-610.2 — Electronic communication devices

Sec. 12-610.2. Electronic communication devices.

(a) As used in this Section: "Electronic communication device" means an electronic device, including, but not limited to, a hand-held wireless telephone, hand-held personal digital assistant, tablet, or a portable or mobile computer, but does not include a global positioning system or navigation system or a device that is physically or electronically integrated into the motor vehicle.

(b) A person may not operate a motor vehicle on a roadway while using an electronic communication device, including using an electronic communication device to watch or stream video, participate in any video conferencing application, including, but not limited to, Zoom, Microsoft Teams, or WebEx, or access any social media site, including, but not limited to, Facebook, Snapchat, Instagram, or Twitter. The exemptions in paragraphs

(3) and

(9) of subsection

(d) do not apply when a person is using the electronic communication device to watch or stream video, participate in any video conferencing application, or access any social media site. (b-5) A person commits aggravated use of an electronic communication device when he or she violates subsection

(b) and in committing the violation he or she is involved in a motor vehicle crash that results in great bodily harm, permanent disability, disfigurement, or death to another and the violation is a proximate cause of the injury or death.

(c) A violation of this Section is an offense against traffic regulations governing the movement of vehicles. A person who violates this Section shall be fined a maximum of \$75 for a first offense, \$100 for a second offense, \$125 for a third offense, and \$150 for a fourth or subsequent offense, except that a person who violates subsection (b-5) shall be assessed a minimum fine of \$1,000.

(d) This Section does not apply to:

(1) a law enforcement officer or operator of an emergency vehicle while performing his or her official duties; (1.5) a first responder, including a volunteer first responder, while operating his or her own personal motor vehicle using an electronic communication device for the sole purpose of receiving information about an emergency situation while en route to performing his or her official duties;

- (2) a driver using an electronic communication device for the sole purpose of reporting an emergency situation and continued communication with emergency personnel during the emergency situation;
 - (3) a driver using an electronic communication device in hands-free or voice-operated mode, which may include the use of a headset;
 - (4) a driver of a commercial motor vehicle reading a message displayed on a permanently installed communication device designed for a commercial motor vehicle with a screen that does not exceed 10 inches tall by 10 inches wide in size;
 - (5) a driver using an electronic communication device while parked on the shoulder of a roadway;
 - (6) a driver using an electronic communication device when the vehicle is stopped due to normal traffic being obstructed and the driver has the motor vehicle transmission in neutral or park;
 - (7) a driver using two-way or citizens band radio services;
 - (8) a driver using two-way mobile radio transmitters or receivers for licensees of the Federal Communications Commission in the amateur radio service;
 - (9) a driver using an electronic communication device by pressing a single button to initiate or terminate a voice communication; or
 - (10) a driver using an electronic communication device capable of performing multiple functions, other than a hand-held wireless telephone or hand-held personal digital assistant (for example, a fleet management system, dispatching device, citizens band radio, or music player) for a purpose that is not otherwise prohibited by this Section.
- (e) A person convicted of violating subsection (b-5) commits a Class A misdemeanor if the violation resulted in great bodily harm, permanent disability, or disfigurement to another. A person convicted of violating subsection (b-5) commits a Class 4 felony if the violation resulted in the death of another person.

625 ILCS 5/12-610.5

Sec. 12-610.5. (Repealed).

625 ILCS 5/12-611

Sec. 12-611. No driver of any motor vehicle within this State shall operate or permit operation of any sound amplification system which can be heard outside the vehicle from 75 or more feet when the vehicle is being operated upon a highway, unless such system is being operated to request assistance or warn of a hazardous situation. This Section does not apply to authorized emergency vehicles. Any violation of the provisions of this Section shall be a petty offense punishable by a fine not to exceed \$50.

625 ILCS 5/12-612 — False or secret compartment in a vehicle

Sec. 12-612. False or secret compartment in a vehicle.

(a) Offenses. It is unlawful for any person:

(1) to own or operate with criminal intent any vehicle he or she knows to contain a false or secret compartment that is used or has been used to conceal a firearm as prohibited by paragraph (a)(4) of Section 24-1 or paragraph (a)(1) of Section 24-1.6 of the Criminal Code of 2012, or controlled substance as prohibited by the Illinois Controlled Substances Act or the Methamphetamine Control and Community Protection Act; or

(2) to install, create, build, or fabricate in any vehicle a false or secret compartment knowing that another person intends to use the compartment to conceal a firearm as prohibited by paragraph (a)(4) of Section 24-1 of the Criminal Code of 2012, or controlled substance as prohibited by the Illinois Controlled Substances Act or the Methamphetamine Control and Community Protection Act.

(b) Definitions. For purposes of this Section:

(1) "False or secret compartment" means an enclosure integrated into a vehicle that is a modification of the vehicle as built by the original manufacturer.

(2) "Vehicle" means any of the following vehicles without regard to whether the vehicles are private or commercial, including, but not limited to, cars, trucks, buses, aircraft, and watercraft.

(c) Forfeiture. Any vehicle containing a false or secret compartment used in violation of this Section, as well as any items within that compartment, shall be subject to seizure by the Illinois State Police or by any municipal or other local law

enforcement agency within whose jurisdiction that property is found as provided in Sections 36-1 and 36-2 of the Criminal Code of 2012. The removal of the false or secret compartment from the vehicle, or the promise to do so, shall not be the basis for a defense to forfeiture of the motor vehicle under Section 36-2 of the Criminal Code of 2012 and shall not be the basis for the court to release the vehicle to the owner.

(d) Sentence. A violation of this Section is a Class 4 felony. The sentence imposed for violation of this Section shall be served consecutively to any other sentence imposed in connection with the firearm, controlled substance, or other contraband concealed in the false or secret compartment.

(e) For purposes of this Section, a new owner is not responsible for any conduct that occurred or knowledge of conduct that occurred prior to transfer of title.

625 ILCS 5/12-613 — Possession and use of radar or laser jamming devices prohibited

Sec. 12-613. Possession and use of radar or laser jamming devices prohibited.

(a) Except as provided in subsection (b), a person may not operate or be in actual physical control of a motor vehicle while the motor vehicle is equipped with any instrument designed to interfere with microwaves or lasers at frequencies used by police radar for the purpose of monitoring vehicular speed.

(b) A person operating a motor vehicle who possesses within the vehicle a radar or laser jamming device that is contained in a locked opaque box or similar container, or that is not in the passenger compartment of the vehicle, and that is not in operation, is not in violation of this Section.

(c) Any person found guilty of violating this Section is guilty of a petty offense. A minimum fine of \$50 shall be imposed for a first offense and a minimum fine of \$100 for a second or subsequent offense.

(d) The radar or laser jamming device or mechanism shall be seized by the law enforcement officer at the time of the violation. This Section does not authorize the permanent forfeiture to the State of any radar or laser jamming device or mechanism. The device or mechanism shall be taken and held for the period when needed as evidence. When no longer needed for evidence, the defendant may petition the court for the return of the device or mechanism. The defendant, however, must prove to the court by a preponderance of the evidence that the device or mechanism will be used only for a legitimate and lawful purpose.

(e) A law enforcement officer may not stop or search any motor vehicle or the driver of any motor vehicle solely on the basis of a violation or suspected violation of this Section.

625 ILCS 5/12-701

Sec. 12-701. Tractors, traction engines and motor trucks-Operation on highways-Turning on highways during farming operations-Violations. No tractor, traction engine, motor truck or other similar vehicle shall be operated across, over or along any public highway of this State which has been oil-treated, if any such vehicle has on the periphery of any of the road wheels any block, stud, flange, cleat, ridge, lug, or any projection of metal or wood which projects radially beyond the tread or traffic surface of the tire; except that this prohibition shall not apply to tractors or traction engines equipped with what is known as crawler type tractors, when the same does not contain any projections of any kind likely to injure the surface of the road, nor to tractors, traction engines and similar vehicles which have upon their road wheels V-shaped, diagonal or other cleats arranged in such a manner as to be continuously in contact with the road surface. In no event shall the oil mat surface of any oil-treated public road be used as an area or space for turning any tractor or other farm machinery in carrying on or performing any farming operations upon the adjacent land. Provided, that nothing in this Section contained shall prohibit the operation of tractors, traction engines or motor trucks across any oil-treated road in order to reach adjacent lands or the operation of any such vehicles upon the treated portion of such oil-treated roads if there is no untreated portion thereof over which they may be operated or the operation of any such vehicles on oil-treated roads if in passing along said road they travel over the portion of said road which does not constitute the oil mat surface created by said oil treatment or the use of flexible tire chains on any tractor, traction engine, motor truck or other similar vehicle being operated upon any such oil-treated road. It is unlawful for any person to operate any tractor, traction engine, motor truck or other similar vehicle over and along any public highway of this State, which has been oil-treated, in violation of the provisions of this Section.

625 ILCS 5/12-702 — Certain vehicles to carry flares or other warning devices

Sec. 12-702. Certain vehicles to carry flares or other warning devices.

(a) No person shall operate any motor vehicle of the second division weighing more than 8,000 pounds or any vehicle of the second division weighing 8,000 pounds or less towing a trailer or any motor vehicle towing a house trailer upon any highway outside an urban district at any time unless there is carried in such vehicle the following equipment, except as provided in paragraph

(b) of this Section: 1. At least 3 liquid-burning flares, or 3 red electric lanterns or 3 portable red emergency reflectors, each of which is capable of being seen and distinguished at a distance of not less than 500 feet when lighted lamps are required, provided that emergency reflectors meeting the requirements of Federal Motor Vehicle Safety Standard No. 125 shall be deemed acceptable as regards visibility and color; and 2. At least 3 red-burning 15-minute fusees unless red electric lanterns or portable red emergency reflectors are carried; and 3. At least 2 red-cloth flags, not less than 12 inches square, with standards to support flags or in lieu thereof, 2 portable emergency reflectors meeting the requirements of Federal Motor Vehicle Safety Standard No. 125.

(b) No person shall operate at the time and under the conditions stated in paragraph

(a) of this Section any motor vehicle used for the transportation of explosives, any cargo tank truck used for the transportation of flammable liquids or compressed gases or any motor vehicle using compressed gas as a fuel unless there is carried in such vehicle 3 red electric lanterns or 3 portable red emergency reflectors meeting the requirements of paragraph

(a) of this Section, and such vehicle shall not carry any flares, fusees or signals produced by flame.

(c) Whenever any motor vehicle of the second division weighing more than 8,000 pounds or any vehicle of the second division weighing 8,000 pounds or less towing a trailer or any motor vehicle towing a house trailer is disabled upon the roadway of any highway or the shoulder thereof outside an urban district or on any controlled access highway within an urban district at any time when lighted lamps are required, the driver of such vehicle shall display the following warning devices upon the highway during the time the vehicle is so disabled, except as provided in paragraph

(d) of this Section: 1. A lighted fusee, a lighted red electric lantern or a portable red emergency reflector shall be immediately placed at the traffic side of the vehicle in the direction of the nearest approaching traffic. However, the driver of such vehicle upon learning of the disability may simultaneously flash the 2 front and 2 rear turn signals as a vehicular traffic warning and continue such flashing until the portable signals have been placed as required by this Section and during the time such portable emergency signals are being picked up for storage prior to the movement of the vehicle. 2. As soon thereafter as possible, but in any event within the burning period of the fusee (15 minutes), the driver shall place 3 liquid-burning flares, or 3 lighted red electric lanterns or 3 portable red emergency reflectors on the roadway or shoulder of the highway in the following order: One approximately 100 feet from the disabled vehicle in the center of the lane or shoulder occupied by such vehicle and toward traffic approaching in that lane; and One approximately 100 feet in the opposite direction from the disabled vehicle and in the center of the traffic lane or shoulder occupied by such vehicle; and One at the traffic side of the disabled vehicle not less than 10 feet to the rear or forward thereof in the direction of the nearest approaching traffic. If a lighted red electric lantern or a portable red emergency reflector has been placed at the traffic side of the vehicle in accordance with paragraph

(c)

(1) of this Section, it may be used for this purpose.

(d) Whenever any vehicle referred to in this Section is disabled within 500 feet of a curve, hill crest or other obstruction to view, the warning signal in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than 100 feet nor more than 500 feet from the disabled vehicle.

(e) Whenever any vehicle of a type referred to in this Section is disabled upon any roadway or shoulder of a divided highway during the time that lighted lamps are required, the appropriate warning devices prescribed in paragraph

(a)

(1) and

(2) of this Section shall be placed as follows: One at a distance of approximately 200 feet from the vehicle in the center of the lane or shoulder occupied by the stopped vehicle and in the direction of traffic approaching in that lane; and One at a distance of approximately 100 feet from the vehicle in the center of the lane or shoulder occupied by the vehicle and in the direction of traffic approaching in that lane; and One at the traffic side of the vehicle and approximately 10 feet from the vehicle in the direction of the nearest approaching traffic.

(f) Whenever any vehicle of a type referred to in this Section is disabled upon the roadway of any highway or the shoulder thereof outside an urban district or on any controlled access highway within an urban district at any time when the display of fusees, flares, red electric lanterns or portable red emergency reflectors are not required, the driver of the vehicle shall display 2 red-cloth flags or 2 portable emergency reflectors meeting the requirements of Federal Motor Vehicle Safety Standard No. 125 upon the roadway or shoulder in the lane of traffic occupied by the disabled vehicle in the following order: One at a distance of approximately 100 feet in advance of the vehicle; and One at a distance of approximately 100 feet in the rear of the vehicle.

(g) Whenever any vehicle of a type referred to in this Section is disabled upon any roadway or shoulder of a divided highway during the time that lighted lamps are not required, the driver of such vehicle shall display 2 red-cloth flags or 2 portable emergency reflectors meeting the requirements of Federal Motor Vehicle Safety Standard No. 125 upon the roadway or shoulder in the center of the lane of traffic occupied by the disabled vehicle in the following order: One at a distance of approximately 200 feet to the rear of the vehicle; and One at a distance of approximately 100 feet to the rear of the vehicle.

(h) Whenever any motor vehicle used for the transportation of explosives, or any cargo tank truck used for the transportation of any flammable liquid or compressed flammable gas or any motor vehicle using compressed gas as a fuel is disabled upon a highway of this State at any time or place mentioned in paragraph

(c) of this Section, the driver of such vehicle shall immediately display 3 red electric lanterns or portable red emergency reflectors placed in the following order: One at the traffic side of the vehicle and approximately 10 feet from the vehicle in the direction of the nearest approaching traffic; and One at a distance of approximately 100 feet to the front of the disabled vehicle in the center of the lane of traffic or shoulder occupied by such vehicle; and One at a distance of approximately 100 feet to the rear of the disabled vehicle in the center of the lane of traffic or shoulder occupied by such vehicle. Flares, fusees or signals produced by flame shall not be used as warning devices for disabled vehicles of the type mentioned in this paragraph.

(i) The flares, fusees, red electric lanterns, portable red emergency reflectors and flags to be displayed as required in this Section shall conform with the requirements of paragraphs

(a) and

(b) of this Section applicable thereto.

625 ILCS 5/12-703 — Road oil vehicles-Dripping on certain highways forbidden

Sec. 12-703. Road oil vehicles-Dripping on certain highways forbidden. No person shall operate, on a durable all-weather highway of a type other than gravel or crushed stone, any vehicle used for the purpose of applying road oil, liquid asphalt or similar material to road surfaces unless such vehicle is so equipped as to absolutely prevent such material from dripping on such highway, nor shall such material be allowed to drip on any such highway.

625 ILCS 5/12-704

Sec. 12-704. (Repealed).

625 ILCS 5/12-704.1

Sec. 12-704.1. (Repealed).

625 ILCS 5/12-704.3 — Motor vehicles using alternate fuels; markings

Sec. 12-704.3. Motor vehicles using alternate fuels; markings. Notwithstanding any other regulation or requirement, every motor vehicle using liquefied petroleum gas or compressed natural gas must be marked in accordance with guidelines established by the National Fire Protection Association's (NFPA) standards for the Storage and Handling of Liquefied Petroleum Gases and for Compressed Natural Gas Vehicular Fuel Systems and published by that body as NFPA 58 and NFPA 52 dated February 10, 1992 and August 14, 1992, respectively. The sign or decal shall be maintained in good legible condition. A sign or decal that is deteriorated or defaced so as to impair its legibility, quick recognition, or meaning shall be replaced by a new sign or decal.

625 ILCS 5/12-705

Sec. 12-705. (Repealed).

625 ILCS 5/12-705.1 — Required use of biodiesel by certain vehicles

Sec. 12-705.1. Required use of biodiesel by certain vehicles.

(a) Beginning July 1, 2006, any diesel powered vehicle owned or operated by this State, any county or unit of local government, any school district, any community college or public college or university, or any mass transit agency must, when refueling at a bulk central fueling facility, use a biodiesel blend that contains 5% biodiesel, as those terms are defined in the Illinois Renewable Fuels Development Program Act, where available, unless the engine is designed or retrofitted to operate on a higher percentage of biodiesel or on ultra low sulfur fuel.

(b) Nothing in this Section prohibits any unit of government from using a biodiesel blend containing more than 2% biodiesel.

(c) As used in this Section, a "bulk central fueling facility" means a non-commercial fueling facility whose primary purpose is the fueling of vehicles owned or operated by the State, a county or unit of local government, a school district, a community college or public college or university, or a mass transit agency.

(d) The Secretary of Transportation shall adopt rules for implementing this Section.

625 ILCS 5/12-706 — Fire apparatus-Safety belts

Sec. 12-706. Fire apparatus-Safety belts. No fire apparatus equipped to carry firemen on the outside of such vehicle on the sides, or rear, or both, shall be operated without first installing on the fire apparatus on the sides and rear thereof a sufficient number of safety belts and safety belt connections to protect the maximum number of firemen who can occupy the sides and rear of such apparatus while responding to alarms of fire. The municipality shall cause inspection of such safety equipment at least semi-annually.

625 ILCS 5/12-707 — Vehicle passenger capacity

Sec. 12-707. Vehicle passenger capacity. No school bus, commuter van or motor vehicle owned by or used for hire by and in connection with the operation of private or public schools, day camps, summer camps or nursery schools or in charter operations, and no commuter van or passenger car used for a for-profit ridesharing arrangement, shall be operated if it is occupied by more passengers than recommended by the manufacturer thereof if the vehicle is manufactured as a passenger vehicle; if the vehicle is manufactured for use other than passenger, then it shall not accommodate more passengers than provided for by the manufacturer in passenger vehicles of like style or rating.

625 ILCS 5/12-707.01 — Liability insurance

Sec. 12-707.01. Liability insurance.

(a) No school bus, first division vehicle including a taxi which is used for a purpose that requires a school bus driver permit, commuter van or motor vehicle owned by or used for hire by and in connection with the operation of private or public schools, day camps, summer camps or nursery schools, and no commuter van or passenger car used for a for-profit ridesharing arrangement, shall be operated for such purposes unless the owner thereof shall carry a minimum of personal injury liability insurance in the amount of \$25,000 for any one person in any one crash, and subject to the limit for one person, \$100,000 for two or more persons injured by reason of the operation of the vehicle in any one crash. This subsection

(a) applies only to personal injury liability policies issued or renewed before January 1, 2013.

(b) Liability insurance policies issued or renewed on and after January 1, 2013 shall comply with the following:

(1) except as provided in subparagraph

(2) of this subsection (b), any vehicle that is used for a purpose that requires a school bus driver permit under Section 6-104 of this Code shall carry a minimum of liability insurance in the amount of \$2,000,000. This minimum insurance requirement may be satisfied by either

(i) a \$2,000,000 combined single limit primary commercial automobile policy; or (ii) a \$1 million primary commercial automobile policy and a minimum \$5,000,000 excess or umbrella liability policy;

(2) any vehicle that is used for a purpose that requires a school bus driver permit under Section 6-104 of this Code and is used in connection with the operation of private day care facilities, day camps, summer camps, or nursery schools shall carry a minimum of liability insurance in the amount of \$1,000,000 combined single limit per crash;

(3) any commuter van or passenger car used for a for-profit ridesharing arrangement shall carry a minimum of liability insurance in the amount of \$500,000 combined single limit per crash.

(c) Primary insurance coverage under the provisions of this Section must be provided by a licensed and admitted insurance carrier or an intergovernmental cooperative formed under Section 10 of Article VII of the Illinois Constitution, or Section 6 or 9 of the Intergovernmental Cooperation Act, or provided by a certified self-insurer under Section 7-502 of this Code. The excess or umbrella liability coverage requirement may be met by securing surplus line insurance as defined under Section 445 of the Illinois Insurance Code. If the excess or umbrella liability coverage requirement is met by securing surplus line insurance, that coverage must be effected through a licensed surplus line producer acting under the surplus line insurance laws and regulations of this State. Nothing in this subsection

(c) shall be construed as prohibiting a licensed and admitted insurance carrier or an intergovernmental cooperative formed under Section 10 of Article VII of the Illinois Constitution, or Section 6 or 9 of the Intergovernmental Cooperation Act, or a certified self-insurer under Section 7-502 of this Code, from retaining the risk required under paragraphs

(1) and

(2) of subsection

(b) of this Section or issuing a single primary policy meeting the requirements of paragraphs

(1) and

(2) of subsection (b).

(d) Each owner of a vehicle required to obtain the minimum liability requirements under subsection

(b) of this Section shall attest that the vehicle meets the minimum insurance requirements under this Section. The Secretary of State shall create a form for each owner of a vehicle to attest that the owner meets the minimum insurance requirements and the owner of the vehicle shall submit the form with each registration application. The form shall be valid for the full registration period; however, if at any time the Secretary has reason to believe that the owner does not have the minimum required amount of insurance for a vehicle, then the Secretary may require a certificate of insurance, or its equivalent, to ensure the vehicle is insured. If the owner fails to produce a certificate of insurance, or its equivalent, within 2 calendar days after the request was made, then the Secretary may revoke the vehicle owner's registration until the Secretary is assured the vehicle meets the minimum insurance requirements. If the owner of a vehicle participates in an intergovernmental cooperative or is self-insured, then the owner shall attest that the insurance required under this Section is equivalent to or greater than the insurance required under paragraph

(1) of subsection

(b) of this Section. The Secretary may adopt any rules necessary to enforce the provisions of this subsection (d).

625 ILCS 5/12-708 — Operator protective frames on tractor-mower combinations

Sec. 12-708. Operator protective frames on tractor-mower combinations. No tractor unit over 16 engine horsepower designed for mowing or tractor-mower combination unit over 16 engine horsepower owned or leased by the Department, a municipal corporation or political subdivision shall be operated for the purpose of mowing vegetation on highway right-of-way unless the tractor of such unit is equipped with an operator protective frame conforming to the specifications prescribed by regulations under the United States Occupational Safety and Health Act of 1970, as amended, and with a seat safety belt. The operator protective frame may be incorporated into a cab which design shall conform to the specifications established by the United States Occupational Safety and Health Act of 1970, as amended. The seat safety belt must meet the requirements provided in Section 12-603 of this Act.

625 ILCS 5/12-709 — Slow-moving vehicle emblem

Sec. 12-709. Slow-moving vehicle emblem.

(a) Every animal drawn vehicle, farm tractor, implement of husbandry and special mobile equipment, when operated on a highway must display a slow-moving vehicle emblem mounted on the rear except as provided in paragraph

(b) of this Section. Special mobile equipment is exempt when operated within the limits of a construction or maintenance project where traffic control devices are used in compliance with the applicable provisions of the manual and specifications adopted under Section 11-301 of the "Illinois Vehicle Code".

(b) Every vehicle or unit described in paragraph

(a) of this Section when operated in combination on a highway must display a slow-moving vehicle emblem as follows: 1. Where the towed unit or any load thereon partially or totally obscures the slow-moving vehicle emblem on the towing unit, the towed unit shall be equipped with a slow-moving vehicle emblem. In such cases the towing unit need not display the emblem. 2. Where the slow-moving vehicle emblem on the towing unit is not obscured by the towed unit or its load, then either or both may be equipped with the required emblem but it shall be sufficient if either displays it. 3. A registered truck towed behind a farm tractor in conformity with the provisions of Section 11-1418 of the "Illinois Vehicle Code" must display a slow-moving vehicle emblem in the manner provided in paragraph

(c) while being towed on a highway if the emblem on the towing vehicle is partially or totally obscured.

(c) The slow-moving vehicle emblem required by paragraphs

(a) and

(b) of this Section must meet or exceed the specifications and mounting requirements established by the Department. Such specifications and mounting requirements shall, on and before August 31, 2004, be based on the specifications adopted by the American Society of Agricultural Engineers and published by that body as ASAE S 276.2 dated March, 1968 or as ASAE S 276.5. On and after September 1, 2004, the specifications and mounting requirements shall be based on the specifications adopted by the American Society of Agricultural Engineers and published by that body as ASAE S 276.5 NOV 97. No advertising or other marking shall appear upon the emblem except that specified by the American Society of Agricultural Engineers to identify the standard to which the material complies. Each original package containing a slow-moving vehicle emblem shall display a notice on the outside of the package stating that such emblem shall only be used for the purposes stated in subsections

(a) and (b).

(d) A slow-moving vehicle emblem is intended as a safety identification device and shall not be displayed on any vehicle nor displayed in any manner other than as described in paragraphs (a),

(b) and

(c) of this Section. A slow-moving vehicle emblem may not be displayed in public view from a highway on an object other than a vehicle or unit described in subsection

(a) of this Section or a vehicle required to display a slow-moving vehicle emblem under subsection

(e) of Section 11-1426.1 of this Code. A violation of this subsection

(d) is a petty offense punishable by a fine of \$75.

625 ILCS 5/12-710 — Rear fender splash guards

Sec. 12-710. Rear fender splash guards. It is unlawful for any person to operate any vehicle of the second division, except a truck tractor, to which this Section is applicable upon any highway of this State unless such vehicle is equipped with rear fender splash guards of either the contour type or the flap type which comply with the specifications provided in this Section for the type of splash guards used on the vehicle, and which are so attached as to prevent the splashing of mud or water upon the windshield of other motor vehicles.

(a) Specifications for contour type splash guards. When contour type rear fender splash guards are used, they shall contour the wheel in such a manner that the relationship of the inside surface of any such splash guard to the tread surface of the tire or wheel shall be relatively parallel, both laterally and across the wheel, at least throughout the top 90 degrees of the rear 180 degrees of the wheel surface; provided however, on vehicles which have a clearance of less than 5 inches between the top of the tire or wheel and that part of the body of the vehicle directly above the tire or wheel when the vehicle is loaded to maximum legal capacity, the curved portion of the splash guard need only extend from a point directly behind the center of the rear axle and to the rear of the wheel surface upwards to within at least 2 inches of the bottom line of the body when the vehicle is loaded to maximum legal capacity. There shall be a downward extension of the curved surface which shall end not more than 12 inches from the ground when the vehicle is loaded to maximum legal capacity. This downward extension shall be part of the curved surface or attached directly to such curved surface, but it need not contour the wheel. Such contour type splash guards shall be wide enough to cover the full tread width of the tire or tires being protected and shall be installed not more than 6 inches from the tread surface of the tire or wheel when the vehicle is loaded to maximum legal capacity. The splash guard shall have a lip or flange on its outside edge to minimize side throw and splash. The lip or flange shall extend toward the center of the wheel, and shall be perpendicular to and extend not less than 2 inches below the inside or bottom surface line or plane of the guard. Such contour type splash

guards may be constructed of either a rigid or flexible material, but shall be attached in such a manner that, regardless of movement either by the splash guards or the vehicle, the splash guards will retain their general parallel relationship to the tread surface of the tire or wheel under all ordinary operating conditions.

(b) Specifications for flap type splash guards. When flap type splash guards are used, they shall be wide enough to cover the full tread width of the tire or tires being protected; shall be so installed that they extend from the underside of the vehicle in a vertical plane behind the rear wheels to within 12 inches of the ground, when the vehicle is loaded to maximum legal capacity; shall be so constructed and attached so that when the vehicle is in forward motion such splash guard will not deviate or move backward from the vertical plane by an angle of more than 30 degrees measured from the vertical plane and so that when the forward motion of the vehicle causes such splash guard to deviate from the vertical plane, the bottom of such flap type splash guard will not be more than 15 inches from the ground, when the vehicle is loaded to maximum legal capacity. Such flap type splash guard may be constructed of either a rigid or flexible material.

(c) Exemptions. This Section shall not apply to vehicles the construction or design of which does not require such splash guards, nor to vehicles in-transit and capable only of using temporary splash guards prescribed by the Department, nor to pole trailers.

625 ILCS 5/12-711

Sec. 12-711. Commencing January 1, 1987, all trucks equipped with self-compactors or roll-off hoists and roll-on containers for garbage or refuse hauls shall, before operating on any public or private highway, alley or parking area of this State, be equipped with an operably working external audible warning signal device that meets the standard of American National Standards Institute, SAE J994b, Type A, B or C, which is activated when the vehicle is operated in reverse or when top-hinged tailgates are open.

625 ILCS 5/12-712 — Construction equipment to display company name

Sec. 12-712. Construction equipment to display company name.

(a) Construction equipment that is capable of being self propelled or any construction equipment capable of being towed shall display on the side of the equipment the name of the company for which it is employed. The name shall be in letters at least 2 inches tall and one-half inch wide. This Section shall not apply to any motor vehicle upon which is affixed the insignia required under Section 18c-4701 of the Illinois Commercial Transportation Law.

(b) Any person convicted of violating this Section shall be guilty of a petty offense and subject to a fine not to exceed \$100.

625 ILCS 5/12-713 — Commercial trucks used by construction contractors or subcontractors to display company name

Sec. 12-713. Commercial trucks used by construction contractors or subcontractors to display company name.

(a) Every second division vehicle operating commercially in this State that is used by a construction contractor or subcontractor shall display on the side of the vehicle or its trailer the name of the company for which it is employed. The name shall be in letters at least 2 inches tall and one-half inch wide. This Section shall not apply to any motor vehicle upon which is affixed the insignia required under Section 18c-4701 of the Illinois Commercial Transportation Law.

(b) Any person convicted of violating this Section shall be guilty of a petty offense and subject to a fine of not less than \$500.

625 ILCS 5/12-714 — Possession and use of radar detection devices prohibited

Sec. 12-714. Possession and use of radar detection devices prohibited.

(a) No person shall operate or be in actual physical control of a commercial motor vehicle as defined in Section 6-500(6) of this Code while the motor vehicle is equipped with any instrument designed to detect the presence of police radar for the purpose of monitoring vehicular speed.

(b) Notwithstanding subsection

(a) of this Section, a person operating a commercial motor vehicle as defined in Section 6-500(6) of this Code, who possesses within the vehicle a radar detecting device that is contained in a locked opaque box or similar container, or that is not in the passenger compartment of the vehicle, and that is not in operation, shall not be in violation of subsection

(a) of this Section. Any person found guilty of violating this Section shall be guilty of a petty offense. A minimum fine of \$50 shall be imposed for a first offense and a minimum fine of \$100 for a second or subsequent offense.

(c) The radar detection device or mechanism shall be seized by the law enforcement officer at the time of the violation if the offender has previously been convicted of violating this Section. This Section shall not be construed to authorize the permanent forfeiture to the State of any radar detection device or mechanism. Any such device or mechanism shall be taken and held for the period when needed as evidence. When no longer needed for evidence, the defendant may petition the court for the return of the device or mechanism; provided the defendant shall prove to the court by a preponderance of the evidence that the device or mechanism will be used only for a legitimate and lawful purpose.

(d) No commercial motor vehicle, or driver of such vehicle, shall be stopped or searched by any law enforcement officer solely on the basis of a violation or suspected violation of this Section.

625 ILCS 5/12-715

Sec. 12-715. (Repealed).

625 ILCS 5/12-800

Sec. 12-800. (Repealed).

625 ILCS 5/12-801 — Color

Sec. 12-801. Color. The exterior of each school bus shall be national school bus glossy yellow except as follows: The rooftop may be white. The fenders of school buses manufactured before January 1, 1976, may be black. Body trim, rub rails, lettering other than on a stop signal arm and bumpers on a Type I school bus shall be glossy black. Lettering on a stop signal arm shall be white on a red background. Bumpers on a Type II school bus may be glossy black or a bright, light or colorless finish. The hood and upper cowl may be lusterless black or lusterless school bus yellow. Grilles on the front, lamp trim and hubcaps may be a bright finish. The name or emblem of a manufacturer may be colorless or any color. The exterior paint of any school bus shall match the central value, hue and chroma set forth in rules promulgated by the Department.

625 ILCS 5/12-802 — Identification

Sec. 12-802. Identification.

(a) Each school bus shall have the sign "SCHOOL BUS" painted on both the front and rear of the bus as high as practicable in letters at least 8 inches high.

(b) Each school bus and multifunction school-activity bus (MFSAB) shall have the vehicle weight and the vehicle maximum passenger capacity recommended by the manufacturer of the bus, which shall be based upon provision for 13 inches of seating space for each passenger exclusive of the driver, painted on the body to the left of the service door in letters at least 2 inches high. The name of the owner or the entity or both for which the school bus or MFSAB is operated shall be painted in a contrasting color on both sides, centered as high as practicable below the window line, in letters at least 4 inches high. An identification number shall be painted as high as practicable on both the front and rear of the school bus or MFSAB in letters at least 4 inches high.

(c) Decals may be used instead of painting under this Section.

625 ILCS 5/12-803

Sec. 12-803.

(a) Each school bus shall be equipped with a stop signal arm on the driver's side of the school bus that may be operated either manually or mechanically. Each school bus stop signal arm shall be an octagon shaped semaphore that conforms to 49 C.F.R. 571.131, "SCHOOL BUS PEDESTRIAN SAFETY DEVICES", S5.1 through S5.5.

(b) Each school bus manufactured prior to September 1, 1992 shall be equipped with a stop signal arm that conforms to standards promulgated by the Department.

(c) A school bus may be equipped with an extension to the required stop arm that partially obstructs the roadway to ensure passenger safety.

(d) A maximum of 2 extensions to the required stop arms may be installed on the driver's side of the school bus.

(e) In addition to the lighting systems required under Section 12-805, each extension to the required stop arm must be equipped with a system of flashing red lights. The front side extension to the required stop arm must extend no more than 78 inches, measured from the side of the bus to furthest part of the extension to the required stop arm, and at a height not less than 36 inches from the ground. The rear side extension to the required stop arm must meet the same specification as the front side extension to the required stop arm except that it may not extend more than 32 inches, measured from the side of the bus to the furthest part of the extension to the required stop arm.

(f) No driver of a motor vehicle may make contact with any portion of a stopped school bus, including an extension to the required stop arm, or make contact with a school child within 30 feet of the school bus. A driver of motor vehicle that violates this subsection shall be subject to the penalties under Section 11-1414.

625 ILCS 5/12-804 — Other vehicles - Color, stop signal arm and identification

Sec. 12-804. Other vehicles - Color, stop signal arm and identification. No vehicle other than a school bus shall be identified with the sign "SCHOOL BUS", shall be equipped with a stop signal arm, shall be equipped with a strobe lamp or shall be equipped with a warning lamp system as described in Section 12-805 of this Act. No commuter van or bus other than a school bus shall be painted national school bus glossy yellow or a color that closely resembles national school bus glossy yellow.

625 ILCS 5/12-805 — Special lighting equipment

Sec. 12-805. Special lighting equipment. Each school bus purchased as a new vehicle after December 31, 1975 shall be equipped with an 8-lamp flashing signal system. Until December 31, 1978, all other school buses shall be equipped with either a 4-lamp or an 8-lamp flashing signal system. After December 31, 1978, all school buses shall be equipped with an 8-lamp flashing signal system. A 4-lamp flashing signal system shall have 2 alternately flashing red lamps mounted as high and as widely spaced laterally on the same level as practicable at the front of the school bus and 2 such lamps mounted in the same manner at the rear. An 8-lamp flashing signal system shall have, in addition to a 4-lamp system, 4 alternately flashing amber lamps. Each amber lamp shall be mounted next to a red lamp and at the same level but closer to the centerline of the school bus. Each signal lamp shall be a sealed beam at least 5 1/2 inches in diameter and shall have sufficient intensity to be visible at 500 feet in normal sunlight. Both the 4-lamp and 8-lamp system shall be actuated only by means of a manual switch. There shall be a device for indicating to the driver that the system is operating properly or is inoperative. A school bus may also be equipped with alternately flashing head lamps, which may be operated in conjunction with the 8-lamp flashing signal system.

625 ILCS 5/12-806 — Identification, stop signal arms and special lighting when not used as a school bus

Sec. 12-806. Identification, stop signal arms and special lighting when not used as a school bus.

(a) Except as provided in Section 12-806a, whenever a school bus is operated for the purpose of transporting passengers over 18 years of age other than persons in connection with an activity of the school or religious organization which owns the school bus or for which the school bus is operated, the "SCHOOL BUS" signs shall be covered or concealed and the stop signal arm and flashing signal system shall not be operable through normal controls.

(b) If a school district, religious organization, vendor of school buses, or school bus company whose main source of income is contracting with a school district or religious organization for the provision of transportation services in connection with the activities of a school district or religious organization, discards through either sale or donation, a school bus to an individual or entity that is not one of the aforementioned entities above, then the recipient of such school bus shall be responsible for immediately removing, covering, or concealing the "SCHOOL BUS" signs and any other insignia or words indicating the vehicle is a school bus, rendering inoperable or removing entirely the stop signal arm and flashing signal system, and painting the school bus a different color from those under Section 12-801 of this Code.

625 ILCS 5/12-806a

Sec. 12-806a. Identification, stop signal arms, and special lighting on school buses used to transport children outside of a school activity or persons in connection with a community based rehabilitation facility.

(a) Subject to the conditions in Subsection (c), a bus which meets any of the special requirements for school buses in Sections 12-801, 12-802, 12-803, and 12-805 of this Code may be used for the purpose of transporting persons 18 years of age or less.

(b) Subject to the conditions in subsection (c), a bus which meets any of the special requirements for school buses in Sections 12-801, 12-802, 12-803, and 12-805 of this Code may be used for the purpose of transporting persons recognized as clients of a community based rehabilitation facility which is accredited by the Commission on Accreditation of Rehabilitation Facilities of Tucson, Arizona, and which is under a contractual agreement with the Department of Human Services.

(c) A bus used for transportation as provided in subsection

(a) or

(b) shall meet all of the special requirements for school buses in Sections 12-801, 12-802, 12-803, and 12-805. A bus which meets all of the special requirements for school buses in Sections 12-801, 12-802, 12-803, and 12-805 shall be operated by a person who has a valid and properly classified driver's license issued by the Secretary of State and who possesses a valid school bus driver permit or is accompanied and supervised, for the specific purpose of training prior to routine operation of a school bus, by a person who has held a valid school bus driver permit for at least one year.

625 ILCS 5/12-807 — Seat belt for driver

Sec. 12-807. Seat belt for driver. Each school bus shall be equipped with a retractable lap belt assembly for the driver's seat. No school bus shall be operated unless the driver has properly restrained himself with the lap belt assembly.

625 ILCS 5/12-807.1 — Seat back height

Sec. 12-807.1. Seat back height. No Type I school bus manufactured after June 30, 1987 shall be sold for use as, or purchased for use as, or used as a school bus within this State unless such bus is equipped with passenger seat backs having a seat back height of 28 inches installed by the original bus body manufacturer.

625 ILCS 5/12-807.2 — Crossing control arms

Sec. 12-807.2. Crossing control arms.

(a) No Type I or Type II school bus may be operated or used as a school bus within this State after December 31, 1999 unless that bus is equipped with a crossing control arm on the front of the bus that conforms to equipment and installation standards that the Department of Transportation shall promulgate for purposes of this subsection.

(b) If a Type I or Type II school bus is manufactured after December 31, 1997, that bus shall not be sold for use as, or purchased for the use as, or used as a school bus within this State unless that bus is equipped with a crossing control arm that is installed on the front of the bus by the original bus body manufacturer and that conforms to equipment and installation standards that the Department shall promulgate for purposes of this subsection.

(c) A crossing control arm meeting standards promulgated by the Department under this Section shall be designed to swing out from the front of a school bus when the bus stops and opens its doors while school children enter or exit the bus, as prescribed in rules promulgated by the State Board of Education.

(d) This Section does not apply to the temporary operation in this State of a school bus that is legally registered in another state and is displaying valid registration plates of that state if

(i) the bus is not operated in Illinois on a regular basis, and (ii) the bus is being operated in Illinois in connection with a cultural, tourist, athletic, or similar activity that is sponsored by one or more schools located outside of Illinois for the benefit of their enrolled students who are being transported to or from that activity.

625 ILCS 5/12-808 — Fire extinguisher

Sec. 12-808. Fire extinguisher. Each school bus shall be equipped with at least one dry chemical gauge type fire extinguisher mounted in the extinguisher manufacturer's automobile type bracket in a position readily accessible to the driver.

625 ILCS 5/12-809 — First aid kit

Sec. 12-809. First aid kit. Each school bus shall be equipped with a first aid kit mounted in full view of and readily accessible to the driver.

625 ILCS 5/12-810 — Restraining devices for passengers who are persons with disabilities

Sec. 12-810. Restraining devices for passengers who are persons with disabilities. Each school bus which is operated for transporting passengers who are persons with disabilities shall be equipped with an appropriate restraining or safety

device for each such passenger.

625 ILCS 5/12-811 — Amber 3 bar clearance light

Sec. 12-811. Amber 3 bar clearance light. Each type I school bus shall be equipped with an amber 3 bar clearance light on the front of the bus. The light shall be illuminated at all times when the bus is being operated between sunset and sunrise and in conditions of reduced visibility.

625 ILCS 5/12-812 — Rules and regulations

Sec. 12-812. Rules and regulations.

(a) The Department may promulgate rules and regulations to more completely specify the equipment requirements of this Article and may establish by rule a pilot program to permit the testing of safety equipment not otherwise prohibited by State or federal law.

(b) All rules, regulations and standards promulgated from time to time by the State Board of Education and the Department for the safety and construction of school buses shall be applicable to every motor vehicle in this State defined as a school bus under Section 1-182.

625 ILCS 5/12-812.1

Sec. 12-812.1.

(a) The Department shall adopt and promulgate rules and regulations governing the use of liquefied petroleum gases, compressed natural gases and liquefied natural gases as a propellant fuel in school buses. Such rules and regulations shall include the installation, maintenance and operation of such equipment installed on school buses and shall be based on the generally accepted standards of safety as recommended by the National Fire Protection Association.

(b) All school buses using liquefied petroleum gases, compressed natural gases or liquefied natural gases as a propellant fuel must conform to and obey any rule or regulation lawfully adopted by the Department.

625 ILCS 5/12-813.1 — School bus driver communication devices

Sec. 12-813.1. School bus driver communication devices.

(a) In this Section: "School bus driver" means a person operating a school bus who has a valid school bus driver permit as required under Sections 6-104 and 6-106.1 of this Code. "Cellular radio telecommunication device" means a device capable of sending or receiving telephone communications without an access line for service and which requires the operator to dial numbers manually. It does not, however, include citizens band radios or citizens band radio hybrids. "Possession of a school bus" means the period of time from which a bus driver takes possession until the school bus driver returns possession of the school bus, whether or not the school bus driver is operating the school bus. "Using a cellular radio telecommunication device" means talking or listening to or dialing a cellular radio telecommunication device. To "operate" means to have the vehicle in motion while it contains one or more passengers.

(b) A school bus driver may not operate a school bus while using a cellular radio telecommunication device.

(c) Subsection

(b) of this Section does not apply:

(1) To the use of a cellular radio telecommunication device for the purpose of communicating with any of the following regarding an emergency situation: (A) an emergency response operator; (B) a hospital; (C) a physician's office or health clinic; (D) an ambulance service; (E) a fire department, fire district, or fire company; or (F) a police department.

(2) To the use of a cellular radio telecommunication device to call for assistance in the event that there is a mechanical breakdown or other mechanical problem that impairs the safe operation of the bus or to communicate with school authorities or their designees about any other issue relating to the operation of the school bus or the welfare and safety of any passenger thereon. In no case may a cellular radio telecommunication device be used for anything not provided for in this Section, including but not limited to, personal use.

(3) (Blank).

(4) When the school bus is parked.

(d) A school bus driver who violates subsection

(b) of this Section is guilty of a petty offense punishable by a fine of not less than \$100 and not more than \$250.

(e) A school bus must contain either an operating cellular radio telecommunication device or two-way radio while the school bus driver is in possession of a school bus. The cellular radio telecommunication device or two-way radio in this subsection must be turned on and adjusted in a manner that would alert the school bus driver of an incoming communication request.

625 ILCS 5/12-815 — Strobe lamp on school bus

Sec. 12-815. Strobe lamp on school bus.

(a) A school bus manufactured prior to January 1, 2000 may be equipped with one strobe lamp that will emit 60 to 120 flashes per minute of white or bluish-white light visible to a motorist approaching the bus from any direction. A school bus manufactured on or after January 1, 2000 shall be equipped with one strobe lamp that will emit 60 to 120 flashes per minute of white or bluish-white light visible to a motorist approaching the bus from any direction. The lamp shall be of sufficient brightness to be visible in normal sunlight when viewed directly from a distance of at least one mile.

(b) The strobe lamp shall be mounted on the rooftop of the bus with the light generating element in the lamp located equidistant from each side and either at or behind the center of the rooftop. The maximum height of the element above the rooftop shall not exceed 1/30 of its distance from the rear of the rooftop. If the structure of the strobe lamp obscures the light generating element, the element shall be deemed to be in the center of the lamp with a maximum height 1/4 inch less than the maximum height of the strobe lamp unless otherwise indicated in rules and regulations promulgated by the Department. The Department may promulgate rules and regulations to govern measurements, glare, effectiveness and protection of strobe lamps on school buses, including higher strobe lamps than authorized in this paragraph.

(c) The strobe lamp may be lighted only when the school bus is actually being used as a school bus and: 1. is stopping or stopped for loading or discharging pupils on a highway outside an urban area; or 2. is bearing one or more pupils.

625 ILCS 5/12-815.1 — Emergency exits identification

Sec. 12-815.1. Emergency exits identification. On and after August 1, 2000, all emergency exits of a school bus shall be outlined around the perimeter of the exit with a minimum one inch wide yellow reflective tape or decal. This yellow reflective tape or decal shall be placed on the exterior surface of the school bus.

625 ILCS 5/12-815.2 — Noise suppression switch

Sec. 12-815.2. Noise suppression switch. Any school bus manufactured on or after January 1, 2006 must be equipped with a noise suppression switch capable of turning off noise producing accessories, including: heater blowers; defroster fans; auxiliary fans; and radios. For the purposes of this Section, radios shall not include 2-way radios which transmit Global Positioning System (GPS) location and record metadata stops.

625 ILCS 5/12-816 — Pre and post-trip inspection policy for school buses

Sec. 12-816. Pre and post-trip inspection policy for school buses.

(a) In order to provide for the welfare and safety of children who are transported on school buses throughout the State of Illinois, each school district shall have in place, by January 1, 2008, a policy to ensure that the school bus driver is the last person leaving the bus and that no passenger is left behind or remains on the vehicle at the end of a route, a work shift, or the work day. This policy and procedure shall, at a minimum, require the school bus driver

(i) to test the cellular radio telecommunication device or two-way radio and ensure that it is functioning properly before the bus is operated and (ii) before leaving the bus at the end of each route, work shift, or work day, to walk to the rear of the bus and check the bus for children or other passengers in the bus.

(b) If a school district has a contract with a private sector school bus company for the transportation of the district's students, the school district shall require in the contract with the private sector company that the company have a post-trip inspection policy in place. This policy and procedure shall, at a minimum, require the school bus driver

(i) to test the cellular radio telecommunication device or two-way radio and ensure that it is functioning properly before the bus is operated and (ii) before leaving the bus at the end of each route, work shift, or work day, to walk to the rear of the bus and check the bus for children or other passengers in the bus.

(c) Before this inspection, the school bus driver shall activate the interior lights of the bus to assist the driver in seeing in and under the seats during a visual sweep of the bus.

(d) This policy may include, at the discretion of the school district, the installation of a mechanical or electronic post-trip inspection reminder system which requires the school bus driver to walk to the rear of the bus to deactivate the system before the driver leaves the bus. The system shall require that when the driver turns off the vehicle's ignition system, the vehicle's interior lights must illuminate to assist the driver in seeing in and under the seats during a visual sweep of the bus.

625 ILCS 5/12-820 — Nursery school buses

Sec. 12-820. Nursery school buses. The Department of Transportation, after conducting a Public Hearing, may, by regulation, modify and supplement the requirements pertaining to seat dimensions, spacing and height from the floor and to other safety features in the interior of a school bus used to transport preschool children, when such modification or supplementing will enhance the safety of the bus when transporting such children.

625 ILCS 5/12-821 — Display of telephone number; complaint calls

Sec. 12-821. Display of telephone number; complaint calls.

(a) Each school bus and multifunction school-activity bus shall display at the rear of the bus a sign, with letters and numerals readily visible and readable, indicating the area code and telephone number of the owner of the bus, regardless of whether the owner is a school district or another person or entity. The sign shall be in the following form: "TO COMMENT ON MY DRIVING, CALL (area code and telephone number of bus owner)". A school bus owner who placed a sign conforming to the requirements of Public Act 95-176 on a school bus before January 1, 2010 (the effective date of Public Act 96-655) may continue to use that sign on that school bus rather than a sign that conforms to the requirements of Public Act 96-655; however, if the school bus owner replaces that sign, the replacement sign shall conform to the requirements of Public Act 96-655.

(b) The owner of each school bus or multifunction school-activity bus shall establish procedures for accepting the calls provided for under subsection

(a) and for taking complaints.

(c) The procedures established under subsection

(b) shall include, but not be limited to:

(1) an internal investigation of the events that led to each complaint; and

(2) a report to the complaining party on the results of the investigation and the action taken, if any.

625 ILCS 5/12-825 — Extracurricular activities; passengers

Sec. 12-825. Extracurricular activities; passengers.

(a) Each school bus operated by a public or private primary or secondary school transporting students enrolled in grade 12 or below for a school related athletic event or other school approved extracurricular activity shall be registered under subsection

(a) of Section 3-808 of this Code, comply with school bus driver permit requirements under Section 6-104 of this Code, comply with the minimum liability insurance requirements under Section 12-707.01 of this Code, and comply with special requirements pertaining to school buses under this Chapter.

(b) Each school bus that operates under subsection

(a) of this Section may be used for the transportation of passengers other than students enrolled in grade 12 or below for activities that do not involve either a public or private educational institution if the school bus driver or school bus owner complies with Section 12-806 of this Code and the "SCHOOL BUS" sign under Section 12-802 of this Code is either removed or obscured so that it is not visible to other motorists.

625 ILCS 5/12-826 — Seat safety belts required

Sec. 12-826. Seat safety belts required.

(a) Beginning July 1, 2031, each designated seating position in any newly purchased school bus shall be equipped with a combination pelvic and upper torso seat safety belt system (also known as a 3-point seat safety belt, Type 2 seat safety belt, or lap and shoulder restraint system) in good operating condition and meeting all applicable federal standards.

(b) Nothing in this Section requires a public or nonpublic school, school district, transportation provider or contractor, or other entity operating a school bus, including a bus driver, bus aide, volunteer, or other staff, to ensure that the seat safety belt or other restraint system is correctly adjusted and fastened or to give instruction on how to correctly adjust or fasten the seat safety belt or other restraint system.

(c) This Section does not apply to a school bus that is leased by a school district or a school bus that is legally registered in another state and displaying valid registration plates of that state if the bus is not operated in Illinois in connection with a cultural, tourist, athletic, or other similar activity for students enrolled in a school located outside of Illinois.

(d) As used in this Section, "school bus" has the meaning given to that term in Section 1-182.

625 ILCS 5/12-900 — Color and markings

Sec. 12-900. Color and markings. Each religious organization bus may be of any color and have any markings designating its purpose other than those required for school buses under Article VIII of this Act.

625 ILCS 5/12-901 — Special lighting equipment

Sec. 12-901. Special lighting equipment. Any religious organization bus may be equipped with a 4-lamp flashing signal system having unison flashing amber lamps, 2 at the front and 2 at the rear of the bus, mounted as high and as widely spaced laterally on the same level as is practicable. If such equipment is installed,

(a) each lamp must be a sealed beam at least 5 1/2 inches in diameter and have sufficient intensity to be visible at 500 feet in normal sunlight,

(b) the system shall be actuated only by means of a manual switch, and

(c) there shall be a device for indicating to the driver that the system is operating properly or is inoperative.

625 ILCS 5/12-902 — Rules and regulations

Sec. 12-902. Rules and regulations. The Department of Transportation may promulgate rules and regulations to more completely specify the equipment requirements for every motor vehicle defined as a religious organization bus under Section 1-111.1a.

625 ILCS 5/13-100

Sec. 13-100. (Repealed).

625 ILCS 5/13-100.1 — Definitions

Sec. 13-100.1. Definitions. As used in this Chapter, "affected areas" means the counties of Cook, DuPage, Lake, Kane, McHenry, Will, Madison, St. Clair, and Monroe and the townships of Aux Sable and Goose Lake in Grundy County and the township of Oswego in Kendall County.

625 ILCS 5/13-101 — Submission to safety test; certificate of safety

Sec. 13-101. Submission to safety test; certificate of safety. To promote the safety of the general public, every owner of a second division vehicle, medical transport vehicle, tow truck, first division vehicle including a taxi which is used for a purpose that requires a school bus driver permit, motor vehicle used for driver education training, or contract carrier transporting employees in the course of their employment on a highway of this State in a vehicle designed to carry 15 or fewer passengers shall, before operating the vehicle upon the highways of Illinois, submit it to a "safety test" and secure a certificate of safety furnished by the Department as set forth in Section 13-109. Each second division motor vehicle that pulls or draws a trailer, semitrailer or pole trailer, with a gross weight of 10,001 lbs or more or is registered for a gross weight of 10,001 lbs or more, motor bus, religious organization bus, school bus, senior citizen transportation vehicle, and limousine shall be subject to inspection by the Department and the Department is authorized to establish rules and regulations for the implementation of such inspections. The owners of each salvage vehicle shall submit it to a "safety test" and secure a certificate of safety furnished by the Department prior to its salvage vehicle inspection pursuant to Section 3-308 of this Code. In implementing and enforcing the provisions of this Section, the Department and other authorized State agencies shall do so in a manner that is not inconsistent with any applicable federal law or regulation so that no federal funding or support is jeopardized by the enactment or application of these provisions. However, none of the provisions of Chapter 13 requiring safety tests or a certificate of safety shall apply to:

- (a) farm tractors, machinery and implements, wagons, wagon-trailers or like farm vehicles used primarily in agricultural pursuits;
- (b) vehicles other than school buses, tow trucks, and medical transport vehicles owned or operated by a municipal corporation or political subdivision having a population of 1,000,000 or more inhabitants and which are subject to safety tests imposed by local ordinance or resolution;
- (c) a semitrailer or trailer having a gross weight of 5,000 pounds or less including vehicle weight and maximum load;
- (d) recreational vehicles;
- (e) vehicles registered as and displaying Illinois antique vehicle plates and vehicles registered as expanded-use antique vehicles and displaying expanded-use antique vehicle plates;
- (f) house trailers equipped and used for living quarters;
- (g) vehicles registered as and displaying Illinois permanently mounted equipment plates or similar vehicles eligible therefor but registered as governmental vehicles provided that if said vehicle is reclassified from a permanently mounted equipment plate so as to lose the exemption of not requiring a certificate of safety, such vehicle must be safety tested within 30 days of the reclassification;
- (h) vehicles owned or operated by a manufacturer, dealer, or transporter displaying a special plate or plates as described in Chapter 3 of this Code while such vehicle is being delivered from the manufacturing or assembly plant directly to the purchasing dealership or distributor, or being temporarily road driven for quality control testing, or from one dealer or distributor to another, or are being moved by the most direct route from one location to another for the purpose of installing special bodies or equipment, or driven for purposes of demonstration by a prospective buyer with the dealer or his agent present in the cab of the vehicle during the demonstration;
- (i) pole trailers and auxiliary axles;
- (j) special mobile equipment;
- (k) vehicles properly registered in another State pursuant to law and displaying a valid registration plate or digital registration plate, except vehicles of contract carriers transporting employees in the course of their employment on a highway of this State in a vehicle designed to carry 15 or fewer passengers are only exempted to the extent that the safety testing requirements applicable to such vehicles in the state of registration are no less stringent than the safety testing requirements applicable to contract carriers that are lawfully registered in Illinois;
- (l) water-well boring apparatuses or rigs;
- (m) any vehicle which is owned and operated by the federal government and externally displays evidence of such ownership; and
- (n) second division vehicles registered for a gross weight of 10,000 pounds or less, except when such second division motor vehicles pull or draw a trailer, semi-trailer, or pole trailer having a gross weight of or registered for a gross weight of more than 10,000 pounds; motor buses; religious organization buses; school buses; senior citizen transportation vehicles; medical transport vehicles; tow trucks; and any property carrying vehicles being operated in commerce that are registered for a gross weight of more than 8,000 lbs but less than 10,001 lbs. The safety test shall include the testing and inspection of brakes, lights, horns, reflectors, rear vision mirrors, mufflers, safety chains, windshields and windshield wipers, warning flags and flares, frame, axle, cab and body, or cab or body, wheels, steering apparatus, and other safety devices and appliances required by this Code and such other safety tests as the Department may by rule or regulation require, for second division vehicles, school buses, medical transport vehicles, tow trucks, first division vehicles including taxis which are used for a purpose that requires a school bus driver permit, motor vehicles used for driver education training, vehicles designed to carry 15 or fewer passengers operated by a contract carrier transporting employees in the course of their employment on a highway of this State, trailers, and semitrailers subject to inspection. For tow trucks, the safety test and inspection shall also include the inspection of winch mountings, body panels, body mounts, wheel lift swivel points, and sling straps, and other tests and inspections the Department by rule requires for tow trucks. For driver education vehicles used by public high schools, the vehicle must also be equipped with dual control brakes, a mirror on each side of the vehicle so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear, and a sign visible from the front and the rear identifying the vehicle as a driver education car. For trucks, truck tractors, trailers, semi-trailers, buses engaged in interstate commerce as defined in Section 1-133 of this Code, and first division vehicles including taxis which are used for a purpose that requires a school bus driver permit, the safety test shall be conducted in

accordance with the Minimum Periodic Inspection Standards promulgated by the Federal Highway Administration of the U.S. Department of Transportation and contained in Appendix G to Subchapter B of Chapter III of Title 49 of the Code of Federal Regulations. Those standards, as now in effect, are made a part of this Code, in the same manner as though they were set out in full in this Code. The passing of the safety test shall not be a bar at any time to prosecution for operating a second division vehicle, medical transport vehicle, motor vehicle used for driver education training, or vehicle designed to carry 15 or fewer passengers operated by a contract carrier as provided in this Section that is unsafe, as determined by the standards prescribed in this Code.

625 ILCS 5/13-101.1 — Senior citizen transportation vehicle

Sec. 13-101.1. Senior citizen transportation vehicle. Any vehicle of 12 or more passengers used in the transportation of senior citizens shall bear placards on both sides indicating it is being used for such purposes. The placards may be permanently or temporarily affixed to the vehicle. The size of the letters must be at least 2 inches high and the stroke of the brush must be at least 1/2 inch wide. Any such vehicle used for such purposes shall be subject to the inspections provided for vehicles of the second division and its operation shall be governed according to the requirements of this Code.

625 ILCS 5/13-102 — Tests and investigations

Sec. 13-102. Tests and investigations. The Department shall conduct tests and make investigations to determine the kind and type of equipment necessary to test the brakes, lights, frame, wheels, steering apparatus, including camber and caster of the axle, and toe-in and tracking of the wheels, and all other devices and appliances referred to in this Act; and shall make public its findings and furnish upon request a list of the various testing devices approved by it.

625 ILCS 5/13-102.1 — Diesel powered vehicle emission inspection report

Sec. 13-102.1. Diesel powered vehicle emission inspection report. Beginning July 1, 2000, the Department of Transportation shall conduct an annual study concerned with the results of emission inspections for diesel powered vehicles registered for a gross weight of more than 16,000 pounds or having a gross vehicle weight rating of more than 16,000 pounds. The study shall be reported to the General Assembly by June 30, 2001, and every June 30 thereafter. The study shall also be sent to the Illinois Environmental Protection Agency for its use in environmental matters. The study shall include, but not be limited to, the following information:

- (a) the number of diesel powered vehicles that were inspected for emission compliance pursuant to this Chapter 13 during the previous year, separating the number of inspections conducted at a brick-and-mortar official testing station and the number of inspections conducted by an official portable emissions testing company;
- (b) the number of diesel powered vehicles that failed and passed the emission inspections conducted pursuant to this Chapter 13 during the previous year, separating the number of inspections conducted at a brick-and-mortar official testing station and the number of inspections conducted by an official portable emissions testing company; and
- (c) the number of diesel powered vehicles that failed the emission inspections conducted pursuant to this Chapter 13 more than once in the previous year, separating the number of inspections conducted at a brick-and-mortar official testing station and the number of inspections conducted by an official portable emissions testing company.

625 ILCS 5/13-102.2 — Diesel Emissions Opacity Report

Sec. 13-102.2. Diesel Emissions Opacity Report.

- (a) By March 15, 2023, the Department of Transportation shall make available to the public a report that includes the following:
 - (1) a summary and disclosure of actual Department diesel emission testing data for at least one year through December 31, 2022, including an analysis of opacity levels recorded from actual opacity tests conducted, keyed to the model year of the vehicle and mileage;
 - (2) a census of the opacity limits for other states and Environmental Protection Agency (EPA) non-attainment areas in the United States;
 - (3) a summary of actual air quality data in Illinois compared to actual air quality data from other states and EPA non-attainment areas in the United States; and

(4) substantive input from trucking or transportation companies and the public, including environmental justice communities, in the affected areas on the impact of stricter opacity limits.

(b) In the report, the Department must include the following items in an effort for the State to better understand the technology, repair, and enforcement elements of diesel emissions standards in Illinois:

(1) an analysis of the feasibility of including an onboard diagnostics (OBD) testing regime for vehicles model year 2010 and newer that are compatible with such testing; and

(2) recommendations for improving the effectiveness of the diesel emissions testing program.

625 ILCS 5/13-103 — Official testing stations - Fee - Permit - Bond

Sec. 13-103. Official testing stations - Fee - Permit - Bond. Upon the payment of a fee of \$50 and the filing of an application by the proprietor of a company or municipality upon forms furnished by the Department, accompanied by proof of experience, training and ability of the operator of the testing equipment, together with proof of approved testing equipment as defined in Section 13-102 and the giving of a bond conditioned upon faithful observance of this Section and of rules and regulations issued by the Department in the amount of \$10,000 with security approved by the Department, the Department shall issue a permit to the proprietor of such company or municipality to operate an Official Testing Station. Such permit shall expire 12 months following its issuance, but may be renewed annually by complying with the requirements set forth in this Section and upon the payment of a renewal fee of \$50. Proprietors of official testing stations for which permits have been issued prior to the effective date of this Act may renew such permits for the renewal fee of \$50 on the expiration of each 12 months following issuance of such permits, by complying with the requirements set forth in this Section. However, any city, village or incorporated town shall upon application to the Department and without payment of any fee or filing of any bond, but upon proof of experience, training and ability of the operator of the testing equipment, and proof of approved testing equipment as defined in Section 13-102, be issued a permit to operate such testing station as an Official Testing Station under this Act. The permit so issued shall at all times be displayed in a prominent place in the official testing station which is licensed as an Official Testing Station under this Act. No person or company or municipality shall in any manner claim or represent himself or itself to be an official testing station unless a permit has been issued to him or it as provided in this Section. Any person or municipality who or which has received a permit under this Section may test his or its own second division vehicles and issue certificates of safety and conduct emission inspections of his or its own second division vehicles in accordance with the requirements of Section 13-109.1 with respect to any such second division vehicles owned, operated or controlled by him or it. Each such permit issued by the Department shall state on its face the location of the official testing station to be operated under the permit and safety tests shall be made only at such location. However, the Department may, upon application, authorize a change in the location of the official testing station and the removal of the testing equipment to the new location. Upon approval of such application, the Department shall issue an endorsement which the applicant shall affix to his permit. Such endorsement constitutes authority for the applicant to make such change in location and to remove his testing equipment at the times and to the places stated in the endorsement.

625 ILCS 5/13-103.1 — Annual certification of certified safety testers and certified diesel emission testers - Fee - Renewal

Sec. 13-103.1. Annual certification of certified safety testers and certified diesel emission testers - Fee - Renewal. Only certified safety testers are authorized to perform safety tests and affix Certificates of Safety to vehicles. The Department shall annually certify those certified safety testers and certified diesel emission testers who have met its requirements. Certified safety testers' and certified diesel emission testers' certificates shall expire 12 months following the date of issue, but may be renewed annually by complying with the requirements as established by the Department.

625 ILCS 5/13-103.2 — Reclassification of nonconforming station

Sec. 13-103.2. Reclassification of nonconforming station. The Department may not change the administrative classification of a nonconforming official testing station from its present classification to a less favorable classification upon a change in ownership of the station, if

(1) the nonconforming official testing station has held its present administrative classification since July 1, 1972, and

(2) the station meets all requirements for its present classification, other than the requirement of having an exit door in direct line with the safety test equipment and

(3) the station is located in a county with no other class "A" or class "C" official testing station.

625 ILCS 5/13-103.3 — Official portable emissions testing company; fee; permit; bond

Sec. 13-103.3. Official portable emissions testing company; fee; permit; bond. Upon the payment of a fee of \$50 and the filing of an application by the proprietor of any company upon forms furnished by the Department, accompanied by proof of experience, training, and ability of the operator of the testing equipment, together with proof of approved testing equipment as defined in Section 13-102 and the giving of a bond conditioned upon faithful observance of this Section and of rules adopted by the Department in the amount of \$10,000 with security approved by the Department, the Department shall issue a permit to the proprietor of the vehicle service company to operate an official portable emissions testing company. An official portable emissions testing company shall only conduct portable emissions inspections for diesel fleets with 5 or more diesel vehicles required to be inspected under subsection

(a) of Section 13-109.1, and only at the fleet owner's place of business. A permit issued under this Section shall expire 12 months following its issuance, but may be renewed annually by complying with this Section and upon the payment of a renewal fee of \$50. No person or company shall operate as an official portable emissions testing company without having been issued a permit as provided in this Section. A permittee under this Section may test second division vehicles owned, operated, or controlled by the permittee to conduct emission inspections of such vehicles in accordance with Section 13-109.1. Each permit issued by the Department shall state on its face the location of the recordkeeping office of the proprietor of the official portable emissions testing company. However, the Department, upon application, may authorize a change in the location of the recordkeeping office. Upon the approval of such an application, the Department shall issue an endorsement to be fixed by the applicant to the permit. Such an endorsement constitutes authority for the applicant to make the change in location.

625 ILCS 5/13-103.4 — Official mobile safety testing company; fee; permit; bond

Sec. 13-103.4. Official mobile safety testing company; fee; permit; bond. Upon the payment of a fee of \$50 and the filing of an application by the proprietor of a company or municipality seeking to perform mobile safety inspections upon forms furnished by the Department, accompanied by proof of experience, training, and ability of the operator of the testing equipment, together with proof of approved testing equipment as defined in Section 13-102 and the giving of a bond conditioned upon faithful observance of this Section and rules adopted by the Department in the amount of \$10,000 with security approved by the Department, the Department shall issue a permit to the proprietor to operate an official mobile safety testing company. An official mobile safety testing company must maintain a physical office in this State. The permit shall expire 12 months following its issuance, but may be renewed annually by complying with the requirements set forth in this Section and upon the payment of a renewal fee of \$50. The permit so issued shall at all times be displayed in a prominent place in the official mobile safety testing vehicle as well as at the required physical office of the testing company. No person or official mobile safety testing company shall in any manner claim or represent himself, herself, or itself to be an official mobile safety testing company unless a permit has been issued to the person or company as provided in this Section. Any person or municipality that has received a permit under this Section may test the second division vehicles owned by the person or municipality and issue certificates of safety vehicles owned by the person or municipality in accordance with the requirements of Section 13-109.1 with respect to any such vehicles owned, operated, or controlled by the person or municipality. Each such permit issued by the Department shall state on its face the location of the physical office of the official mobile safety testing company. The physical office shall be the location in which all records are stored and retained. Official mobile safety testing companies shall only perform safety tests of vehicles at the vehicle owner's place of business with a 48-hour advance notice to the Department. The Department may, upon application, authorize a change in the location of the physical office to a new location. Upon the approval of such an application, the Department shall issue an endorsement, which the applicant shall affix to his or her permit. Such an endorsement constitutes authority for the applicant to operate. As used in this Section, "official mobile safety testing company" means a safety testing company permitted to test trucks, truck tractors, trailers, semi-trailers, and buses engaged in interstate commerce as defined Section 1-133 of this Code. The safety test shall be conducted in accordance with the Minimum Periodic Inspection Standards promulgated by the Federal Highway Administration of the United States Department of Transportation and contained in Appendix G to Subchapter B of Chapter III of Title 49 of the Code of Federal Regulations. The Department shall adopt rules to implement this Section.

625 ILCS 5/13-104 — Obtaining or issuing a certificate of safety without proper test- Suspension or revocation of license

Sec. 13-104. Obtaining or issuing a certificate of safety without proper test- Suspension or revocation of license. Any motor vehicle owner, driver or operator who accepts, obtains or attempts to obtain a certificate of safety without securing a test, or by a test which is known by him to have been improperly made, shall be guilty of a petty offense and shall be fined not less than \$5.00 nor more than \$100.00 for the first such certificate so accepted or obtained, or attempted to be obtained; and for the second such certificate obtained or attempted to be obtained, not less than \$25.00 nor more than \$200.00; and for each certificate after the second certificate, obtained or attempted to be obtained, not less than \$100.00 nor more than \$300.00. The same penalties shall apply to official testing station operators who issue certificates of safety in violation of this Chapter. When a license is suspended, the suspension shall be for not less than 30 nor more than 180 days. When a license is revoked, the owner of the station cannot make an application for a new license within the period of twelve months after the date of the revocation and then, upon his making an application, the Department of Transportation shall consider this record in deciding whether or not to grant the license.

625 ILCS 5/13-105 — Inspection of official testing stations

Sec. 13-105. Inspection of official testing stations. Employees specifically authorized by the Department so to do shall inspect all "Official Testing Stations" at frequent intervals. Such employees shall have access to all records relating to tests and work done or parts sold as a result of such tests, to ascertain whether or not tests are properly, fairly and honestly made, and may examine the owner of the official testing station or any officer or employee thereof under oath. The Department shall conduct periodic nonscheduled inspection on owners premises of vehicles owned and operated by licensed "Independent Official Testing Stations."

625 ILCS 5/13-105.1 — Inspection of official portable emissions testing company

Sec. 13-105.1. Inspection of official portable emissions testing company. Employees specifically authorized by the Department shall inspect, at frequent intervals, vehicles, equipment, and the recordkeeping office used by an official portable emissions testing company. Department employees under this Section shall have access to all records, relating to tests and work done or parts sold as a result of such tests, to ascertain whether tests are properly, fairly, and honestly made. Department employees under this Section may examine the owner of an official portable emissions company or any officer or employee thereof under oath. The Department shall conduct periodic nonscheduled inspections of the premises of vehicles owned and operated by a licensed official portable emissions testing company.

625 ILCS 5/13-105.2 — Inspection of official mobile safety testing companies

Sec. 13-105.2. Inspection of official mobile safety testing companies. Employees specifically authorized by the Department to conduct inspections shall inspect all official mobile safety testing companies at frequent intervals. Such employees shall have access to all records relating to tests and work done or parts sold as a result of such tests, to ascertain whether the tests are properly, fairly, and honestly made, and may examine the owner of the official mobile safety testing company or any officer or employee thereof under oath.

625 ILCS 5/13-106

Sec. 13-106. Rates and charges by official testing stations, official mobile testing companies, and official portable emissions testing companies; schedule to be filed. Every operator of an official testing station or official portable emissions testing company shall file with the Department, in the manner prescribed by the Department, a schedule of all rates and charges made by him for performing the tests provided for in Section 13-101 and Section 13-109.1. Such rate or charge shall include an amount to reimburse the operator of the official testing station or official portable emissions testing company for the purchase from the Department of the certificate of safety required by this chapter, not to exceed that fee paid to the Department by the operator authorized by this chapter. Such rates and charges shall be just and reasonable and the Department upon its own initiative or upon complaint of any person or corporation may require the testing station operator to appear for a hearing and prove that the rates so filed are just and reasonable. A "just and reasonable" rate or charge, for the purposes of this Section, means a rate or charge which is the same, or nearly the same, as the prevailing rate or charge for the same or similar tests made in the community where the station is located. No operator may change this schedule of rates and charges until the proposed changes are filed with and approved by the Department. No license may be issued to any official testing station or official portable emissions testing company unless the applicant has filed with the Department a proposed schedule of rates and charges and unless such rates and charges have been approved by the Department. No operator of an official testing station or official portable emissions testing company shall charge more or less than the rates so filed with and approved by the Department.

625 ILCS 5/13-107

Sec. 13-107. Investigation of complaints against official testing stations, official mobile testing companies, and official portable emissions testing companies. The Department shall, upon its own motion, or upon charges made in writing verified under oath, investigate complaints that an official testing station or official portable emissions testing company is willfully falsifying records or tests, either for the purpose of selling parts or services not actually required, or for the purpose of issuing a certificate of safety for a vehicle designed to carry 15 or fewer passengers operated by a contract carrier transporting employees in the course of their employment on a highway of this State, second division vehicle, or medical transport vehicle that is not in safe mechanical condition as determined by the standards of this Chapter in violation of the provisions of this Chapter or of the rules and regulations issued by the Department. The Secretary of Transportation, for the purpose of more effectively carrying out the provisions of Chapter 13, may appoint such a number of inspectors as he may deem necessary. Such inspectors shall inspect and investigate applicants for official testing station or official portable emissions testing company permits and investigate and report violations. With respect to enforcement of the provisions of this Chapter 13, such inspectors shall have and may exercise throughout the State all the powers of police officers. The Secretary must authorize to each inspector and to any other employee of the Department exercising the powers of a peace officer a distinct badge that, on its face,

(i) clearly states that the badge is authorized by the Department and (ii) contains a unique identifying number. No other badge shall be authorized by the Department. Nothing in this Section prohibits the Secretary from issuing shields or other distinctive identification to employees not exercising the powers of a peace officer if the Secretary determines that a shield or distinctive identification is needed by the employee to carry out his or her responsibilities.

625 ILCS 5/13-108

Sec. 13-108. Hearing on complaint against official testing station, official mobile testing company, or official portable emissions testing company; suspension or revocation of permit. If it appears to the Department, either through its own investigation or upon charges verified under oath, that any of the provisions of this Chapter or the rules and regulations of the Department are being violated, the Department shall, after notice to the person, firm, or corporation charged with such violation, conduct a hearing. At least 10 days prior to the date of such hearing the Department shall cause to be served upon the person, firm, or corporation charged with such violation, a copy of such charge or charges by registered mail or by the personal service thereof, together with a notice specifying the time and place of such hearing. At the time and place specified in such notice, the person, firm, or corporation charged with such violation shall be given an opportunity to appear in person or by counsel and to be heard by the Secretary of Transportation or an officer or employee of the Department designated in writing by him to conduct such hearing. If it appears from the hearing that such person, firm, or corporation is guilty of the charge preferred against the person, firm, or corporation, the Secretary of Transportation may order the permit suspended or revoked, and the bond forfeited. Any such revocation or suspension shall not be a bar to subsequent arrest and prosecution for violation of this Chapter.

625 ILCS 5/13-109 — Safety test prior to application for license - Subsequent tests - Repairs - Retest

Sec. 13-109. Safety test prior to application for license - Subsequent tests - Repairs - Retest.

(a) Except as otherwise provided in Chapter 13, each second division vehicle, first division vehicle including a taxi which is used for a purpose that requires a school bus driver permit, and medical transport vehicle, except those vehicles other than school buses or medical transport vehicles owned or operated by a municipal corporation or political subdivision having a population of 1,000,000 or more inhabitants which are subjected to safety tests imposed by local ordinance or resolution, operated in whole or in part over the highways of this State, motor vehicle used for driver education training, and each vehicle designed to carry 15 or fewer passengers operated by a contract carrier transporting employees in the course of their employment on a highway of this State, shall be subjected to the safety test provided for in Chapter 13 of this Code. Tests shall be conducted at an official testing station or by an official mobile safety testing company within 6 months prior to the application for registration as provided for in this Code. Subsequently each vehicle shall be subject to tests

(i) at least every 6 months, (ii) in the case of school buses and first division vehicles including taxis which are used for a purpose that requires a school bus driver permit, at least every 6 months or 10,000 miles, whichever occurs first, (iii) in the case of driver education vehicles used by public high schools, at least every 12 months for vehicles over 5 model years of age or having an odometer reading of over 75,000 miles, whichever occurs first, or (iv) in the case of truck tractors, semitrailers, and property-carrying vehicles registered for a gross weight of more than 10,000 pounds but less

than 26,001 pounds, at least every 12 months, and according to schedules established by rules and regulations promulgated by the Department. Any component subject to regular inspection which is damaged in a reportable crash must be reinspected before the bus or first division vehicle including a taxi which is used for a purpose that requires a school bus driver permit is returned to service.

(b) The Department shall also conduct periodic nonscheduled inspections of school buses, of buses registered as charitable vehicles and of religious organization buses. If such inspection reveals that a vehicle is not in substantial compliance with the rules promulgated by the Department, the Department shall remove the Certificate of Safety from the vehicle, and shall place the vehicle out-of-service. A bright orange, triangular decal shall be placed on an out-of-service vehicle where the Certificate of Safety has been removed. The vehicle must pass a safety test at an official testing station or official mobile safety testing company before it is again placed in service.

(c) If the violation is not substantial a bright yellow, triangular sticker shall be placed next to the Certificate of Safety at the time the nonscheduled inspection is made. The Department shall reinspect the vehicle after 3 working days to determine that the violation has been corrected and remove the yellow, triangular decal. If the violation is not corrected within 3 working days, the Department shall place the vehicle out-of-service in accordance with procedures in subsection (b).

(d) If a violation is not substantial and does not directly affect the safe operation of the vehicle, the Department shall issue a warning notice requiring correction of the violation. Such correction shall be accomplished as soon as practicable and a report of the correction shall be made to the Department within 30 days in a manner established by the Department. If the Department has not been advised that the corrections have been made, and the violations still exist, the Department shall place the vehicle out-of-service in accordance with procedures in subsection (b).

(e) The Department is authorized to promulgate regulations to implement its program of nonscheduled inspections. Causing or allowing the operation of an out-of-service vehicle with passengers or unauthorized removal of an out-of-service sticker is a Class 3 felony. Causing or allowing the operation of a vehicle with a 3-day sticker for longer than 3 days with the sticker attached or the unauthorized removal of a 3-day sticker is a Class C misdemeanor.

(f) If a second division vehicle, first division vehicle including a taxi which is used for a purpose that requires a school bus driver permit, medical transport vehicle, or vehicle operated by a contract carrier as provided in subsection

(a) of this Section is in safe mechanical condition, as determined pursuant to Chapter 13, the operator of the official testing station or official mobile safety testing company must at once issue to the second division vehicle, first division vehicle including a taxi which is used for a purpose that requires a school bus driver permit, or medical transport vehicle a certificate of safety, in the form and manner prescribed by the Department, which shall be affixed to the vehicle by the certified safety tester who performed the safety tests. The owner of the second division vehicle, first division vehicle including a taxi which is used for a purpose that requires a school bus driver permit, or medical transport vehicle or the contract carrier shall at all times display the Certificate of Safety on the second division vehicle, first division vehicle including a taxi which is used for a purpose that requires a school bus driver permit, medical transport vehicle, or vehicle operated by a contract carrier in the manner prescribed by the Department.

(g) If a test shows that a second division vehicle, first division vehicle including a taxi which is used for a purpose that requires a school bus driver permit, medical transport vehicle, or vehicle operated by a contract carrier is not in safe mechanical condition as provided in this Section, it shall not be operated on the highways until it has been repaired and submitted to a retest at an official testing station or official mobile safety testing company. If the owner or contract carrier submits the vehicle to a retest at a different official testing station or official mobile safety testing company from that where it failed to pass the first test, he or she shall present to the operator of the second station the report of the original test, and shall notify the Department in writing, giving the name and address of the original testing station or official mobile safety testing company and the defects which prevented the issuance of a Certificate of Safety, and the name and address of the second official testing station or official mobile safety testing company making the retest.

625 ILCS 5/13-109.1 — Annual emission inspection tests; standards; penalties; funds

Sec. 13-109.1. Annual emission inspection tests; standards; penalties; funds.

(a) For each diesel powered vehicle that

(i) is registered for a gross weight of more than 16,000 pounds, (ii) is registered within an affected area, and (iii) is a 2 year or older model year, an annual emission inspection test shall be conducted at an official testing station or by an official portable emissions testing company certified by the Illinois Department of Transportation to perform diesel

emission inspections pursuant to the standards set forth in subsection

(b) of this Section. This annual emission inspection test may be conducted in conjunction with a semi-annual safety test. (a-5) (Blank).

(b) Diesel emission inspections conducted under this Chapter 13 shall be conducted in accordance with the Society of Automotive Engineers Recommended Practice J1667 "Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel Powered Vehicles" and the cutpoint standards set forth in the United States Environmental Protection Agency guidance document "Guidance to States on Smoke Opacity Cutpoints to be used with the SAE J1667 In-Use Smoke Test Procedure". Those procedures and standards, as now in effect, are made a part of this Code, in the same manner as though they were set out in full in this Code. Notwithstanding the above cutpoint standards, for motor vehicles that are model years 1973 and older, until December 31, 2002, the level of peak smoke opacity shall not exceed 70 percent. Beginning January 1, 2003, for motor vehicles that are model years 1973 and older, the level of peak smoke opacity shall not exceed 55 percent.

(c) If the annual emission inspection under subsection

(a) reveals that the vehicle is not in compliance with the diesel emission standards set forth in subsection

(b) of this Section, the operator of the official testing station or official portable emissions testing company shall issue a warning notice requiring correction of the violation. The correction shall be made and the vehicle submitted to an emissions retest at an official testing station or official portable emissions testing company certified by the Department to perform diesel emission inspections within 30 days from the issuance of the warning notice requiring correction of the violation. If, within 30 days from the issuance of the warning notice, the vehicle is not in compliance with the diesel emission standards set forth in subsection

(b) as determined by an emissions retest at an official testing station or through an official portable emissions testing company, the certified emissions testing operator or the Department shall place the vehicle out-of-service in accordance with the rules promulgated by the Department. Operating a vehicle that has been placed out-of-service under this subsection

(c) is a petty offense punishable by a \$1,000 fine. The vehicle must pass a diesel emission inspection at an official testing station before it is again placed in service. The Secretary of State, Illinois State Police, and other law enforcement officers shall enforce this Section. No emergency vehicle, as defined in Section 1-105, may be placed out-of-service pursuant to this Section. The Department, an official testing station, or an official portable emissions testing company may issue a certificate of waiver subsequent to a reinspection of a vehicle that failed the emissions inspection. Certificate of waiver shall be issued upon determination that documented proof demonstrates that emissions repair costs for the noncompliant vehicle of at least \$3,000 have been spent in an effort to achieve compliance with the emission standards set forth in subsection (b). The Department of Transportation shall adopt rules for the implementation of this subsection including standards of documented proof as well as the criteria by which a waiver shall be granted. (c-5) (Blank).

(d) (Blank).

625 ILCS 5/13-109.2 — Pollution Control Board diesel emission standards and tests

Sec. 13-109.2. Pollution Control Board diesel emission standards and tests. Within 8 months of the effective date of this amendatory Act of the 91st General Assembly, the Pollution Control Board shall amend its heavy-duty diesel smoke opacity standards and test procedures to be consistent with the procedures and standards set forth in Section 13-109.1.

625 ILCS 5/13-109.3 — Exemption from diesel emissions inspections

Sec. 13-109.3. Exemption from diesel emissions inspections. Second division vehicles being operated on plates issued pursuant to subsection

(c) of Section 3-815 are exempt from the diesel emissions inspection requirements set forth in this Chapter.

625 ILCS 5/13-110 — Certificate of safety

Sec. 13-110. Certificate of safety.

(a) Certificates of Safety shall be in contrasting colors, with a number on the face of the Certificate indicating the month of the next inspection period the vehicle is subject to inspection. Certificates for school buses shall also indicate the mileage at which the school bus shall be subject to inspection if it occurs before the next regular inspection period. The colors of Certificates of Safety shall be prescribed by the Department.

(b) Certificates of Safety, which remain the property of the State of Illinois, will be provided to Official Testing Stations and official mobile safety testing companies by the Department at the fee of \$1 each. Certificates of Safety which remain unused at the end of each inspection period will be redeemed for the same amount in a manner prescribed by the Department.

(c) Nothing in this Chapter shall be construed as a suggestion or direction to any owner to require him to have any repairs made or any work done by any official testing station or official mobile safety testing company, but all tests must be made at an official testing station to secure the issuance of a certificate of safety, and no certificate of safety issued by any other than an official testing station or official mobile safety testing company shall be deemed a compliance with this Chapter.

625 ILCS 5/13-111 — Operation without certificate of safety attached; effective date of certificate

Sec. 13-111. Operation without certificate of safety attached; effective date of certificate.

(a) Except as provided for in Chapter 13, no person shall operate any vehicle required to be inspected by this Chapter upon the highways of this State unless there is affixed to that vehicle a certificate of safety then in effect. The Secretary of State, State Police, and other police officers shall enforce this Section. The Department shall determine the expiration date of the certificate of safety. The certificates, all forms and records, reports of tests and retests, and the full procedure and methods of making the tests and retests, shall be in the form prescribed by the Department.

(b) Every person convicted of violating this Section is guilty of a petty offense with a minimum fine of \$95 and a maximum fine of \$250; unless the violation is contemporaneous with a motor vehicle crash, in which case the person is guilty of a Class C misdemeanor.

625 ILCS 5/13-112 — Exemption from local tests

Sec. 13-112. Exemption from local tests. Any second division vehicle or limousine displaying a certificate of safety issued under this Chapter is exempt from any test required by ordinance or otherwise in any city, village or incorporated town in this State.

625 ILCS 5/13-113 — Sale or exchange of used vehicle without certificate of safety

Sec. 13-113. Sale or exchange of used vehicle without certificate of safety. No person engaged in the business of buying, selling or exchanging motor vehicles shall sell, transfer or exchange any used second division vehicle or medical transport vehicle unless it has been tested and a currently valid certificate of safety has been issued therefor: Provided, that such person engaged in the business of buying, selling or exchanging motor vehicles may sell, transfer or exchange any used second division vehicle or medical transport vehicle without a valid certificate of safety if the sale, transfer or exchange is for the purpose of restoring or repairing such vehicle to a condition in which it can pass the test for a certificate of safety, or for the purpose of junking. Provided, however, that the used second division vehicle or medical transport vehicle is not moved under its own power to the location in which it will be restored, repaired or junked.

625 ILCS 5/13-114 — Interstate carriers of property

Sec. 13-114. Interstate carriers of property. Any vehicle registered in Illinois and operated by an interstate carrier of property shall be exempt from the provisions of this Chapter provided such carrier has registered with the Bureau of Motor Carrier Safety of the Federal Highway Administration as an interstate motor carrier of property and has been assigned a federal census number by such Bureau. An interstate carrier of property, however, is not exempt from the provisions of Section 13-111(b) of this Chapter. Any vehicle registered in Illinois and operated by a private interstate carrier of property shall be exempt from the provisions of this Chapter, except the provisions of Section 13-111(b), provided it: 1. is registered with the Bureau of Motor Carrier Safety of the Federal Highway Administration, and 2. carries in the motor vehicle documentation issued by the Bureau of Motor Carrier Safety of the Federal Highway Administration displaying the federal census number assigned, and 3. displays on the sides of the motor vehicle the census number, which must be no less than 2 inches high, with a brush stroke no less than 1/4 inch wide in a contrasting color.

625 ILCS 5/13-115 — School buses-pretrip inspections

Sec. 13-115. School buses-pretrip inspections. Each day that a school bus is operated the driver shall conduct a pretrip inspection of the mechanical and safety equipment on the bus as prescribed by rule or regulation of the Department. A person other than the driver may perform portions of the pretrip inspection as prescribed by rule of the Department.

625 ILCS 5/13-116 — All funds collected by the Department under this Chapter shall be deposited in the road fund in the State Treasury

Sec. 13-116. All funds collected by the Department under this Chapter shall be deposited in the road fund in the State Treasury.

625 ILCS 5/13-116.1 — Emission inspection funding

Sec. 13-116.1. Emission inspection funding. The Department of Transportation shall be reimbursed for all expenses related to the training, equipment, recordkeeping, and conducting of diesel powered emission inspections pursuant to this Chapter 13 when that testing is conducted within the affected areas, subject to appropriation, from the General Revenue Fund. No moneys from any funds other than the General Revenue Fund shall be appropriated for diesel emission inspections under this Chapter 13.

625 ILCS 5/13-117 — Home rule

Sec. 13-117. Home rule. A unit of local government within the affected areas, including home rule units, shall not require or conduct a diesel emission inspection program that does not meet or exceed the standards of the diesel emission inspections provided for in this Chapter 13. A unit of local government within the affected areas, including home rule units, must affirmatively comply with the diesel emission inspection requirements of this Chapter 13. This Section is a limitation under subsection

(i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

625 ILCS 5/13C-1 — Short title

Sec. 13C-1. Short title. This Chapter may be cited as the Vehicle Emissions Inspection Law of 2005.

625 ILCS 5/13C-5 — Definitions

Sec. 13C-5. Definitions. For the purposes of this Chapter: "Affected counties" means Cook County; DuPage County; Lake County; those parts of Kane County that are not included within any of the following ZIP code areas, as designated by the U.S. Postal Service on the effective date of this amendatory Act of the 94th General Assembly: 60109, 60119, 60135, 60140, 60142, 60144, 60147, 60151, 60152, 60178, 60182, 60511, 60520, 60545, and 60554; those parts of Kendall County that are not included within any of the following ZIP code areas, as designated by the U.S. Postal Service on the effective date of this amendatory Act of the 94th General Assembly: 60447, 60450, 60512, 60536, 60537, 60541, those parts of 60543 that are not within the census defined urbanized area, 60545, 60548, and 60560; those parts of McHenry County that are not included within any of the following ZIP code areas, as designated by the U.S. Postal Service on the effective date of this amendatory Act of the 94th General Assembly: 60001, 60033, 60034, 60071, 60072, 60097, 60098, 60135, 60142, 60152, and 60180; those parts of Will County that are not included within any of the following ZIP code areas, as designated by the U.S. Postal Service on the effective date of this amendatory Act of the 94th General Assembly: 60401, 60407, 60408, 60410, 60416, 60418, 60421, 60442, 60447, 60468, 60481, 60935, and 60950; those parts of Madison County that are not included within any of the following ZIP code areas, as designated by the U.S. Postal Service on the effective date of this amendatory Act of the 94th General Assembly: 62001, 62012, 62021, 62026, 62046, 62058, 62061, 62067, 62074, 62086, 62088, 62097, 62249, 62275, 62281, and 62293; those parts of Monroe County that are not included within any of the following ZIP code areas, as designated by the U.S. Postal Service on the effective date of this amendatory Act of the 94th General Assembly: 62244, 62248, 62256, 62261, 62264, 62276, 62277, 62278, 62279, 62295, and 62298; and those parts of St. Clair County that are not included within any of the following ZIP code areas, as designated by the U.S. Postal Service on the effective date of this amendatory Act of the 94th General Assembly: 62224, 62243, 62248, 62254, 62255, 62257, 62258, 62260, 62264, 62265, 62269, 62278, 62282, 62285, 62289, 62293, and 62298. "Board" means the Illinois Pollution Control Board. "Claim evaluation center" means an automotive diagnostic facility that meets the standards prescribed by the Agency for performing examinations of vehicle emissions inspection damage claims. "Contractor" means the vehicle emissions test contractor for official inspection stations described in Section 13C-45. "Diagnostic code" means a code stored in a vehicle's on-board diagnostic computer to indicate the occurrence of an emissions-related condition or malfunction. "Inspection area" means Cook County, DuPage County, Lake County, and those portions of Kane, Kendall, Madison, McHenry, Monroe, Will, and St. Clair Counties included in the definition of "affected counties". "Malfunction indicator lamp" or "MIL" means a dashboard lamp designed to illuminate to alert the driver to the occurrence of a problem or condition resulting in excessive emissions.

"On-board diagnostic system" or "OBD system" means the computer-based system built into a vehicle that is designed to monitor the performance of major engine and emissions controls, to alert the operator to emissions-related malfunctions, and to store diagnostic codes and other vehicle operating information useful in repairing the vehicle. "Official inspection station" means a structure or physical location where the Agency has authorized vehicle emissions testing to be conducted. "Owner" means the registered owner of the vehicle, as indicated on the vehicle's registration. In the case of an unregistered vehicle, "owner" has the meaning set forth in Section 1-155 of this Code. "Program" means the vehicle emission inspection program established under this Chapter. "Readiness status" means an indication of whether a vehicle's on-board diagnostic system has completed a periodic check of the performance of a monitored system or component. "Resident" includes natural persons, foreign and domestic corporations, partnerships, associations, and all other commercial and governmental entities. For the purpose of determining residence, the owner of a vehicle shall be presumed to reside at the address indicated on the vehicle's registration. A governmental entity, including the federal government and its agencies, and any unit of local government or school district, any part of which is located within an affected county, shall be deemed a resident of an affected county for the purpose of any vehicle that is owned by the governmental entity and regularly operated in an affected county. "Registration" of a vehicle means its registration under Article IV of Chapter 3 of this Code. "Vehicle age" means the numerical difference between the current calendar year and the vehicle model year.

625 ILCS 5/13C-10 — Program

Sec. 13C-10. Program.

(a) The Agency shall establish a program to begin February 1, 2007, to reduce the emission of pollutants by motor vehicles. This program shall be a replacement for and continuation of the program established under the Vehicle Emissions Inspection Law of 1995, Chapter 13B of this Code. At a minimum, this program shall provide for all of the following:

- (1) The inspection of certain motor vehicles every 2 years, as required under Section 13C-15.
- (2) The establishment and operation of official inspection stations.
- (3) The designation of official test equipment and testing procedures.
- (4) The training and supervision of inspectors and other personnel.
- (5) Procedures to assure the correct operation, maintenance, and calibration of test equipment.
- (6) Procedures for certifying test results and for reporting and maintaining relevant data and records.
- (7) The funding of electric vehicle rebates and grants as authorized by the Electric Vehicle Rebate Act.

(b) The Agency shall provide for the operation of a sufficient number of official inspection stations to prevent undue difficulty for motorists to obtain the inspections required under this Chapter. In the event that the Agency operates inspection stations or contracts with one or more parties to operate inspection stations on its behalf, the Agency shall endeavor to:

- (i) locate the stations so that the owners of vehicles subject to inspection reside within 12 miles of an official inspection station; and (ii) have sufficient inspection capacity at the stations so that the usual wait before the start of an inspection does not exceed 15 minutes.

625 ILCS 5/13C-15 — Inspections

Sec. 13C-15. Inspections.

(a) Computer-Matched Inspections and Notification.

(1) The provisions of this subsection

(a) are operative until the implementation of the registration denial inspection and notification mechanisms required by subsection (b). Beginning with the implementation of the program required by this Chapter, every motor vehicle that is owned by a resident of an affected county, other than a vehicle that is exempt under paragraph (a)(6) or (a)(7), is subject to inspection under the program. The Agency shall send notice of the assigned inspection month, at least 15 days before the beginning of the assigned month, to the owner of each vehicle subject to the program. An initial emission inspection sticker or initial inspection certificate, as the case may be, expires on the last day of the third month following the month assigned by the Agency for the first inspection of the vehicle. A renewal inspection sticker or certificate expires on the last day of the third month following the month assigned for inspection in the year in which the vehicle's next inspection is

required. The Agency or its agent may issue an interim emission inspection sticker or certificate for any vehicle subject to inspection that does not have a currently valid emission inspection sticker or certificate at the time the Agency is notified by the Secretary of State of its registration by a new owner, and for which an initial emission inspection sticker or certificate has already been issued. An interim emission inspection sticker or certificate expires no later than the last day of the sixth complete calendar month after the date the Agency issued the interim emission inspection sticker or certificate. The owner of each vehicle subject to inspection shall obtain an emission inspection sticker or certificate for the vehicle in accordance with this paragraph (1). Before the expiration of the emission inspection sticker or certificate, the owner shall have the vehicle inspected and, upon demonstration of compliance, obtain a renewal emission inspection sticker or certificate. A renewal emission inspection sticker or certificate shall not be issued more than 5 months before the expiration date of the previous inspection sticker or certificate.

(2) Except as provided in paragraph (a)(3), vehicles shall be inspected every 2 years on a schedule that begins either in the second, fourth, or later calendar year after the vehicle model year. The beginning test schedule shall be set by the Agency and shall be consistent with the State's requirements for emission reductions as determined by the applicable United States Environmental Protection Agency vehicle emissions estimation model and applicable guidance and rules.

(3) A vehicle may be inspected at a time outside of its normal 2-year inspection schedule, if

(i) the vehicle was acquired by a new owner and (ii) the vehicle was required to be in compliance with this Act at the time the vehicle was acquired by the new owner, but it was not then in compliance.

(4) The owner of a vehicle subject to inspection shall have the vehicle inspected and shall obtain and display on the vehicle or carry within the vehicle, in a manner specified by the Agency, a valid unexpired emission inspection sticker or certificate in the manner specified by the Agency. A person who violates this paragraph

(4) is guilty of a petty offense, except that a third or subsequent violation within one year of the first violation is a Class C misdemeanor. The fine imposed for a violation of this paragraph

(4) shall be not less than \$50 if the violation occurred within 60 days following the date by which a new or renewal emission inspection sticker or certificate was required to be obtained for the vehicle, and not less than \$300 if the violation occurred more than 60 days after that date.

(5) For a \$20 fee, to be paid into the Vehicle Inspection Fund, the Agency may inspect: (A) A vehicle registered in and subject to the emission inspections requirements of another state. (B) A vehicle presented for inspection on a voluntary basis. Any fees collected under this paragraph

(5) shall not offset Motor Fuel Tax Funds normally appropriated for the program.

(6) The following vehicles are not subject to inspection: (A) Vehicles not subject to registration under Article IV of Chapter 3 of this Code, other than vehicles owned by the federal government. (B) Motorcycles, motor driven cycles, and motorized pedalcycles. (C) Farm vehicles and implements of husbandry. (D) Implements of warfare owned by the State or federal government. (E) Antique vehicles, expanded-use antique vehicles, custom vehicles, street rods, and vehicles of model year 1967 or before. (F) Vehicles operated exclusively for parade or ceremonial purposes by any veterans, fraternal, or civic organization, organized on a not-for-profit basis. (G) Vehicles for which the Secretary of State, under Section 3-117 of this Code, has issued a Junking Certificate. (H) Diesel powered vehicles and vehicles that are powered exclusively by electricity. (I) Vehicles operated exclusively in organized amateur or professional sporting activities, as defined in Section 3.310 of the Environmental Protection Act. (J) Vehicles registered in, subject to, and in compliance with the emission inspection requirements of another state. (K) Vehicles participating in an OBD continuous monitoring program operated in accordance with procedures adopted by the Agency. (L) Vehicles of model year 1995 or earlier that do not have an expired emissions test sticker or certificate on February 1, 2007. The Agency may issue temporary or permanent exemption stickers or certificates for vehicles temporarily or permanently exempt from inspection under this paragraph

(6). An exemption sticker or certificate does not need to be displayed.

(7) According to criteria that the Agency may adopt, a motor vehicle may be exempted from the inspection requirements of this Section by the Agency on the basis of an Agency determination that the vehicle is located and primarily used outside of the affected counties or in other jurisdictions where vehicle emission inspections are not required. The Agency may issue an annual exemption sticker or certificate without inspection for any vehicle exempted from inspection under this paragraph (7).

(8) Any owner or lessee of a fleet of 15 or more motor vehicles that are subject to inspection under this Section may apply to the Agency for a permit to establish and operate a private official inspection station in accordance with rules adopted by

the Agency.

(9) Pursuant to Title 40, Section 51.371 of the Code of Federal Regulations, the Agency may establish a program of on-road testing of in-use vehicles through the use of remote sensing devices. In any such program, the Agency shall evaluate the emission performance of 0.5% of the subject fleet or 20,000 vehicles, whichever is less. Under no circumstances shall on-road testing include any sort of roadblock or roadside pullover or cause any type of traffic delay. If, during the course of an on-road inspection, a vehicle is found to exceed the on-road emissions standards established for the model year and type of vehicle, the Agency shall send a notice to the vehicle owner. The notice shall document the occurrence and the results of the on-road exceedance. The notice of a second on-road exceedance shall indicate that the vehicle has been reassigned and is subject to an out-of-cycle follow-up inspection at an official inspection station. In no case shall the Agency send a notice of an on-road exceedance to the owner of a vehicle that was found to exceed the on-road emission standards established for the model year and type of vehicle, if the vehicle is registered outside of the affected counties.

(b) Registration Denial Inspection and Notification.

(1) No later than January 1, 2008, every motor vehicle that is owned by a resident of an affected county, other than a vehicle that is exempt under paragraph (b)(8) or (b)(9), is subject to inspection under the program. The owner of a vehicle subject to inspection shall have the vehicle inspected and obtain proof of compliance from the Agency in order to obtain or renew a vehicle registration for a subject vehicle. The Secretary of State shall notify the owner of a vehicle subject to inspection of the requirement to have the vehicle tested at least 30 days prior to the beginning of the month in which the vehicle's registration is due to expire. Notwithstanding the preceding, vehicles with permanent registration plates shall be notified at least 30 days prior to the month corresponding to the date the vehicle was originally registered. This notification shall clearly state the vehicle's test status, based upon the vehicle type, model year and registration address. The owner of each vehicle subject to inspection shall have the vehicle inspected and, upon demonstration of compliance, obtain an emissions compliance certificate for the vehicle.

(2) Except as provided in paragraphs (b)(3), (b)(4), and (b)(5), vehicles shall be inspected every 2 years on a schedule that begins in the fourth calendar year after the vehicle model year. Even model year vehicles shall be inspected and comply in order to renew registrations expiring in even calendar years and odd model year vehicles shall be inspected and comply in order to renew registrations expiring in odd calendar years.

(3) A vehicle shall be inspected and comply at a time outside of its normal 2-year inspection schedule if

(i) the vehicle was acquired by a new owner and (ii) the vehicle had not been issued a Compliance Certificate within one year of the date of application for the title or registration, or both, for the vehicle.

(4) Vehicles with 2-year registrations shall be inspected every 2 years at the time of registration issuance or renewal on a schedule that begins in the fourth year after the vehicle model year.

(5) Vehicles with permanent vehicle registration plates shall be inspected every 2 years on a schedule that begins in the fourth calendar year after the vehicle model year in the month corresponding to the date the vehicle was originally registered. Even model year vehicles shall be inspected and comply in even calendar years, and odd model year vehicles shall be inspected and comply in odd calendar years.

(6) The Agency and the Secretary of State shall endeavor to ensure a smooth transition from test scheduling from the provisions of subsection

(a) to subsection (b). Passing tests and waivers issued prior to the implementation of this subsection

(b) may be utilized to establish compliance for a period of one year from the date of the emissions or waiver inspection.

(7) For a \$20 fee, to be paid into the Vehicle Inspection Fund, the Agency may inspect: (A) A vehicle registered in and subject to the emissions inspections requirements of another state. (B) A vehicle presented for inspection on a voluntary basis. Any fees collected under this paragraph

(7) shall not offset Motor Fuel Tax Funds normally appropriated for the program.

(8) The following vehicles are not subject to inspection: (A) Vehicles not subject to registration under Article IV of Chapter 3 of this Code, other than vehicles owned by the federal government. (B) Motorcycles, motor driven cycles, and motorized pedalcycles. (C) Farm vehicles and implements of husbandry. (D) Implements of warfare owned by the State or federal government. (E) Antique vehicles, expanded-use antique vehicles, custom vehicles, street rods, and vehicles of model year 1967 or before. (F) Vehicles operated exclusively for parade or ceremonial purposes by any veterans, fraternal, or

civic organization, organized on a not-for-profit basis. (G) Vehicles for which the Secretary of State, under Section 3-117 of this Code, has issued a Junking Certificate. (H) Diesel powered vehicles and vehicles that are powered exclusively by electricity. (I) Vehicles operated exclusively in organized amateur or professional sporting activities, as defined in Section 3.310 of the Environmental Protection Act. (J) Vehicles registered in, subject to, and in compliance with the emission inspection requirements of another state. (K) Vehicles participating in an OBD continuous monitoring program operated in accordance with procedures adopted by the Agency. (L) Vehicles of model year 1995 or earlier that do not have an expired emissions test sticker or certificate on February 1, 2007. (M) Vehicles of model year 2006 or earlier with a manufacturer gross vehicle weight rating between 8,501 and 14,000 pounds. (N) Vehicles with a manufacturer gross vehicle weight rating greater than 14,000 pounds. The Agency may issue temporary or permanent exemption certificates for vehicles temporarily or permanently exempt from inspection under this paragraph (8). An exemption sticker or certificate does not need to be displayed.

(9) According to criteria that the Agency may adopt, a motor vehicle may be exempted from the inspection requirements of this Section by the Agency on the basis of an Agency determination that the vehicle is located and primarily used outside of the affected counties and in other jurisdictions where vehicle emissions inspections are not required. The Agency may issue an annual exemption certificate without inspection for any vehicle exempted from inspection under this paragraph (9).

(10) Any owner or lessee of a fleet of 15 or more motor vehicles that are subject to inspection under this Section may apply to the Agency for a permit to establish and operate a private official inspection station in accordance with rules adopted by the Agency.

(11) Pursuant to Title 40, Section 51.371 of the Code of Federal Regulations, the Agency may establish a program of on-road testing of in-use vehicles through the use of remote sensing devices. In any such program, the Agency shall evaluate the emission performance of 0.5% of the subject fleet or 20,000 vehicles, whichever is less. Under no circumstances shall on-road testing include any sort of roadblock or roadside pullover or cause any type of traffic delay. If, during the course of an on-road inspection, a vehicle is found to exceed the on-road emissions standards established for the model year and type of vehicle, the Agency shall send a notice to the vehicle owner. The notice shall document the occurrence and the results of the on-road exceedance. The notice of a second on-road exceedance shall indicate that the vehicle has been reassigned and is subject to an out-of-cycle follow-up inspection at an official inspection station. In no case shall the Agency send a notice of an on-road exceedance to the owner of a vehicle that was found to exceed the on-road emissions standards established for the model year and type of vehicle, if the vehicle is registered outside of the affected counties.

625 ILCS 5/13C-20 — Rules and standards

Sec. 13C-20. Rules and standards.

(a) The rules and emission standards adopted under subsection

(a) of Section 13B-20 of this Code shall apply to the program established under this Chapter and continue in effect until amended or repealed by the Board under this subsection. The Agency shall propose any other standards necessary to achieve reductions in the emission of hydrocarbons, carbon monoxide, and oxides of nitrogen from motor vehicles subject to inspection under this Chapter. Within 120 days after the Agency proposes those standards, the Board shall adopt any necessary rules establishing standards for the emission of hydrocarbons, carbon monoxide, and oxides of nitrogen from motor vehicles subject to inspection under this Chapter. The rules may be amended from time to time pursuant to Agency proposals. The Board shall set standards necessary to achieve the reductions in vehicle hydrocarbons, carbon monoxide, and oxides of nitrogen emissions, as determined by the applicable vehicle emission estimation model and rules developed by the United States Environmental Protection Agency, that are required by the federal Clean Air Act. A predetermined rate of failure shall not be used in determining standards necessary to achieve the reductions in vehicle hydrocarbons, carbon monoxide, and oxides of nitrogen emissions. The emission standards established by the Board for vehicles of model year 1981 or later shall be identical in substance, as defined in Section 7.2(a) of the Environmental Protection Act, to the emission standards promulgated by the United States Environmental Protection Agency. Except as otherwise provided in this subsection, subsection

(b) of Section 27 of the Environmental Protection Act and the rulemaking provisions of the Illinois Administrative Procedure Act do not apply to rules adopted by the Board under this subsection. Challenges to the validity of rules adopted by the Board under this subsection or subsection

(a) of Section 13B-20 may be brought only by filing a petition for review in the Appellate Court under Section 29 of the Environmental Protection Act within 35 days after the rule is filed with the Secretary of State.

(b) The procedures established by the Agency under subsection

(b) of Section 13B-20 of this Code shall apply to the program established under this Chapter and remain in effect until amended or repealed under this subsection. The Agency may at any time amend or repeal those procedures and may establish additional procedures designed to implement this Chapter.

625 ILCS 5/13C-25 — Performance of inspections

Sec. 13C-25. Performance of inspections.

(a) Except as provided in subsection (b), the inspection of vehicles required under this Chapter shall be performed only:

(i) by inspectors who have been certified by the Agency after successfully completing a course of training and successfully passing a written test; (ii) at official inspection stations, including on-road inspection sites established under this Chapter; and (iii) with equipment that has been approved by the Agency for these inspections.

(b) The requirements of subdivisions (a)(i) and (a)(ii) of this Section do not preclude the performance of inspections

(1) at self-service official inspection stations,

(2) using Agency-approved wireless communication interfaces, and

(3) using systems designed to perform remote on-board diagnostic inspections.

(c) Except as provided in subsection (h), the inspection shall consist of an on-board diagnostic system test. The owner of the vehicle or the owner's agent shall be entitled to an emission inspection certificate issued by the Agency only if all required tests are passed at the time of the inspection.

(d) (Blank).

(e) (Blank).

(f) (Blank).

(g) The on-board diagnostic system test shall consist of accessing the vehicle's on-board computer system, determining the vehicle's readiness status and MIL status, and retrieving any stored diagnostic codes that may be present. The vehicle shall be deemed to have passed this test if the vehicle readiness status indicates that the vehicle's OBD system has completed all required system and component checks, the MIL status is appropriate, and the diagnostic codes retrieved do not exceed standards set for vehicles of that type under Section 13C-20.

(h) A visual inspection test of the MIL may be substituted for the on-board diagnostic system test on any vehicle for which on-board diagnostic testing is not possible due to the vehicle's originally certified design or its design as modified in accordance with federal law and regulations, and on any vehicle with known on-board diagnostic communications or software problems, as determined by the Agency. The visual inspection test shall consist of verifying the status of the MIL in the key-on/engine off position and the key-on/engine on position. The vehicle shall be deemed to have passed this test if the MIL illuminates briefly during the key-on/engine off position and does not illuminate during the key-on/engine on position.

625 ILCS 5/13C-30 — Waivers

Sec. 13C-30. Waivers.

(a) The Agency shall certify that a vehicle that has failed a vehicle emission retest qualifies for a waiver of the emission inspection standards if all of the following criteria are met:

(1) The vehicle has received all repairs and adjustments for which it is eligible under any emission performance warranty provided under Section 207 of the federal Clean Air Act.

(2) The Agency determines by normal inspection procedures that the vehicle's emission control devices are present and appear to be properly connected and operating.

(3) Consistent with Title 40, Section 51.360 of the Code of Federal Regulations, for vehicles required to be tested under this Chapter, an expenditure of at least \$450 in emission-related repairs (but exclusive of any repairs related to tampering) has been made.

(4) For a vehicle of model year 1981 or later, the repairs were performed by a recognized repair technician.

(5) Evidence of repair is presented, consisting of either

(i) signed and dated receipts identifying the vehicle and describing the work performed and the amount charged for the eligible emission-related repairs or (ii) an affidavit executed by the person performing the eligible emission-related repairs.

(b) The Agency may issue an emission inspection certificate to a vehicle failing a retest if a complete documented physical and functional diagnosis and inspection shows that no additional emission-related repairs are needed. This diagnostic inspection must be performed by the Agency or its designated agent and shall be available only to a vehicle owner whose vehicle was repaired by a recognized repair technician.

(c) The Agency may extend the emission inspection certificate expiration date by one year upon receipt of a petition by the vehicle owner that needed repairs cannot be made due to economic hardship. Consistent with Title 40, Section 51.360 of the Code of Federal Regulations, this extension may be granted more than once during the life of the vehicle.

(d) The Agency may issue an emission inspection certificate for a vehicle subject to inspection under this Chapter that is located and primarily used in an area subject to the vehicle inspection requirements of another state. An emission inspection certificate shall be issued under this subsection only upon receipt by the Agency of evidence that the vehicle has been inspected and is in compliance with the emission inspection requirements and standards applicable in the state or local jurisdiction where the vehicle is being used.

625 ILCS 5/13C-35 — Inquiries

Sec. 13C-35. Inquiries. The Agency shall develop a means of responding to inquiries from inspectors and members of the public concerning the program, including

(i) when inspections are required, (ii) what kind of inspections are required, (iii) whether emission inspection stickers or certificates previously required for a vehicle have been obtained, and (iv) the procedures for resolving disputes concerning inspections.

625 ILCS 5/13C-40 — Grievance and damage claim requirements and procedures

Sec. 13C-40. Grievance and damage claim requirements and procedures.

(a) Emissions inspection and waiver denial grievance procedures.

(1) Any person aggrieved by a decision regarding the failure of an emissions test or the denial of a waiver may file a petition with the Agency within 30 days after the decision was made, and the Agency shall thereupon investigate the matter. Within 45 days after its receipt of the petition, the Agency shall submit to the petitioner and any affected inspector or station its written determination of the correctness or incorrectness of the decision being grieved. The written determination shall include a statement of the facts relied upon and the legal and technical issues decided by the Agency in making its determination, and may also include an order directing the inspector

(i) to issue an emission inspection certificate for the vehicle effective on such date as the Agency may specify, (ii) to reinspect the vehicle, (iii) to apply the standards that the Agency has determined to be applicable, or (iv) to take any other action that the Agency deems to be appropriate. In conducting the investigation, the Agency may require the petitioner to present the vehicle for inspection by the Agency or its designated agent.

(2) The written determination of the Agency shall be subject to review in circuit court in accordance with the provisions of the Administrative Review Law, except that no challenge to the validity of a rule adopted or continued under subsection

(a) of Section 13C-20 shall be heard by the circuit court if the challenge could have been raised in a timely petition for review as provided in Section 13C-20.

(b) Vehicle damage claim requirements and procedures.

(1) The contractor shall make vehicle damage claim forms authorized by the Agency available for vehicle owners in sufficient quantities at all official inspection stations.

(2) Notice of the vehicle damage claim procedures and the vehicle owner's rights in relation to a vehicle damage claim shall be conspicuously posted at all official inspection stations.

(3) If a vehicle owner believes that his or her vehicle was damaged by an act or omission of the contractor during or as a result of an emissions inspection performed on or after August 1, 2002, the owner may initiate resolution of the damage claim under this subsection by complying with the following: (A) Within 30 days of the date of the vehicle emissions inspection that allegedly caused the vehicle damage, the vehicle owner shall submit a vehicle damage claim to the

contractor at the official inspection station at which the vehicle damage allegedly occurred. (B) Within 30 days of filing the claim, the owner shall submit to the contractor any relevant information relating to the owner's claim for vehicle damage, including but not limited to evaluations conducted by a claims evaluation center or automotive repair shop meeting standards prescribed by the Agency.

(4) The contractor shall promptly notify the Agency of each vehicle damage claim received by the contractor under subdivision (b)(3) and shall forward to the Agency any additional information provided by the owner.

(5) Within 60 days after the filing of a vehicle damage claim, the contractor shall notify the vehicle owner of its proposed resolution of the damage claim.

(6) Within 30 days after receiving the contractor's proposed resolution of the damage claim, the owner may petition the Agency for a review of the adequacy and completeness of the contractor's proposed resolution. The petition shall be in a form specified by the Agency.

(7) Upon receiving a petition for review, the Agency shall request the contractor to deliver to the Agency a copy of the contractor's proposed resolution of the damage claim, together with all documents, videotapes, and information relevant to the damage claim and the proposed resolution. The contractor shall provide the requested materials to the Agency within 15 days of receiving the Agency's request.

(8) Within 30 days after receiving the relevant materials from the contractor, the Agency shall review the materials and determine whether the contractor's proposed resolution of the damage claim is adequate and complete. The Agency may deem the proposed resolution of the damage claim to be adequate and complete. If the Agency does not deem the proposed resolution of the damage claim to be adequate and complete, it may request the contractor to further investigate and evaluate the damage claim and resubmit its proposed resolution of the claim. The contractor shall then have 30 days to respond in writing to the Agency with the results of its further evaluation of the damage claim and its proposed resolution.

(9) The Agency shall notify the vehicle owner in writing of the result of its review of the adequacy and completeness of the contractor's proposed resolution of the damage claim. Copies of all correspondence between the Agency and the contractor relating to the damage claim shall also be sent to the vehicle owner.

(10) If, after the Agency's review, the vehicle owner still does not agree with all or a portion of the proposed resolution of the damage claim by the contractor, the vehicle owner may further pursue the damage claim through the binding arbitration process established by the contractor and accepted by the Agency, or in circuit court.

(11) The Agency's review of the adequacy and completeness of the contractor's proposed resolution of a damage claim is not binding upon the vehicle owner or the contractor and does not affect the rights of the vehicle owner or the contractor under law. The Agency's review of the adequacy and completeness of the contractor's proposed resolution of a damage claim is not a final action subject to administrative review and is not subject to review by the Pollution Control Board or otherwise appealable.

625 ILCS 5/13C-45 — Contracts

Sec. 13C-45. Contracts.

(a) The Agency may enter into contracts with one or more responsible parties to construct and operate official inspection stations, provide and maintain approved test equipment, administer tests, certify results, issue emission inspection stickers or certificates, maintain records, train personnel, provide information to the public concerning the program, or to otherwise further the goals of this Chapter.

(b) In preparing its proposals for bidding by potential contractors, the Agency shall endeavor to include provisions relating to the following factors:

(1) The demonstrated financial responsibility of the potential contractor.

(2) The specialized experience and technical competence of the potential contractor in connection with the type of services required and the complexity of the project.

(3) The potential contractor's past record of performance on contracts with the Agency, with other government agencies or public bodies, and with private industry, including such items as cost, quality of work, and ability to meet schedules.

(4) The capacity of the potential contractor to perform the work within the time limitations.

(5) The familiarity of the potential contractor with the types of problems applicable to the project.

(6) The potential contractor's proposed method to accomplish the work required, including where appropriate any demonstrated capability of exploring and developing innovative or advanced techniques and methods.

(7) Avoidance of personal and organizational conflicts of interest prohibited under federal, State, or local law.

(8) The potential contractor's present and prior involvement in the community and in the State of Illinois.

625 ILCS 5/13C-50 — Costs

Sec. 13C-50. Costs.

(a) Except as otherwise provided in paragraph (a)(5) or (b)(7) of Section 13C-15, no fee shall be charged to motor vehicle owners for obtaining inspections required under this Chapter. The Vehicle Inspection Fund, which is a fund created in the State treasury for the purpose of receiving moneys from the Motor Fuel Tax Fund and other sources, shall be used, subject to appropriation, for the payment of the costs of the program, including reimbursement of those agencies of the State that incur expenses in the administration or enforcement of the program. The Vehicle Inspection Fund shall continue in existence notwithstanding the repeal of Chapter 13B. Any money in the Vehicle Inspection Fund on February 1, 2007, shall be used for the purposes set forth in this Chapter.

(b) The Agency may acquire, own, maintain, operate, sell, lease and otherwise transfer real and personal property and interests in real and personal property for the purpose of creating or operating inspection stations and for any other purpose relating to the administration of this Chapter, and may use money from the Vehicle Inspection Fund for these purposes.

625 ILCS 5/13C-55 — Enforcement

Sec. 13C-55. Enforcement.

(a) Computer-Matched Enforcement.

(1) The provisions of this subsection

(a) are operative until the implementation of the registration denial enforcement mechanism required by subsection (b). The Agency shall cooperate in the enforcement of this Chapter by

(i) identifying probable violations through computer matching of vehicle registration records and inspection records; (ii) sending one notice to each suspected violator identified through such matching, stating that registration and inspection records indicate that the vehicle owner has not complied with this Chapter; (iii) directing the vehicle owner to notify the Agency or the Secretary of State if he or she has ceased to own the vehicle or has changed residence; and (iv) advising the vehicle owner of the consequences of violating this Chapter. The Agency shall cooperate with the Secretary of State in the administration of this Chapter and the related provisions of Chapter 3, and shall provide the Secretary of State with such information as the Secretary of State may deem necessary for these purposes, including regular and timely access to vehicle inspection records. The Secretary of State shall cooperate with the Agency in the administration of this Chapter and shall provide the Agency with such information as the Agency may deem necessary for the purposes of this Chapter, including regular and timely access to vehicle registration records. Section 2-123 of this Code does not apply to the provision of this information.

(2) The Secretary of State shall suspend either the driving privileges or the vehicle registration, or both, of any vehicle owner who has not complied with this Chapter, if

(i) the vehicle owner has failed to satisfactorily respond to the one notice sent by the Agency under paragraph (a)(1), and (ii) the Secretary of State has mailed the vehicle owner a notice that the suspension will be imposed if the owner does not comply within a stated period, and the Secretary of State has not received satisfactory evidence of compliance within that period. The Secretary of State shall send this notice only after receiving a statement from the Agency that the vehicle owner has failed to comply with this Section. Notice shall be effective as specified in subsection

(c) of Section 6-211 of this Code. A suspension under this paragraph (a)(2) shall not be terminated until satisfactory proof of compliance has been submitted to the Secretary of State. No driver's license or permit, or renewal of a license or permit, may be issued to a person whose driving privileges have been suspended under this Section until the suspension has been terminated. No vehicle registration or registration plate or digital registration plate that has been suspended under this Section may be reinstated or renewed, or transferred by the owner to any other vehicle, until the suspension has been terminated.

(b) Registration Denial Enforcement.

(1) No later than January 1, 2008, and consistent with Title 40, Part 51, Section 51.361 of the Code of Federal Regulations, the Agency and the Secretary of State shall design, implement, maintain, and operate a registration denial enforcement mechanism to ensure compliance with the provisions of this Chapter, and cooperate with other State and local governmental entities to effectuate its provisions. Specifically, this enforcement mechanism shall contain, at a minimum, the following elements: (A) An external, readily visible means of determining vehicle compliance with the registration requirement to facilitate enforcement of the program; (B) A biennial schedule of testing that clearly determines when a vehicle shall comply prior to registration; (C) A testing certification mechanism (either paper-based or electronic) that shall be used for registration purposes and clearly states whether the certification is valid for purposes of registration, including:

(i) Expiration date of the certificate; (ii) Unambiguous vehicle identification information; and (iii) Whether the vehicle passed or received a waiver; (D) A commitment to routinely issue citations to motorists with expired or missing license plates, with either no registration or an expired registration, and with no license plate decals or expired decals, and provide for enforcement officials other than police to issue citations (e.g., parking meter attendants) to parked vehicles in noncompliance; (E) A commitment to structure the penalty system to deter noncompliance with the registration requirement through the use of mandatory minimum fines (meaning civil, monetary penalties) constituting a meaningful deterrent and through a requirement that compliance be demonstrated before a case can be closed; (F) Ensurance that evidence of testing is available and checked for validity at the time of a new registration of a used vehicle or registration renewal; (G) Prevention of owners or lessors from avoiding testing through manipulation of the title or registration system; title transfers may re-start the clock on the inspection cycle only if proof of current compliance is required at title transfer; (H) Prevention of the fraudulent initial classification or reclassification of a vehicle from subject to non-subject or exempt by requiring proof of address changes prior to registration record modification, and documentation from the testing program (or delegate) certifying based on a physical inspection that the vehicle is exempt; (I) Limiting and tracking of the use of time extensions of the registration requirement to prevent repeated extensions; (J) Providing for meaningful penalties for cases of registration fraud; (K) Limiting and tracking exemptions to prevent abuse of the exemption policy for vehicles claimed to be out-of-state; and (L) Encouraging enforcement of vehicle registration transfer requirements when vehicle owners move into the affected counties by coordinating with local and State enforcement agencies and structuring other activities (e.g., driver's license issuance) to effect registration transfers.

(2) The Agency shall cooperate in the enforcement of this Chapter by providing the owner or owners of complying vehicles with a Compliance Certificate stating that the vehicle meets all applicable requirements of this Chapter. The Agency shall cooperate with the Secretary of State in the administration of this Chapter and the related provisions of Chapter 3, and shall provide the Secretary of State with such information as the Secretary of State may deem necessary for these purposes, including regular and timely access to vehicle inspection records. The Secretary of State shall cooperate with the Agency in the administration of this Chapter and shall provide the Agency with such information as the Agency may deem necessary for the purposes of this Chapter, including regular and timely access to vehicle registration records. Section 2-123 of this Code does not apply to the provision of this information.

(3) Consistent with the requirements of Section 13C-15, the Secretary of State shall not renew any vehicle registration for a subject vehicle that has not complied with this Chapter. Additionally, the Secretary of State shall not allow the issuance of a new registration nor allow the transfer of a registration to a subject vehicle that has not complied with this Chapter.

(4) The Secretary of State shall suspend the registration of any vehicle which has permanent vehicle registration plates or digital registration plates that has not complied with the requirements of this Chapter. A suspension under this paragraph (4) shall not be terminated until satisfactory proof of compliance has been submitted to the Secretary of State. No permanent vehicle registration plate or digital registration plate that has been suspended under this Section may be reinstated or renewed, or transferred by the owner to any other vehicle, until the suspension has been terminated.

625 ILCS 5/13C-60 — Other offenses

Sec. 13C-60. Other offenses.

(a) Any person who knowingly displays an emission inspection or exemption certificate for any vehicle other than the one for which the certificate was lawfully issued in accordance with the provisions of this Chapter, or duplicates, alters, uses, possesses, issues, or distributes any emission inspection or exemption certificate, or facsimile thereof, except in accordance with the provisions of this Chapter and the rules and regulations adopted hereunder, is guilty of a Class C misdemeanor.

(b) A vehicle owner shall pay a monetary fine equivalent to the test fee plus the applicable waiver repair expenditure for the continued operation of a non-complying vehicle beyond 4 months past the expiration of the vehicle emission inspection certificate. Any fines collected under this Section shall be divided equally between the local jurisdiction issuing the citation and the Vehicle Inspection Fund.

625 ILCS 5/13C-75 — Home rule

Sec. 13C-75. Home rule. The vehicle emission inspection program created by this Chapter is hereby declared to be the subject of exclusive State jurisdiction. Pursuant to subsection

(h) of Section 6 of Article VII of the Illinois Constitution, the exercise by a home rule unit of any power that is inconsistent with this Chapter is hereby specifically denied and preempted.

625 ILCS 5/15-100

Sec. 15-100. (Repealed).

625 ILCS 5/15-101 — Scope and effect of Chapter 15

Sec. 15-101. Scope and effect of Chapter 15.

(a) It is unlawful for any person to drive or move on, upon or across or for the owner to cause or knowingly permit to be driven or moved on, upon or across any highway any vehicle or vehicles of a size and weight exceeding the limitations stated in this Chapter or otherwise in violation of this Chapter, and the maximum size and weight of vehicles herein specified shall be lawful throughout this State, and local authorities shall have no power or authority to alter such limitations except as express authority may be granted in this Chapter.

(b) The provisions of this Chapter governing size, weight, and load do not apply to equipment for snow and ice removal operations owned or operated by any governmental body, or to implements of husbandry, as defined in Chapter 1 of this Code, temporarily operated or towed in a combination upon a highway provided such combination does not consist of more than 3 vehicles or, in the case of hauling fresh, perishable fruits or vegetables from farm to the point of first processing, not more than 3 wagons being towed by an implement of husbandry, or to a vehicle operated under the terms of a special permit issued hereunder. Except for weight limits on Class I highways under this Chapter, the provisions of this Chapter governing size, weight, and load do not apply to fire apparatus or emergency vehicles.

(c) The provisions of this Chapter governing size, weight, and load do not apply to any snow and ice removal equipment that is no more than 12 feet in width, if the equipment displays flags at least 18 inches square mounted on the driver's side of the snow plow. These vehicles must be equipped with an illuminated rotating, oscillating, or flashing amber light or lights, or a flashing amber strobe light or lights, mounted on the top of the cab and of sufficient intensity to be visible at 500 feet in normal sunlight. If the load on the transport vehicle blocks the visibility of the amber lighting from the rear of the vehicle, the vehicle must also be equipped with an illuminated rotating, oscillating, or flashing amber light or lights, or a flashing amber strobe light or lights, mounted on the rear of the load and of sufficient intensity to be visible at 500 feet in normal sunlight.

625 ILCS 5/15-102 — Width of vehicles

Sec. 15-102. Width of vehicles.

(a) On Class III and non-designated State and local highways, the total outside width of any vehicle or load thereon shall not exceed 8 feet 6 inches.

(b) Except during those times when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 1000 feet, the following vehicles may exceed the 8 feet 6 inch limitation during the period from a half hour before sunrise to a half hour after sunset:

(1) Loads of hay, straw or other similar farm products provided that the load is not more than 12 feet wide.

(2) Implements of husbandry being transported on another vehicle and the transporting vehicle while loaded. The following requirements apply to the transportation on another vehicle of an implement of husbandry wider than 8 feet 6 inches on the National System of Interstate and Defense Highways or other highways in the system of State highways:

(A) The driver of a vehicle transporting an implement of husbandry that exceeds 8 feet 6 inches in width shall obey all traffic laws and shall check the roadways prior to making a movement in order to ensure that adequate clearance is available for the movement. It is prima facie evidence that the driver of a vehicle transporting an implement of husbandry

has failed to check the roadway prior to making a movement if the vehicle is involved in a collision with a bridge, overpass, fixed structure, or properly placed traffic control device or if the vehicle blocks traffic due to its inability to proceed because of a bridge, overpass, fixed structure, or properly placed traffic control device. (B) Flags shall be displayed so as to wave freely at the extremities of overwidth objects and at the extreme ends of all protrusions, projections, and overhangs. All flags shall be clean, bright red flags with no advertising, wording, emblem, or insignia inscribed upon them and at least 18 inches square. (C) "OVERSIZE LOAD" signs are mandatory on the front and rear of all vehicles with loads over 10 feet wide. These signs must have 12-inch high black letters with a 2-inch stroke on a yellow sign that is 7 feet wide by 18 inches high. (D) One civilian escort vehicle is required for a load that exceeds 14 feet 6 inches in width and 2 civilian escort vehicles are required for a load that exceeds 16 feet in width on the National System of Interstate and Defense Highways or other highways in the system of State highways. (E) The requirements for a civilian escort vehicle and driver are as follows:

- (1) The civilian escort vehicle shall be a vehicle not exceeding a gross vehicle weight rating of 26,000 pounds that is designed to afford clear and unobstructed vision to both front and rear.
 - (2) The escort vehicle driver must be properly licensed to operate the vehicle.
 - (3) While in use, the escort vehicle must be equipped with illuminated rotating, oscillating, or flashing amber lights or flashing amber strobe lights mounted on top that are of sufficient intensity to be visible at 500 feet in normal sunlight.
 - (4) "OVERSIZE LOAD" signs are mandatory on all escort vehicles. The sign on an escort vehicle shall have 8-inch high black letters on a yellow sign that is 5 feet wide by 12 inches high.
 - (5) When only one escort vehicle is required and it is operating on a two-lane highway, the escort vehicle shall travel approximately 300 feet ahead of the load. The rotating, oscillating, or flashing lights or flashing amber strobe lights and an "OVERSIZE LOAD" sign shall be displayed on the escort vehicle and shall be visible from the front. When only one escort vehicle is required and it is operating on a multilane divided highway, the escort vehicle shall travel approximately 300 feet behind the load and the sign and lights shall be visible from the rear.
 - (6) When 2 escort vehicles are required, one escort shall travel approximately 300 feet ahead of the load and the second escort shall travel approximately 300 feet behind the load. The rotating, oscillating, or flashing lights or flashing amber strobe lights and an "OVERSIZE LOAD" sign shall be displayed on the escort vehicles and shall be visible from the front on the lead escort and from the rear on the trailing escort.
 - (7) When traveling within the corporate limits of a municipality, the escort vehicle shall maintain a reasonable and proper distance from the oversize load, consistent with existing traffic conditions.
 - (8) A separate escort shall be provided for each load hauled.
 - (9) The driver of an escort vehicle shall obey all traffic laws.
 - (10) The escort vehicle must be in safe operational condition.
 - (11) The driver of the escort vehicle must be in radio contact with the driver of the vehicle carrying the oversize load. (F) A transport vehicle while under load of more than 8 feet 6 inches in width must be equipped with an illuminated rotating, oscillating, or flashing amber light or lights or a flashing amber strobe light or lights mounted on the top of the cab that are of sufficient intensity to be visible at 500 feet in normal sunlight. If the load on the transport vehicle blocks the visibility of the amber lighting from the rear of the vehicle, the vehicle must also be equipped with an illuminated rotating, oscillating, or flashing amber light or lights or a flashing amber strobe light or lights mounted on the rear of the load that are of sufficient intensity to be visible at 500 feet in normal sunlight. (G) When a flashing amber light is required on the transport vehicle under load and it is operating on a two-lane highway, the transport vehicle shall display to the rear at least one rotating, oscillating, or flashing light or a flashing amber strobe light and an "OVERSIZE LOAD" sign. When a flashing amber light is required on the transport vehicle under load and it is operating on a multilane divided highway, the sign and light shall be visible from the rear. (H) Maximum speed shall be 45 miles per hour on all such moves or 5 miles per hour above the posted minimum speed limit, whichever is greater, but the vehicle shall not at any time exceed the posted maximum speed limit.
- (3) Portable buildings designed and used for agricultural and livestock raising operations that are not more than 14 feet wide and with not more than a one-foot overhang along the left side of the hauling vehicle. However, the buildings shall not be transported more than 10 miles and not on any route that is part of the National System of Interstate and Defense Highways. All buildings when being transported shall display at least 2 red cloth flags, not less than 12 inches square, mounted as high as practicable on the left and right side of the building. An Illinois State Police escort shall be required if

it is necessary for this load to use part of the left lane when crossing any 2-laned State highway bridge.

(c) Vehicles propelled by electric power obtained from overhead trolley wires operated wholly within the corporate limits of a municipality are also exempt from the width limitation.

(d) (Blank). (d-1) A recreational vehicle, as defined in Section 1-169, may exceed 8 feet 6 inches in width if:

(1) the excess width is attributable to appurtenances that extend 6 inches or less beyond either side of the body of the vehicle; and

(2) the roadway on which the vehicle is traveling has marked lanes for vehicular traffic that are at least 11 feet in width. As used in this subsection (d-1) and in subsection (d-2), the term appurtenance includes

(i) a retracted awning and its support hardware and (ii) any appendage that is intended to be an integral part of a recreational vehicle. (d-2) A recreational vehicle that exceeds 8 feet 6 inches in width as provided in subsection (d-1) may travel any roadway of the State if the vehicle is being operated between a roadway permitted under subsection (d-1) and:

(1) the location where the recreational vehicle is garaged;

(2) the destination of the recreational vehicle; or

(3) a facility for food, fuel, repair, services, or rest.

(e) A vehicle and load traveling upon the National System of Interstate and Defense Highways or any other highway in the system of State highways that has been designated as a Class I or Class II highway by the Department, or any street or highway designated by local authorities, may have a total outside width of 8 feet 6 inches, provided that certain safety devices that the Department determines as necessary for the safe and efficient operation of motor vehicles shall not be included in the calculation of width. Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rulemaking shall not apply to the designation of highways under this paragraph (e).

(f) Mirrors required by Section 12-502 of this Code may project up to 14 inches beyond each side of a bus and up to 6 inches beyond each side of any other vehicle, and that projection shall not be deemed a violation of the width restrictions of this Section.

(g) Any person who is convicted of violating this Section is subject to the penalty as provided in paragraph

(b) of Section 15-113.

(h) Safety devices identified by the Department in accordance with Section 12-812 shall not be deemed a violation of the width restrictions of this Section.

625 ILCS 5/15-103 — Height of vehicles

Sec. 15-103. Height of vehicles. The height of a vehicle from the under side of the tire to the top of the vehicle, inclusive of load, shall not exceed 13 feet, 6 inches on any highway in the State. A person convicted of violating this Section is subject to the penalty provided in paragraph

(b) of Section 15-113.

625 ILCS 5/15-105 — Projecting loads on passenger vehicles

Sec. 15-105. Projecting loads on passenger vehicles. No passenger-type vehicle shall be operated on any highway with any load carried thereon extending beyond the line of the fenders on the left side of such vehicle nor extending more than 6 inches beyond the line of the fenders on the right side thereof.

625 ILCS 5/15-106 — Protruding members of vehicles

Sec. 15-106. Protruding members of vehicles. No vehicle with boom, arm, drill rig or other protruding component shall be operated upon any highway in this State unless such protruding component is fastened so as to prevent shifting, bouncing or moving in any manner.

625 ILCS 5/15-107 — Length of vehicles

Sec. 15-107. Length of vehicles.

(a) The maximum length of a single vehicle on any highway of this State may not exceed 42 feet except the following:

(1) Semitrailers.

(2) Charter or regulated route buses may be up to 45 feet in length, not including energy absorbing bumpers. (a-1) A motor home as defined in Section 1-145.01 may be up to 45 feet in length, not including energy absorbing bumpers. The length limitations described in this subsection (a-1) shall be exclusive of energy-absorbing bumpers and rear view mirrors.

(b) The Department shall have the authority to restrict vehicle length on its roadways as it deems appropriate.

(c) Except as provided in subsections (c-1) and (c-2), combinations of vehicles may not exceed a total of 2 vehicles except the following:

(1) A truck tractor semitrailer may draw one trailer.

(2) A truck tractor semitrailer may draw one converter dolly or one semitrailer.

(3) A truck tractor semitrailer may draw one vehicle that is defined in Chapter 1 as special mobile equipment, provided the overall dimension does not exceed 60 feet.

(4) A truck in transit may draw 3 trucks in transit coupled together by the triple saddlemount method.

(5) Recreational vehicles consisting of 3 vehicles, provided the following: (A) The total overall dimension does not exceed 60 feet. (B) The towing vehicle is a properly registered vehicle capable of towing another vehicle using a fifth-wheel type assembly. (C) The second vehicle in the combination of vehicles is a recreational vehicle that is towed by a fifth-wheel assembly. This vehicle must be properly registered and must be equipped with brakes, regardless of weight. (D) The third vehicle must be the lightest of the 3 vehicles and be a trailer or semitrailer designed or used for transporting a boat, all-terrain vehicle, personal watercraft, or motorcycle. (E) The towed vehicles may be only for the use of the operator of the towing vehicle. (F) All vehicles must be properly equipped with operating brakes and safety equipment required by this Code, except the additional brake requirement in subdivision (C) of this subparagraph (5).

(6) A tow truck in combination with a disabled vehicle or combination of disabled vehicles, provided the towing vehicle: (A) Is specifically designed as a tow truck having a gross vehicle weight rating of at least 18,000 pounds and equipped with air brakes, provided that air brakes are required only if the towing vehicle is towing a vehicle, semitrailer, or tractor-trailer combination that is equipped with air brakes. For the purpose of this subsection, gross vehicle weight rating, or GVWR, means the value specified by the manufacturer as the loaded weight of the tow truck. (B) Is equipped with flashing, rotating, or oscillating amber lights, visible for at least 500 feet in all directions. (C) Is capable of utilizing the lighting and braking systems of the disabled vehicle or combination of vehicles. (D) Does not engage a tow exceeding 50 highway miles from the initial point of wreck or disablement to a place of repair. Any additional movement of the vehicles may occur only upon issuance of authorization for that movement under the provisions of Sections 15-301 through 15-318 of this Code. The Department may by rule or regulation prescribe additional requirements regarding length limitations for a tow truck towing another vehicle. For purposes of this Section, a tow-dolly that merely serves as substitute wheels for another legally licensed vehicle is considered part of the licensed vehicle and not a separate vehicle.

(7) Commercial vehicles consisting of 3 vehicles, provided the following: (A) The total overall dimension does not exceed 65 feet. (B) The towing vehicle is a properly registered vehicle capable of towing another vehicle using a fifth-wheel type assembly or a goose-neck hitch ball. (C) The third vehicle must be the lightest of the 3 vehicles and be a trailer or semitrailer. (D) All vehicles must be properly equipped with operating brakes and safety equipment required by this Code. (E) The combination of vehicles must be operated by a person who holds a commercial driver's license (CDL). (F) The combination of vehicles must be en route to a location where new or used trailers are sold by an Illinois or out-of-state licensed new or used trailer dealer. (c-1) A combination of 3 vehicles is allowed access to any State designated highway if:

(1) the length of neither towed vehicle exceeds 28.5 feet;

(2) the overall wheel base of the combination of vehicles does not exceed 62 feet; and

(3) the combination of vehicles is en route to a location where new or used trailers are sold by an Illinois or out-of-state licensed new or used trailer dealer. (c-2) A combination of 3 vehicles is allowed access from any State designated highway onto any county, township, or municipal highway for a distance of 5 highway miles for the purpose of delivery or collection of one or both of the towed vehicles if:

(1) the length of neither towed vehicle exceeds 28.5 feet;

(2) the combination of vehicles does not exceed 40,000 pounds in gross weight and 8 feet 6 inches in width;

(3) there is no sign prohibiting that access;

(4) the route is not being used as a thoroughfare between State designated highways; and

(5) the combination of vehicles is en route to a location where new or used trailers are sold by an Illinois or out-of-state licensed new or used trailer dealer.

(d) On Class I highways there are no overall length limitations on motor vehicles operating in combinations provided:

(1) The length of a semitrailer, unladen or with load, in combination with a truck tractor may not exceed 53 feet.

(2) The distance between the kingpin and the center of the rear axle of a semitrailer longer than 48 feet, in combination with a truck tractor, may not exceed 45 feet 6 inches. The limit contained in this paragraph

(2) shall not apply to trailers or semi-trailers used for the transport of livestock as defined by Section 18b-101.

(3) The length of a semitrailer or trailer, unladen or with load, operated in a truck tractor-semitrailer-trailer or truck tractor semitrailer-semitrailer combination, may not exceed 28 feet 6 inches.

(4) Maxi-cube combinations, as defined in Chapter 1, may not exceed 65 feet overall dimension.

(5) Combinations of vehicles specifically designed to transport motor vehicles or boats may not exceed 65 feet overall dimension. The length limitation is inclusive of front and rear bumpers but exclusive of the overhang of the transported vehicles, as provided in paragraph

(i) of this Section.

(6) Stinger-steered semitrailer vehicles specifically designed to transport motor vehicles or boats and automobile transporters, as defined in Chapter 1, may not exceed 80 feet overall dimension. The length limitation is inclusive of front and rear bumpers but exclusive of the overhang of the transported vehicles, as provided in paragraph

(i) of this Section.

(7) A truck in transit transporting 3 trucks coupled together by the triple saddlemount method may not exceed 97 feet overall dimension.

(8) A towaway trailer transporter combination may not exceed 82 feet overall dimension. Vehicles operating during daylight hours when transporting poles, pipes, machinery, or other objects of a structural nature that cannot readily be dismantled or disassembled are exempt from length limitations, provided that no object may exceed 80 feet in length and the overall dimension of the vehicle including the load may not exceed 100 feet. This exemption does not apply to operation on a Saturday, Sunday, or legal holiday. Legal holidays referred to in this Section are the days on which the following traditional holidays are celebrated: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day. Vehicles and loads operated by a public utility while en route to make emergency repairs to public service facilities or properties are exempt from length limitations, provided that during night operations every vehicle and its load must be equipped with a sufficient number of clearance lamps on both sides and marker lamps on the extreme ends of any projecting load to clearly mark the dimensions of the load. A tow truck in combination with a disabled vehicle or combination of disabled vehicles, as provided in paragraph

(6) of subsection

(c) of this Section, is exempt from length limitations. The length limitations described in this paragraph

(d) shall be exclusive of safety and energy conservation devices, such as bumpers, refrigeration units or air compressors and other devices, that the Department may interpret as necessary for safe and efficient operation; except that no device excluded under this paragraph shall have by its design or use the capability to carry cargo. Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rulemaking shall not apply to the designation of highways under this paragraph (d).

(e) On Class II highways there are no overall length limitations on motor vehicles operating in combinations, provided:

(1) The length of a semitrailer, unladen or with load, in combination with a truck tractor, may not exceed 53 feet overall dimension.

(2) The distance between the kingpin and the center of the rear axle of a semitrailer longer than 48 feet, in combination with a truck tractor, may not exceed 45 feet 6 inches. The limit contained in this paragraph

(2) shall not apply to trailers or semi-trailers used for the transport of livestock as defined by Section 18b-101.

(3) A truck tractor-semitrailer-trailer or truck tractor semitrailer-semitrailer combination may not exceed 65 feet in dimension from front axle to rear axle.

(4) The length of a semitrailer or trailer, unladen or with load, operated in a truck tractor-semitrailer-trailer or truck tractor semitrailer-semitrailer combination, may not exceed 28 feet 6 inches.

(5) Maxi-cube combinations, as defined in Chapter 1, may not exceed 65 feet overall dimension.

(6) A combination of vehicles, specifically designed to transport motor vehicles or boats, may not exceed 65 feet overall dimension. The length limitation is inclusive of front and rear bumpers but exclusive of the overhang of the transported vehicles, as provided in paragraph

(i) of this Section.

(7) Stinger-steered semitrailer vehicles specifically designed to transport motor vehicles or boats may not exceed 80 feet overall dimension. The length limitation is inclusive of front and rear bumpers but exclusive of the overhang of the transported vehicles, as provided in paragraph

(i) of this Section.

(8) A truck in transit transporting 3 trucks coupled together by the triple saddlemount method may not exceed 97 feet overall dimension.

(9) A towaway trailer transporter combination may not exceed 82 feet overall dimension. Vehicles operating during daylight hours when transporting poles, pipes, machinery, or other objects of a structural nature that cannot readily be dismantled or disassembled are exempt from length limitations, provided that no object may exceed 80 feet in length and the overall dimension of the vehicle including the load may not exceed 100 feet. This exemption does not apply to operation on a Saturday, Sunday, or legal holiday. Legal holidays referred to in this Section are the days on which the following traditional holidays are celebrated: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day. Vehicles and loads operated by a public utility while en route to make emergency repairs to public service facilities or properties are exempt from length limitations, provided that during night operations every vehicle and its load must be equipped with a sufficient number of clearance lamps on both sides and marker lamps on the extreme ends of any projecting load to clearly mark the dimensions of the load. A tow truck in combination with a disabled vehicle or combination of disabled vehicles, as provided in paragraph

(6) of subsection

(c) of this Section, is exempt from length limitations. Local authorities, with respect to streets and highways under their jurisdiction, may also by ordinance or resolution allow length limitations of this subsection (e). The length limitations described in this paragraph

(e) shall be exclusive of safety and energy conservation devices, such as bumpers, refrigeration units or air compressors and other devices, that the Department may interpret as necessary for safe and efficient operation; except that no device excluded under this paragraph shall have by its design or use the capability to carry cargo. Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rulemaking shall not apply to the designation of highways under this paragraph (e). (e-1) (Blank). (e-2) Except as provided in subsection (e-3), combinations of vehicles over 65 feet in length, with no overall length limitation except as provided in subsections

(d) and

(e) of this Section, are allowed access as follows:

(1) From a Class I highway onto any street or highway for a distance of one highway mile for the purpose of loading, unloading, food, fuel, repairs, and rest, provided there is no sign prohibiting that access.

(2) From a Class I or Class II highway onto any non-designated highway for a distance of 5 highway miles for the purpose of loading, unloading, food, fuel, repairs, and rest if: (A) there is no sign prohibiting that access; and (B) the route is not being used as a thoroughfare between Class I or Class II highways. (e-3) Combinations of vehicles over 65 feet in length operated by household goods carriers or towaway trailer transporter combinations, with no overall length limitations except as provided in subsections

(d) and

(e) of this Section, have unlimited access to points of loading, unloading, or delivery to or from a manufacturer, distributor, or dealer.

(f) On non-designated highways, the maximum length limitations for vehicles in combination are as follows:

(1) A truck tractor in combination with a semitrailer may not exceed 65 feet overall dimension.

(2) Semitrailers, unladen or with load, may not exceed 53 feet overall dimension.

(3) A truck tractor-semi-trailer-trailer or truck tractor semi-trailer-semi-trailer may not exceed 60 feet overall dimension.

(4) The distance between the kingpin and the center axle of a semi-trailer longer than 48 feet, in combination with a truck tractor, may not exceed 42 feet 6 inches. The limit contained in this paragraph

(4) shall not apply to trailers or semi-trailers used for the transport of livestock as defined by Section 18b-101. An agency or instrumentality of the State or any unit of local government shall not be required to design, construct, alter, widen, or maintain any non-designated highway to accommodate vehicles in combination under this subsection (f). For the purposes of designing or modifying the intersection of a local roadway and a State roadway that does not accommodate vehicles under this subsection (f), a local unit of government may request in writing for the Department to restrict the length of vehicles turning on to or off of any jurisdiction roadway of the intersection. The Department may, in its sole discretion, restrict the length of vehicles turning on to or off of any jurisdiction roadway of the intersection. A restriction so determined and declared by the Department becomes effective, when appropriate signs giving notice of the limit are erected. Each governmental entity shall cause signage to be installed on its respective roadway to notify vehicles of turning and length restrictions. Vehicles that exceed posted measurements shall be prohibited from turning to access the roadway.

(g) Length limitations in the preceding subsections of this Section 15-107 do not apply to the following:

(1) Vehicles operated in the daytime, except on Saturdays, Sundays, or legal holidays, when transporting poles, pipe, machinery, or other objects of a structural nature that cannot readily be dismantled or disassembled, provided the overall length of vehicle and load may not exceed 100 feet and no object exceeding 80 feet in length may be transported unless a permit has been obtained as authorized in Section 15-301. As used in this Section, "legal holiday" means any of the following days: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day.

(2) Vehicles and loads operated by a public utility while en route to make emergency repairs to public service facilities or properties, but during night operation every vehicle and its load must be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of the load.

(3) A tow truck in combination with a disabled vehicle or combination of disabled vehicles, as provided in paragraph (6) of subsection

(c) of this Section, is exempt from length limitations. The towing vehicle, however, may tow any disabled vehicle from the initial point of wreck or disablement to a point where repairs are actually to occur. This movement shall be valid only on State routes. The tow must abide by posted bridge weight limits. All other combinations not listed in this subsection

(f) may not exceed 60 feet overall dimension.

(h) The load upon any vehicle operated alone, or the load upon the front vehicle of a combination of vehicles, shall not extend more than 3 feet beyond the front wheels of the vehicle or the front bumper of the vehicle if it is equipped with a front bumper. The provisions of this subsection

(h) shall not apply to any vehicle or combination of vehicles specifically designed for the collection and transportation of waste, garbage, or recyclable materials during the vehicle's operation in the course of collecting garbage, waste, or recyclable materials if the vehicle is traveling at a speed not in excess of 15 miles per hour during the vehicle's operation and in the course of collecting garbage, waste, or recyclable materials. However, in no instance shall the load extend more than 7 feet beyond the front wheels of the vehicle or the front bumper of the vehicle if it is equipped with a front bumper.

(i) The load upon the front vehicle of an automobile transporter or a stinger-steered vehicle specifically designed to transport motor vehicles shall not extend more than 4 feet beyond the foremost part of the transporting vehicle and the load upon the rear transporting vehicle shall not extend more than 6 feet beyond the rear of the bed or body of the vehicle. This paragraph shall only be applicable upon highways designated in paragraphs

(d) and

(e) of this Section.

(j) Articulated vehicles comprised of 2 sections, neither of which exceeds a length of 42 feet, designed for the carrying of more than 10 persons, may be up to 60 feet in length, not including energy absorbing bumpers, provided that the vehicles are: 1. operated by or for any public body or motor carrier authorized by law to provide public transportation services; or 2.

operated in local public transportation service by any other person and the municipality in which the service is to be provided approved the operation of the vehicle. (j-1) (Blank).

(k) Any person who is convicted of violating this Section is subject to the penalty as provided in paragraph

(b) of Section 15-113.

(l) (Blank).

625 ILCS 5/15-108 — Planking edge of a pavement

Sec. 15-108. Planking edge of a pavement. No tractor, traction engine or other metal tired vehicle, weighing more than 4 tons, including the weight of the vehicle and its load, shall drive up onto, off or over the edge of any paved public highway in this State, without protecting such edge by putting down solid planks or other suitable device to prevent such vehicle from breaking off the edges or corners of such pavement.

625 ILCS 5/15-109 — Spilling loads on highways prohibited

Sec. 15-109. Spilling loads on highways prohibited.

(a) No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway.

(b) No person shall operate on any highway any vehicle with any load unless said load and any covering thereon is securely fastened so as to prevent said covering or load from becoming loose, detached, or in any manner a hazard to other users of the highway.

(c) The Department shall adopt such rules and regulations it deems appropriate which require the securing of steel rolls and other objects on flatbed trucks so as to prevent injury to users of highways and damage to property. Any person who operates a flatbed truck on any highway in violation of the rules and regulations promulgated by the Department under this subsection shall be guilty of a Class A misdemeanor.

625 ILCS 5/15-109.1 — Covers or tarpaulins required for certain loads

Sec. 15-109.1. Covers or tarpaulins required for certain loads.

(a) No person shall operate or cause to be operated, on a highway, any second division vehicle loaded with dirt, aggregate, garbage, refuse, or other similar material, when any portion of the load is falling, sifting, blowing, dropping or in any way escaping from the vehicle.

(b) No person shall operate or cause to be operated, on a highway, any second division vehicle having a gross vehicle weight rating of 8,000 pounds or more loaded with dirt, aggregate, garbage, refuse, or other similar material in or on any part of the vehicle other than in the cargo area. In addition, no person shall operate on any highway, such vehicle unless the tailgate on the vehicle is in good repair and operating condition and closes securely so as to prevent any load, residue, or other material from escaping.

(c) This Section shall not apply to the operation of highway maintenance vehicles engaged in removing snow and ice from the roadway, nor to implements of husbandry or other farm vehicles while transporting agricultural products to or from the original place of production.

(d) For the purpose of this Section "aggregate" shall include all ores, minerals, sand, gravel, shale, coal, clay, limestone or any other ore or mineral which may be mined.

(e) Notwithstanding any other penalty, whenever a police officer determines that the operator of a vehicle is in violation of this Section, as evidenced by the issuance of a citation for a violation of Section 15-109.1 of this Code, or where a police officer determines that a dangerous condition exists whereby any portion of the load may fall, sift, blow, drop, or in any way escape or fall from the vehicle, the police officer shall require the operator to stop the vehicle in a suitable place and keep such vehicle stationary until the load has either been reduced, secured, or covered with a cover or tarpaulin of sufficient size to prevent any further violation of this Section.

(f) No person shall operate or cause to be operated, on a highway, a commercial motor vehicle, with the exception of a highway maintenance vehicle, transporting garbage or refuse unless the tailgate on the vehicle is in good working repair, good operating condition, and closes securely, with a cover or tarpaulin of sufficient size attached, so as to prevent any

load, residue, or other material from escaping.

(g) Any violation of the provisions of this Section shall be a petty offense punishable by a fine not to exceed \$150. In addition, a person, firm, or corporation convicted of 4 or more violations of subsection

(f) within a 12-month period shall be fined an additional amount of \$150 for the fourth and each subsequent conviction within the 12-month period. Regarding a firm or corporation, a fourth or subsequent conviction means a fourth or subsequent conviction attributable to one employee-driver.

625 ILCS 5/15-110 — Towed vehicles

Sec. 15-110. Towed vehicles.

(a) When one vehicle is towing another, the drawbar or other connection shall be of sufficient strength to pull all the weight towed thereby and the drawbar or other connection shall not exceed 15 feet from one vehicle to the other, except for the connection between any 2 vehicles transporting poles, pipes, machinery or other objects of structural nature which cannot readily be dismembered.

(b) Outside a business, residential or suburban district or on any controlled access highway, no vehicle other than a pole trailer or a semitrailer which is being towed by a truck tractor and is connected by the means of a fifth wheel shall be towed on a roadway except by a drawbar and each such vehicle so towed shall, in addition, be coupled with 2 safety chains or cables to the towing vehicle. Such chains or cables shall be of sufficient size and strength to prevent the towed vehicle parting from the drawing vehicle in case the drawbar should break or become disengaged.

(c) The provisions of this section shall not apply to any second division vehicle owned, operated or controlled by any person who is registered with the Bureau of Motor Carrier Safety of the Federal Highway Administration and has complied with the federal safety provisions of the Bureau of Motor Carrier Safety of the Federal Highway Administration and the rules and regulations of the Bureau.

625 ILCS 5/15-111 — Wheel and axle loads and gross weights

Sec. 15-111. Wheel and axle loads and gross weights.

(a) No vehicle or combination of vehicles with pneumatic tires may be operated, unladen or with load, when the total weight on the road surface exceeds the following: 20,000 pounds on a single axle; 34,000 pounds on a tandem axle with no axle within the tandem exceeding 20,000 pounds; 80,000 pounds gross weight for vehicle combinations of 5 or more axles; or a total weight on a group of 2 or more consecutive axles in excess of that weight produced by the application of the following formula: $W = 500 \text{ times the sum of } (LN \text{ divided by } N-1) + 12N + 36$, where "W" equals overall total weight on any group of 2 or more consecutive axles to the nearest 500 pounds, "L" equals the distance measured to the nearest foot between extremes of any group of 2 or more consecutive axles, and "N" equals the number of axles in the group under consideration. The above formula when expressed in tabular form results in allowable loads as follows: Distance measured to the nearest foot between the extremes of any Maximum weight in pounds group of 2 or of any group of more consecutive 2 or more consecutive axles axles feet 2 axles 3 axles 4 axles 5 axles 6 axles 4 34,000 5 34,000 6 34,000 7 34,000 8 34,000* 34,000 Between 8 and 9 38,000 42,000 9 39,000 42,500 10 40,000 43,500 11 44,000 12 45,000 50,000 13 45,500 50,500 14 46,500 51,500 15 47,000 52,000 16 48,000 52,500 58,000 17 48,500 53,500 58,500 18 49,500 54,000 59,000 19 50,000 54,500 60,000 20 51,000 55,500 60,500 66,000 21 51,500 56,000 61,000 66,500 22 52,500 56,500 61,500 67,000 23 53,000 57,500 62,500 68,000 24 54,000 58,000 63,000 68,500 25 54,500 58,500 63,500 69,000 26 55,500 59,500 64,000 69,500 27 56,000 60,000 65,000 70,000 28 57,000 60,500 65,500 71,000 29 57,500 61,500 66,000 71,500 30 58,500 62,000 66,500 72,000 31 59,000 62,500 67,500 72,500 32 60,000 63,500 68,000 73,000 33 64,000 68,500 74,000 34 64,500 69,000 74,500 35 65,500 70,000 75,000 36 66,000** 70,500 75,500 37 66,500** 71,000 76,000 38 67,500** 72,000 77,000 39 68,000 72,500 77,500 40 68,500 73,000 78,000 41 69,500 73,500 78,500 42 70,000 74,000 79,000 43 70,500 75,000 80,000 44 71,500 75,500 45 72,000 76,000 46 72,500 76,500 47 73,500 77,500 48 74,000 78,000 49 74,500 78,500 50 75,500 79,000 51 76,000 80,000 52 76,500 53 77,500 54 78,000 55 78,500 56 79,500 57 80,000 *If the distance between 2 axles is 96 inches or less, the 2 axles are tandem axles and the maximum total weight may not exceed 34,000 pounds, notwithstanding the higher limit resulting from the application of the formula. **Two consecutive sets of tandem axles may carry 34,000 pounds each if the overall distance between the first and last axles of these tandems is 36 feet or more. Vehicles not in a combination having more than 4 axles may not exceed the weight in the table in this subsection

(a) for 4 axles measured between the extreme axles of the vehicle. Vehicles in a combination having more than 6 axles may not exceed the weight in the table in this subsection

(a) for 6 axles measured between the extreme axles of the combination. Local authorities, with respect to streets and highways under their jurisdiction, without additional fees, may also by ordinance or resolution allow the weight limitations of this subsection, provided the maximum gross weight on any one axle shall not exceed 20,000 pounds and the maximum total weight on any tandem axle shall not exceed 34,000 pounds, on designated highways when appropriate regulatory signs giving notice are erected upon the street or highway or portion of any street or highway affected by the ordinance or resolution. The following are exceptions to the above formula:

(1) Vehicles for which a different limit is established and posted in accordance with Section 15-316 of this Code.

(2) Vehicles for which the Department of Transportation and local authorities issue overweight permits under authority of Section 15-301 of this Code. These vehicles are not subject to the bridge formula.

(3) Cities having a population of more than 50,000 may permit by ordinance axle loads on 2-axle motor vehicles 33 1/2% above those provided for herein, but the increase shall not become effective until the city has officially notified the Department of the passage of the ordinance and shall not apply to those vehicles when outside of the limits of the city, nor shall the gross weight of any 2-axle motor vehicle operating over any street of the city exceed 40,000 pounds.

(4) Weight limitations shall not apply to vehicles (including loads) operated by a public utility when transporting equipment required for emergency repair of public utility facilities or properties or water wells. (4.5) A 3-axle or 4-axle vehicle (including when laden) operated or hired by a municipality within Cook, Lake, McHenry, Kane, DuPage, or Will county being operated for the purpose of performing emergency sewer repair that would be subject to a weight limitation less than 66,000 pounds under the formula in this subsection

(a) shall have a weight limitation of 66,000 pounds or the vehicle's gross vehicle weight rating, whichever is less. This paragraph (4.5) does not apply to vehicles being operated on the National System of Interstate and Defense Highways, or to vehicles being operated on bridges or other elevated structures constituting a part of a highway.

(5) Two consecutive sets of tandem axles may carry a total weight of 34,000 pounds each if the overall distance between the first and last axles of the consecutive sets of tandem axles is 36 feet or more, notwithstanding the lower limit resulting from the application of the above formula.

(6) A truck, not in combination and used exclusively for the collection of rendering materials, may, when laden, transmit upon the road surface, except when on part of the National System of Interstate and Defense Highways, the following maximum weights: 22,000 pounds on a single axle; 40,000 pounds on a tandem axle.

(7) A truck not in combination, equipped with a self compactor or an industrial roll-off hoist and roll-off container, used exclusively for garbage, refuse, or recycling operations, may, when laden, transmit upon the road surface, except when on part of the National System of Interstate and Defense Highways, the following maximum weights: 22,000 pounds on a single axle; 40,000 pounds on a tandem axle; 40,000 pounds gross weight on a 2-axle vehicle; 54,000 pounds gross weight on a 3-axle vehicle. This vehicle is not subject to the bridge formula. (7.5) A 3-axle rear discharge truck mixer registered as a Special Hauling Vehicle, used exclusively for the mixing and transportation of concrete in the plastic state, may, when laden, transmit upon the road surface, except when on part of the National System of Interstate and Defense Highways, the following maximum weights: 22,000 pounds on single axle; 40,000 pounds on a tandem axle; 54,000 pounds gross weight on a 3-axle vehicle. This vehicle is not subject to the bridge formula.

(8) Except as provided in paragraph (7.5) of this subsection (a), tandem axles on a 3-axle truck registered as a Special Hauling Vehicle, manufactured prior to or in the model year of 2024 and first registered in Illinois prior to January 1, 2025, with a distance greater than 72 inches but not more than 96 inches between any series of 2 axles, is allowed a combined weight on the series not to exceed 36,000 pounds and neither axle of the series may exceed 20,000 pounds. Any vehicle of this type manufactured after the model year of 2024 or first registered in Illinois after December 31, 2024 may not exceed a combined weight of 34,000 pounds through the series of 2 axles and neither axle of the series may exceed 20,000 pounds. A 3-axle combination sewer cleaning jetting vacuum truck registered as a Special Hauling Vehicle, used exclusively for the transportation of non-hazardous solid waste, manufactured before or in the model year of 2014, first registered in Illinois before January 1, 2015, may, when laden, transmit upon the road surface, except when on part of the National System of Interstate and Defense Highways, the following maximum weights: 22,000 pounds on a single axle; 40,000 pounds on a tandem axle; 54,000 pounds gross weight on a 3-axle vehicle. This vehicle is not subject to the bridge formula.

(9) A 4-axle truck mixer registered as a Special Hauling Vehicle, used exclusively for the mixing and transportation of concrete in the plastic state, and not operated on a highway that is part of the National System of Interstate Highways, is allowed the following maximum weights: 20,000 pounds on any single axle; 36,000 pounds on a series of axles greater than 72 inches but not more than 96 inches; and 34,000 pounds on any series of 2 axles greater than 40 inches but not more than 72 inches. The gross weight of this vehicle may not exceed the weights allowed by the bridge formula for 4 axles. The bridge formula does not apply to any series of 3 axles while the vehicle is transporting concrete in the plastic state, but no axle or tandem axle of the series may exceed the maximum weight permitted under this paragraph

(9) of subsection (a).

(10) Combinations of vehicles, registered as Special Hauling Vehicles that include a semitrailer manufactured prior to or in the model year of 2024, and registered in Illinois prior to January 1, 2025, having 5 axles with a distance of 42 feet or less between extreme axles, may not exceed the following maximum weights: 20,000 pounds on a single axle; 34,000 pounds on a tandem axle; and 72,000 pounds gross weight. This combination of vehicles is not subject to the bridge formula. For all those combinations of vehicles that include a semitrailer manufactured after the effective date of P.A. 92-0417, the overall distance between the first and last axles of the 2 sets of tandems must be 18 feet 6 inches or more. Any combination of vehicles that has had its cargo container replaced in its entirety after December 31, 2024 may not exceed the weights allowed by the bridge formula.

(11) The maximum weight allowed on a vehicle with crawler type tracks is 40,000 pounds.

(12) A combination of vehicles, including a tow truck and a disabled vehicle or disabled combination of vehicles, that exceeds the weight restriction imposed by this Code, may be operated on a public highway in this State provided that neither the disabled vehicle nor any vehicle being towed nor the tow truck itself shall exceed the weight limitations permitted under this Chapter. During the towing operation, neither the tow truck nor the vehicle combination shall exceed 24,000 pounds on a single rear axle and 44,000 pounds on a tandem rear axle, provided the towing vehicle:

(i) is specifically designed as a tow truck having a gross vehicle weight rating of at least 18,000 pounds and is equipped with air brakes, provided that air brakes are required only if the towing vehicle is towing a vehicle, semitrailer, or tractor-trailer combination that is equipped with air brakes; (ii) is equipped with flashing, rotating, or oscillating amber lights, visible for at least 500 feet in all directions; (iii) is capable of utilizing the lighting and braking systems of the disabled vehicle or combination of vehicles; and (iv) does not engage in a tow exceeding 20 miles from the initial point of wreck or disablement. Any additional movement of the vehicles may occur only upon issuance of authorization for that movement under the provisions of Sections 15-301 through 15-318 of this Code. The towing vehicle, however, may tow any disabled vehicle to a point where repairs are actually to occur. This movement shall be valid only on State routes. The tower must abide by posted bridge weight limits. (12.5) The vehicle weight limitations in this Section do not apply to a covered heavy duty tow and recovery vehicle. The covered heavy duty tow and recovery vehicle license plate must cover the operating empty weight of the covered heavy duty tow and recovery vehicle only.

(13) Upon and during a declaration of an emergency propane supply disaster by the Governor under Section 7 of the Illinois Emergency Management Agency Act:

(i) a truck not in combination, equipped with a cargo tank, used exclusively for the transportation of propane or liquefied petroleum gas may, when laden, transmit upon the road surface, except when on part of the National System of Interstate and Defense Highways, the following maximum weights: 22,000 pounds on a single axle; 40,000 pounds on a tandem axle; 40,000 pounds gross weight on a 2-axle vehicle; 54,000 pounds gross weight on a 3-axle vehicle; and (ii) a truck when in combination with a trailer equipped with a cargo tank used exclusively for the transportation of propane or liquefied petroleum gas may, when laden, transmit upon the road surface, except when on part of the National System of Interstate and Defense Highways, the following maximum weights: 22,000 pounds on a single axle; 40,000 pounds on a tandem axle; 90,000 pounds gross weight on a 5-axle or 6-axle vehicle. Vehicles operating under this paragraph

(13) are not subject to the bridge formula.

(14) A vehicle or combination of vehicles that uses natural gas or propane gas as a motor fuel may exceed the above weight limitations by up to 2,000 pounds, the total allowance is calculated by an amount that is equal to the difference between the weight of the vehicle attributable to the natural gas or propane gas tank and fueling system carried by the vehicle, and the weight of a comparable diesel tank and fueling system. This paragraph

(14) shall not allow a vehicle to exceed any posted weight limit on a highway or structure.

(15) An emergency vehicle or fire apparatus that is a vehicle designed to be used under emergency conditions to transport personnel and equipment, and used to support the suppression of fires and mitigation of other hazardous situations on a Class I highway, may not exceed 86,000 pounds gross weight, or any of the following weight allowances:

(i) 24,000 pounds on a single steering axle; (ii) 33,500 pounds on a single drive axle; (iii) 62,000 pounds on a tandem axle; or (iv) 52,000 pounds on a tandem rear drive steer axle.

(16) A bus, motor coach, or recreational vehicle may carry a total weight of 24,000 pounds on a single axle, but may not exceed other weight provisions of this Section. Gross weight limits shall not apply to the combination of the tow truck and vehicles being towed. The tow truck license plate must cover the operating empty weight of the tow truck only. The weight of each vehicle being towed shall be covered by a valid license plate issued to the owner or operator of the vehicle being towed and displayed on that vehicle. If no valid plate issued to the owner or operator of that vehicle is displayed on that vehicle, or the plate displayed on that vehicle does not cover the weight of the vehicle, the weight of the vehicle shall be covered by the third tow truck plate issued to the owner or operator of the tow truck and temporarily affixed to the vehicle being towed. If a roll-back carrier is registered and being used as a tow truck, however, the license plate or plates for the tow truck must cover the gross vehicle weight, including any load carried on the bed of the roll-back carrier. The Department may by rule or regulation prescribe additional requirements. However, nothing in this Code shall prohibit a tow truck under instructions of a police officer from legally clearing a disabled vehicle, that may be in violation of weight limitations of this Chapter, from the roadway to the berm or shoulder of the highway. If in the opinion of the police officer that location is unsafe, the officer is authorized to have the disabled vehicle towed to the nearest place of safety. For the purpose of this subsection, gross vehicle weight rating, or GVWR, means the value specified by the manufacturer as the loaded weight of the tow truck.

(b) As used in this Section, "recycling haul" or "recycling operation" means the hauling of non-hazardous, non-special, non-putrescible materials, such as paper, glass, cans, or plastic, for subsequent use in the secondary materials market.

(c) No vehicle or combination of vehicles equipped with pneumatic tires shall be operated, unladen or with load, upon the highways of this State in violation of the provisions of any permit issued under the provisions of Sections 15-301 through 15-318 of this Chapter.

(d) No vehicle or combination of vehicles equipped with other than pneumatic tires may be operated, unladen or with load, upon the highways of this State when the gross weight on the road surface through any wheel exceeds 800 pounds per inch width of tire tread or when the gross weight on the road surface through any axle exceeds 16,000 pounds.

(e) No person shall operate a vehicle or combination of vehicles over a bridge or other elevated structure constituting part of a highway with a gross weight that is greater than the maximum weight permitted by the Department, when the structure is sign posted as provided in this Section.

(f) The Department upon request from any local authority shall, or upon its own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if it finds that the structure cannot with safety to itself withstand the weight of vehicles otherwise permissible under this Code the Department shall determine and declare the maximum weight of vehicles that the structures can withstand, and shall cause or permit suitable signs stating maximum weight to be erected and maintained before each end of the structure. No person shall operate a vehicle or combination of vehicles over any structure with a gross weight that is greater than the posted maximum weight.

(g) Upon the trial of any person charged with a violation of subsection

(e) or

(f) of this Section, proof of the determination of the maximum allowable weight by the Department and the existence of the signs, constitutes conclusive evidence of the maximum weight that can be maintained with safety to the bridge or structure. (Text of Section after amendment by P.A. 104-436) Sec. 15-111. Wheel and axle loads and gross weights.

(a) No vehicle or combination of vehicles with pneumatic tires may be operated, unladen or with load, when the total weight on the road surface exceeds the following: 20,000 pounds on a single axle; 34,000 pounds on a tandem axle with no axle within the tandem exceeding 20,000 pounds; 80,000 pounds gross weight for vehicle combinations of 5 or more axles; or a total weight on a group of 2 or more consecutive axles in excess of that weight produced by the application of the following formula: $W = 500 \text{ times the sum of } (LN \text{ divided by } N-1) + 12N + 36$, where "W" equals overall total weight on any group of 2 or more consecutive axles to the nearest 500 pounds, "L" equals the distance measured to the nearest foot between extremes of any group of 2 or more consecutive axles, and "N" equals the number of axles in the group under consideration. The above formula when expressed in tabular form results in allowable loads as follows: Distance

measured to the nearest foot between the extremes of any Maximum weight in pounds group of 2 or of any group of more consecutive 2 or more consecutive axles axles feet 2 axles 3 axles 4 axles 5 axles 6 axles 4 34,000 5 34,000 6 34,000 7 34,000 8 34,000* 34,000 Between 8 and 9 38,000 42,000 9 39,000 42,500 10 40,000 43,500 11 44,000 12 45,000 50,000 13 45,500 50,500 14 46,500 51,500 15 47,000 52,000 16 48,000 52,500 58,000 17 48,500 53,500 58,500 18 49,500 54,000 59,000 19 50,000 54,500 60,000 20 51,000 55,500 60,500 66,000 21 51,500 56,000 61,000 66,500 22 52,500 56,500 61,500 67,000 23 53,000 57,500 62,500 68,000 24 54,000 58,000 63,000 68,500 25 54,500 58,500 63,500 69,000 26 55,500 59,500 64,000 69,500 27 56,000 60,000 65,000 70,000 28 57,000 60,500 65,500 71,000 29 57,500 61,500 66,000 71,500 30 58,500 62,000 66,500 72,000 31 59,000 62,500 67,500 72,500 32 60,000 63,500 68,000 73,000 33 64,000 68,500 74,000 34 64,500 69,000 74,500 35 65,500 70,000 75,000 36 66,000** 70,500 75,500 37 66,500** 71,000 76,000 38 67,500** 72,000 77,000 39 68,000 72,500 77,500 40 68,500 73,000 78,000 41 69,500 73,500 78,500 42 70,000 74,000 79,000 43 70,500 75,000 80,000 44 71,500 75,500 45 72,000 76,000 46 72,500 76,500 47 73,500 77,500 48 74,000 78,000 49 74,500 78,500 50 75,500 79,000 51 76,000 80,000 52 76,500 53 77,500 54 78,000 55 78,500 56 79,500 57 80,000 *If the distance between 2 axles is 96 inches or less, the 2 axles are tandem axles and the maximum total weight may not exceed 34,000 pounds, notwithstanding the higher limit resulting from the application of the formula. **Two consecutive sets of tandem axles may carry 34,000 pounds each if the overall distance between the first and last axles of these tandems is 36 feet or more. Vehicles not in a combination having more than 4 axles may not exceed the weight in the table in this subsection

(a) for 4 axles measured between the extreme axles of the vehicle. Vehicles in a combination having more than 6 axles may not exceed the weight in the table in this subsection

(a) for 6 axles measured between the extreme axles of the combination. Local authorities, with respect to streets and highways under their jurisdiction, without additional fees, may also by ordinance or resolution allow the weight limitations of this subsection, provided the maximum gross weight on any one axle shall not exceed 20,000 pounds and the maximum total weight on any tandem axle shall not exceed 34,000 pounds, on designated highways when appropriate regulatory signs giving notice are erected upon the street or highway or portion of any street or highway affected by the ordinance or resolution. The following are exceptions to the above formula:

(1) Vehicles for which a different limit is established and posted in accordance with Section 15-316 of this Code.

(2) Vehicles for which the Department of Transportation and local authorities issue overweight permits under authority of Section 15-301 of this Code. These vehicles are not subject to the bridge formula.

(3) Cities having a population of more than 50,000 may permit by ordinance axle loads on 2-axle motor vehicles 33 1/2% above those provided for herein, but the increase shall not become effective until the city has officially notified the Department of the passage of the ordinance and shall not apply to those vehicles when outside of the limits of the city, nor shall the gross weight of any 2-axle motor vehicle operating over any street of the city exceed 40,000 pounds.

(4) Weight limitations shall not apply to vehicles (including loads) operated by a public utility when transporting equipment required for emergency repair of public utility facilities or properties or water wells. (4.5) A 3-axle or 4-axle vehicle (including when laden) operated or hired by a municipality within Cook, Lake, McHenry, Kane, DuPage, or Will county being operated for the purpose of performing emergency sewer repair that would be subject to a weight limitation less than 66,000 pounds under the formula in this subsection

(a) shall have a weight limitation of 66,000 pounds or the vehicle's gross vehicle weight rating, whichever is less. This paragraph (4.5) does not apply to vehicles being operated on the National System of Interstate and Defense Highways, or to vehicles being operated on bridges or other elevated structures constituting a part of a highway.

(5) Two consecutive sets of tandem axles may carry a total weight of 34,000 pounds each if the overall distance between the first and last axles of the consecutive sets of tandem axles is 36 feet or more, notwithstanding the lower limit resulting from the application of the above formula.

(6) A truck, not in combination and used exclusively for the collection of rendering materials, may, when laden, transmit upon the road surface, except when on part of the National System of Interstate and Defense Highways, the following maximum weights: 22,000 pounds on a single axle; 40,000 pounds on a tandem axle.

(7) A truck not in combination, equipped with a self compactor or an industrial roll-off hoist and roll-off container, used exclusively for garbage, refuse, or recycling operations, may, when laden, transmit upon the road surface, except when on part of the National System of Interstate and Defense Highways, the following maximum weights: 22,000 pounds on a single axle; 40,000 pounds on a tandem axle; 40,000 pounds gross weight on a 2-axle vehicle; 54,000 pounds gross

weight on a 3-axle vehicle. This vehicle is not subject to the bridge formula. (7.5) A 3-axle rear discharge truck mixer registered as a Special Hauling Vehicle, used exclusively for the mixing and transportation of concrete in the plastic state, may, when laden, transmit upon the road surface, except when on part of the National System of Interstate and Defense Highways, the following maximum weights: 22,000 pounds on single axle; 40,000 pounds on a tandem axle; 54,000 pounds gross weight on a 3-axle vehicle. This vehicle is not subject to the bridge formula.

(8) Except as provided in paragraph (7.5) of this subsection (a), tandem axles on a 3-axle truck registered as a Special Hauling Vehicle, manufactured prior to or in the model year of 2024 and first registered in Illinois prior to January 1, 2025, with a distance greater than 72 inches but not more than 96 inches between any series of 2 axles, is allowed a combined weight on the series not to exceed 36,000 pounds and neither axle of the series may exceed 20,000 pounds. Any vehicle of this type manufactured after the model year of 2024 or first registered in Illinois after December 31, 2024 may not exceed a combined weight of 34,000 pounds through the series of 2 axles and neither axle of the series may exceed 20,000 pounds. A 3-axle combination sewer cleaning jetting vacuum truck registered as a Special Hauling Vehicle, used exclusively for the transportation of non-hazardous solid waste, manufactured before or in the model year of 2014, first registered in Illinois before January 1, 2015, may, when laden, transmit upon the road surface, except when on part of the National System of Interstate and Defense Highways, the following maximum weights: 22,000 pounds on a single axle; 40,000 pounds on a tandem axle; 54,000 pounds gross weight on a 3-axle vehicle. This vehicle is not subject to the bridge formula.

(9) A 4-axle truck mixer registered as a Special Hauling Vehicle, used exclusively for the mixing and transportation of concrete in the plastic state, and not operated on a highway that is part of the National System of Interstate Highways, is allowed the following maximum weights: 20,000 pounds on any single axle; 36,000 pounds on a series of axles greater than 72 inches but not more than 96 inches; and 34,000 pounds on any series of 2 axles greater than 40 inches but not more than 72 inches. The gross weight of this vehicle may not exceed the weights allowed by the bridge formula for 4 axles. The bridge formula does not apply to any series of 3 axles while the vehicle is transporting concrete in the plastic state, but no axle or tandem axle of the series may exceed the maximum weight permitted under this paragraph

(9) of subsection (a).

(10) Combinations of vehicles, registered as Special Hauling Vehicles that include a semitrailer manufactured prior to or in the model year of 2024, and registered in Illinois prior to January 1, 2025, having 5 axles with a distance of 42 feet or less between extreme axles, may not exceed the following maximum weights: 20,000 pounds on a single axle; 34,000 pounds on a tandem axle; and 72,000 pounds gross weight. This combination of vehicles is not subject to the bridge formula. For all those combinations of vehicles that include a semitrailer manufactured after the effective date of P.A. 92-0417, the overall distance between the first and last axles of the 2 sets of tandems must be 18 feet 6 inches or more. Any combination of vehicles that has had its cargo container replaced in its entirety after December 31, 2024 may not exceed the weights allowed by the bridge formula.

(11) The maximum weight allowed on a vehicle with crawler type tracks is 40,000 pounds.

(12) A combination of vehicles, including a tow truck and a disabled vehicle or disabled combination of vehicles, that exceeds the weight restriction imposed by this Code, may be operated on a public highway in this State provided that neither the disabled vehicle nor any vehicle being towed nor the tow truck itself shall exceed the weight limitations permitted under this Chapter. During the towing operation, neither the tow truck nor the vehicle combination shall exceed 24,000 pounds on a single rear axle and 44,000 pounds on a tandem rear axle, provided the towing vehicle:

(i) is specifically designed as a tow truck having a gross vehicle weight rating of at least 18,000 pounds and is equipped with air brakes, provided that air brakes are required only if the towing vehicle is towing a vehicle, semitrailer, or tractor-trailer combination that is equipped with air brakes; (ii) is equipped with flashing, rotating, or oscillating amber lights, visible for at least 500 feet in all directions; (iii) is capable of utilizing the lighting and braking systems of the disabled vehicle or combination of vehicles; and (iv) does not engage in a tow exceeding 20 miles from the initial point of wreck or disablement. Any additional movement of the vehicles may occur only upon issuance of authorization for that movement under the provisions of Sections 15-301 through 15-318 of this Code. The towing vehicle, however, may tow any disabled vehicle to a point where repairs are actually to occur. This movement shall be valid only on State routes. The tower must abide by posted bridge weight limits. (12.5) The vehicle weight limitations in this Section do not apply to a covered heavy duty tow and recovery vehicle. The covered heavy duty tow and recovery vehicle license plate must cover the operating empty weight of the covered heavy duty tow and recovery vehicle only.

(13) Upon and during a declaration of an emergency propane supply disaster by the Governor under Section 7 of the Illinois Emergency Management Agency Act:

(i) a truck not in combination, equipped with a cargo tank, used exclusively for the transportation of propane or liquefied petroleum gas may, when laden, transmit upon the road surface, except when on part of the National System of Interstate and Defense Highways, the following maximum weights: 22,000 pounds on a single axle; 40,000 pounds on a tandem axle; 40,000 pounds gross weight on a 2-axle vehicle; 54,000 pounds gross weight on a 3-axle vehicle; and (ii) a truck when in combination with a trailer equipped with a cargo tank used exclusively for the transportation of propane or liquefied petroleum gas may, when laden, transmit upon the road surface, except when on part of the National System of Interstate and Defense Highways, the following maximum weights: 22,000 pounds on a single axle; 40,000 pounds on a tandem axle; 90,000 pounds gross weight on a 5-axle or 6-axle vehicle. Vehicles operating under this paragraph

(13) are not subject to the bridge formula.

(14) A vehicle or combination of vehicles that uses either natural gas or propane gas as a motor fuel or is operated by an engine fueled wholly or partially by an electric battery or hydrogen fuel cell electric fueling system may exceed the above weight limitations by up to 2,000 pounds, the total allowance is calculated by an amount that is equal to the difference between the weight of the vehicle attributable to the natural gas or propane or hydrogen gas tank, batteries, and fueling system carried by the vehicle, and the weight of a comparable diesel tank and fueling system. This paragraph

(14) shall not allow a vehicle to exceed any posted weight limit on a highway or structure.

(15) An emergency vehicle or fire apparatus that is a vehicle designed to be used under emergency conditions to transport personnel and equipment, and used to support the suppression of fires and mitigation of other hazardous situations on a Class I highway, may not exceed 86,000 pounds gross weight, or any of the following weight allowances:

(i) 24,000 pounds on a single steering axle; (ii) 33,500 pounds on a single drive axle; (iii) 62,000 pounds on a tandem axle; or (iv) 52,000 pounds on a tandem rear drive steer axle.

(16) A bus, motor coach, or recreational vehicle may carry a total weight of 24,000 pounds on a single axle, but may not exceed other weight provisions of this Section. Gross weight limits shall not apply to the combination of the tow truck and vehicles being towed. The tow truck license plate must cover the operating empty weight of the tow truck only. The weight of each vehicle being towed shall be covered by a valid license plate issued to the owner or operator of the vehicle being towed and displayed on that vehicle. If no valid plate issued to the owner or operator of that vehicle is displayed on that vehicle, or the plate displayed on that vehicle does not cover the weight of the vehicle, the weight of the vehicle shall be covered by the third tow truck plate issued to the owner or operator of the tow truck and temporarily affixed to the vehicle being towed. If a roll-back carrier is registered and being used as a tow truck, however, the license plate or plates for the tow truck must cover the gross vehicle weight, including any load carried on the bed of the roll-back carrier. The Department may by rule or regulation prescribe additional requirements. However, nothing in this Code shall prohibit a tow truck under instructions of a police officer from legally clearing a disabled vehicle, that may be in violation of weight limitations of this Chapter, from the roadway to the berm or shoulder of the highway. If in the opinion of the police officer that location is unsafe, the officer is authorized to have the disabled vehicle towed to the nearest place of safety. For the purpose of this subsection, gross vehicle weight rating, or GVWR, means the value specified by the manufacturer as the loaded weight of the tow truck.

(b) As used in this Section, "recycling haul" or "recycling operation" means the hauling of non-hazardous, non-special, non-putrescible materials, such as paper, glass, cans, or plastic, for subsequent use in the secondary materials market.

(c) No vehicle or combination of vehicles equipped with pneumatic tires shall be operated, unladen or with load, upon the highways of this State in violation of the provisions of any permit issued under the provisions of Sections 15-301 through 15-318 of this Chapter.

(d) No vehicle or combination of vehicles equipped with other than pneumatic tires may be operated, unladen or with load, upon the highways of this State when the gross weight on the road surface through any wheel exceeds 800 pounds per inch width of tire tread or when the gross weight on the road surface through any axle exceeds 16,000 pounds.

(e) No person shall operate a vehicle or combination of vehicles over a bridge or other elevated structure constituting part of a highway with a gross weight that is greater than the maximum weight permitted by the Department, when the structure is sign posted as provided in this Section.

(f) The Department upon request from any local authority shall, or upon its own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if it finds that the structure cannot with safety

to itself withstand the weight of vehicles otherwise permissible under this Code the Department shall determine and declare the maximum weight of vehicles that the structures can withstand, and shall cause or permit suitable signs stating maximum weight to be erected and maintained before each end of the structure. No person shall operate a vehicle or combination of vehicles over any structure with a gross weight that is greater than the posted maximum weight.

(g) Upon the trial of any person charged with a violation of subsection

(e) or

(f) of this Section, proof of the determination of the maximum allowable weight by the Department and the existence of the signs, constitutes conclusive evidence of the maximum weight that can be maintained with safety to the bridge or structure.

625 ILCS 5/15-112 — Officers to weigh vehicles and require removal of excess loads

Sec. 15-112. Officers to weigh vehicles and require removal of excess loads.

(a) Any police officer having reason to believe that the weight of a vehicle and load is unlawful shall require the driver to stop and submit to a weighing of the same either by means of a portable or stationary scales that have been tested and approved at a frequency prescribed by the Illinois Department of Agriculture, or for those scales operated by the State, when such tests are requested by the Illinois State Police, whichever is more frequent. If such scales are not available at the place where such vehicle is stopped, the police officer shall require that such vehicle be driven to the nearest available scale that has been tested and approved pursuant to this Section by the Illinois Department of Agriculture. Notwithstanding any provisions of the Weights and Measures Act or the United States Department of Commerce NIST handbook 44, multi or single draft weighing is an acceptable method of weighing by law enforcement for determining a violation of Chapter 3 or 15 of this Code. Law enforcement is exempt from the requirements of commercial weighing established in NIST handbook 44. Within 18 months after the effective date of this amendatory Act of the 91st General Assembly, all municipal and county officers, technicians, and employees who set up and operate portable scales for wheel load or axle load or both and issue citations based on the use of portable scales for wheel load or axle load or both and who have not successfully completed initial classroom and field training regarding the set up and operation of portable scales, shall attend and successfully complete initial classroom and field training administered by the Illinois Law Enforcement Training Standards Board.

(b) Whenever an officer, upon weighing a vehicle and the load, determines that the weight is unlawful, such officer shall require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the weight of the vehicle to the limit permitted under this Chapter, or to the limit permitted under the terms of a permit issued pursuant to Sections 15-301 through 15-318 and shall forthwith arrest the driver or owner. All material so unloaded shall be cared for by the owner or operator of the vehicle at the risk of such owner or operator; however, whenever a 3 or 4 axle vehicle with a tandem axle dimension greater than 72 inches, but less than 96 inches and registered as a Special Hauling Vehicle is transporting asphalt or concrete in the plastic state that exceeds axle weight or gross weight limits by less than 4,000 pounds, the owner or operator of the vehicle shall accept the arrest ticket or tickets for the alleged violations under this Section and proceed without shifting or reducing the load being transported or may shift or reduce the load under the provisions of subsection

(d) or

(e) of this Section, when applicable. Any fine imposed following an overweight violation by a vehicle registered as a Special Hauling Vehicle transporting asphalt or concrete in the plastic state shall be paid as provided in subsection 4 of paragraph

(a) of Section 16-105 of this Code.

(c) The Department of Transportation may, at the request of the Illinois State Police, erect appropriate regulatory signs on any State highway directing second division vehicles to a scale. The Department of Transportation may also, at the direction of any State Police officer, erect portable regulating signs on any highway directing second division vehicles to a portable scale. Every such vehicle, pursuant to such sign, shall stop and be weighed.

(d) Whenever any axle load of a vehicle exceeds the axle or tandem axle weight limits permitted by paragraph

(a) of Section 15-111 by 2000 pounds or less, the owner or operator of the vehicle must shift or remove the excess so as to comply with paragraph

(a) of Section 15-111. No overweight arrest ticket shall be issued to the owner or operator of the vehicle by any officer if the excess weight is shifted or removed as required by this paragraph.

(e) Whenever the gross weight of a vehicle with a registered gross weight of 77,000 pounds or less exceeds the weight limits of paragraph

(a) of Section 15-111 of this Chapter by 2000 pounds or less, the owner or operator of the vehicle must remove the excess. Whenever the gross weight of a vehicle with a registered gross weight over 77,000 pounds or more exceeds the weight limits of paragraph

(a) of Section 15-111 by 1,000 pounds or less or 2,000 pounds or less if weighed on wheel load weighers, the owner or operator of the vehicle must remove the excess. In either case no arrest ticket for any overweight violation of this Code shall be issued to the owner or operator of the vehicle by any officer if the excess weight is removed as required by this paragraph. A person who has been granted a special permit under Section 15-301 of this Code shall not be granted a tolerance on wheel load weighers. (e-5) Auxiliary power or idle reduction unit (APU) weight.

(1) A vehicle with a fully functional APU shall be allowed an additional 550 pounds or the certified unit weight, whichever is less. The additional pounds may be allowed in gross, axles, or bridge formula weight limits above the legal weight limits except when overweight on an axle or axles of the towed unit or units in combination. This tolerance shall be given in addition to the limits in subsection

(d) of this Section.

(2) An operator of a vehicle equipped with an APU shall carry written certification showing the weight of the APU, which shall be displayed upon the request of any law enforcement officer.

(3) The operator may be required to demonstrate or certify that the APU is fully functional at all times.

(4) This allowance may not be granted above the weight limits specified on any loads permitted under Section 15-301 of this Code.

(f) Whenever an axle load of a vehicle exceeds axle weight limits allowed by the provisions of a permit an arrest ticket shall be issued, but the owner or operator of the vehicle may shift the load so as to comply with the provisions of the permit. Where such shifting of a load to comply with the permit is accomplished, the owner or operator of the vehicle may then proceed.

(g) Any driver of a vehicle who refuses to stop and submit his vehicle and load to weighing after being directed to do so by an officer or removes or causes the removal of the load or part of it prior to weighing is guilty of a business offense and shall be fined not less than \$500 nor more than \$2,000.

625 ILCS 5/15-113 — Violations; penalties

Sec. 15-113. Violations; penalties.

(a) Whenever any vehicle is operated in violation of the provisions of Section 15-111 or subsection

(d) of Section 3-401, the owner or driver of such vehicle shall be deemed guilty of such violation and either the owner or the driver of such vehicle may be prosecuted for such violation. Any person charged with a violation of any of these provisions who pleads not guilty shall be present in court for the trial on the charge. Any person, firm, or corporation convicted of any violation of Section 15-111 including, but not limited to, a maximum axle or gross limit specified on a regulatory sign posted in accordance with paragraph

(e) or

(f) of Section 15-111, shall be fined according to the following schedule: Up to and including 2000 pounds overweight, the fine is \$100 From 2001 through 2500 pounds overweight, the fine is \$270 From 2501 through 3000 pounds overweight, the fine is \$330 From 3001 through 3500 pounds overweight, the fine is \$520 From 3501 through 4000 pounds overweight, the fine is \$600 From 4001 through 4500 pounds overweight, the fine is \$850 From 4501 through 5000 pounds overweight, the fine is \$950 From 5001 or more pounds overweight, the fine shall be computed by assessing \$1500 for the first 5000 pounds overweight and \$150 for each additional increment of 500 pounds overweight or fraction thereof. In addition, any person, firm, or corporation convicted of 4 or more violations of Section 15-111 within any 12 month period shall be fined an additional amount of \$5,000 for the fourth and each subsequent conviction within the 12 month period. Provided, however, that with regard to a firm or corporation, a fourth or subsequent conviction shall mean a fourth or subsequent conviction attributable to any one employee-driver.

(b) Whenever any vehicle is operated in violation of the provisions of Sections 15-102, 15-103 or 15-107, the owner or driver of such vehicle shall be deemed guilty of such violation and either may be prosecuted for such violation. Any person, firm, or corporation convicted of any violation of Sections 15-102, 15-103 or 15-107 shall be fined for the first or second conviction an amount equal to not less than \$50 nor more than \$500, and for the third and subsequent convictions by the same person, firm, or corporation within a period of one year after the date of the first offense, not less than \$500 nor more than \$1,000.

(c) All proceeds equal to 50% of the fines recovered under subsection

(a) of this Section shall be remitted to the State Treasurer and deposited into the Capital Projects Fund.

625 ILCS 5/15-113.1 — Violations-sentence of permit moves

Sec. 15-113.1. Violations-sentence of permit moves. Whenever any vehicle is operated in violation of the provisions of a permit issued under the provisions of Sections 15-301 through 15-318 of this Chapter by operating under a fraudulent permit or under a permit not specifically covering the move, the owner or driver of such vehicle shall be deemed guilty of a business offense and either the owner or the driver of such vehicle may be prosecuted for such violation. When any person, firm or corporation is convicted of such violation, the permit shall be null and void and such person, firm or corporation shall be fined in an amount not less than 10 cents per pound for each pound the gross weight of the vehicle exceeds the gross weight of such vehicles allowable under Section 15-111 of this Chapter. Penalties for violations of this Section shall be in addition to any penalties imposed for violation of Section 15-301(j) of this Chapter.

625 ILCS 5/15-113.2 — Violations-sentence of permit moves exceeding axle weights

Sec. 15-113.2. Violations-sentence of permit moves exceeding axle weights. Whenever any vehicle is operated in violation of the provisions of a permit issued under the provisions of Sections 15-301 through 15-318 of this Chapter by operating with axle weights in excess of those authorized in such permit, the owner or driver of such vehicle shall be deemed guilty of a business offense and either the owner or the driver of such vehicle may be prosecuted for such violation. Any person, firm or corporation convicted of such violation shall be fined in an amount not less than 2 cents nor more than 5 cents per pound for each pound of excess weight on such axle or tandem axle in excess of the weight authorized in the permit when the excess is 1,000 pounds or less; not less than 5 cents nor more than 10 cents per pound for each pound of excess weight when the excess exceeds 1,000 pounds and is 2,000 pounds or less; not less than 10 cents nor more than 15 cents per pound for each pound of excess weight when the excess exceeds 2,000 pounds and is 3,000 pounds or less; and not less than 15 cents nor more than 20 cents per pound for each pound of excess weight when the excess exceeds 3,000 pounds. Penalties for violations of this Section shall be in addition to any penalties imposed for violation of Section 15-301(j) of this Chapter.

625 ILCS 5/15-113.3 — Violations-sentence of permit moves exceeding gross weight

Sec. 15-113.3. Violations-sentence of permit moves exceeding gross weight. Whenever any vehicle is operated in violation of the provisions of a permit issued under the provisions of Sections 15-301 through 15-318 of this Chapter by operating with the gross weight in excess of that authorized in such permit, the owner or driver of such vehicle shall be deemed guilty of a business offense and either the owner or the driver of such vehicle may be prosecuted for such violation. Any person, firm or corporation convicted of such violation shall be fined in an amount not less than 2 cents nor more than 5 cents per pound for each pound of excess weight in excess of the gross weight authorized in the permit when the excess is 1,000 pounds or less; not less than 4 cents nor more than 7 cents per pound for each pound of excess weight when the excess exceeds 1,000 pounds and is 2,000 pounds or less; not less than 7 cents nor more than 10 cents per pound for each pound of excess weight when the excess exceeds 2,000 pounds and is 3,000 pounds or less; not less than 10 cents nor more than 15 cents per pound for each pound of excess weight when the excess exceeds 3,000 pounds and is 4,000 pounds or less; not less than 15 cents nor more than 20 cents per pound for each pound of excess weight when the excess exceeds 4,000 pounds and is 5,000 pounds or less; and not less than 17 cents nor more than 25 cents per pound for each pound of excess weight when the excess exceeds 5,000 pounds. Penalties for violations of this Section shall be in addition to any penalties imposed for violation of Section 15-301(j) of this Chapter.

625 ILCS 5/15-114 — Pushing of disabled vehicles

Sec. 15-114. Pushing of disabled vehicles. It is unlawful under any circumstances for any vehicle to push any other vehicle on or along any highway outside an urban area in this State, except in an extreme emergency and then the vehicle shall not be pushed farther than is reasonably necessary to remove it from the roadway or from the immediate

hazard that exists.

625 ILCS 5/15-115

Sec. 15-115. (Repealed).

625 ILCS 5/15-116 — Highway designations

Sec. 15-116. Highway designations.

(a) The Department of Transportation shall maintain and provide a listing of all Class I and Class II designated streets and highways as defined in Chapter 1 of this Code.

(b) The Department shall also maintain and provide a listing of all local streets or highways that have been designated Class II by local agencies.

(c) Local agencies shall be responsible for reporting to the Department all streets and highways under their jurisdiction designated Class II. Local agencies shall also provide to the Department reference contact names and telephone numbers.

(d) The Department shall also maintain and provide an official map of the Designated State Truck Route System that includes State and local streets and highways that have been designated Class I or Class II.

(e) If a unit of local government has no Class II designated truck routes, the unit of local government shall affirm to the Department that it has no such truck routes.

(f) Each unit of local government shall report to the Department, and the Department shall post on its official website, any limitations prohibiting the operation of vehicles imposed by ordinance or resolution in the unit of local government's non-designated highway system and any non-designated highway that is not designed and constructed after January 1, 2024 to the overall length dimension of vehicles permitted under subsection

(f) of Section 15-107.

625 ILCS 5/15-117

Sec. 15-117. (Repealed).

625 ILCS 5/15-201 — Vehicles exceeding prescribed weight limits - Preventing use of highway by

Sec. 15-201. Vehicles exceeding prescribed weight limits - Preventing use of highway by. The Illinois State Police is directed to institute and maintain a program designed to prevent the use of public highways by vehicles which exceed the maximum weights allowed by Section 15-111 of this Act or which exceeds the maximum weights allowed as evidenced by the license plates attached to such vehicle and which license is required by this Act.

625 ILCS 5/15-202 — Enforcement

Sec. 15-202. Enforcement. Such program shall make provision for an intensive campaign by the Illinois State Police to apprehend any violators of the acts above mentioned, and at all times to maintain a vigilant watch for possible violators of such acts.

625 ILCS 5/15-203 — Records of violations

Sec. 15-203. Records of violations. The Illinois State Police shall maintain records of the number of violators of such acts apprehended and the number of convictions obtained. A resume of such records shall be included in the Department's annual report to the Governor; and the Department shall also present such resume to each regular session of the General Assembly. The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report as required by Section 3.1 of the General Assembly Organization Act, and filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph

(t) of Section 7 of the State Library Act.

625 ILCS 5/15-301 — Permits for excess size and weight

Sec. 15-301. Permits for excess size and weight.

(a) The Department with respect to highways under its jurisdiction and local authorities with respect to highways under their jurisdiction may, in their discretion, upon application and good cause being shown therefor, issue a special permit

authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in this Code or otherwise not in conformity with this Code upon any highway under the jurisdiction of the party granting such permit and for the maintenance of which the party is responsible. Applications and permits other than those in written or printed form may only be accepted from and issued to the company or individual making the movement. Except for an application to move directly across a highway, it shall be the duty of the applicant to establish in the application that the load to be moved by such vehicle or combination cannot reasonably be dismantled or disassembled, the reasonableness of which shall be determined by the Secretary of the Department. For the purpose of over length movements, more than one object may be carried side by side as long as the height, width, and weight laws are not exceeded and the cause for the over length is not due to multiple objects. For the purpose of over height movements, more than one object may be carried as long as the cause for the over height is not due to multiple objects and the length, width, and weight laws are not exceeded. For the purpose of an over width movement, more than one object may be carried as long as the cause for the over width is not due to multiple objects and length, height, and weight laws are not exceeded. Except for transporting fluid milk products, no State or local agency shall authorize the issuance of excess size or weight permits for vehicles and loads that are divisible and that can be carried, when divided, within the existing size or weight maximums specified in this Chapter. Any excess size or weight permit issued in violation of the provisions of this Section shall be void at issue and any movement made thereunder shall not be authorized under the terms of the void permit. In any prosecution for a violation of this Chapter when the authorization of an excess size or weight permit is at issue, it is the burden of the defendant to establish that the permit was valid because the load to be moved could not reasonably be dismantled or disassembled, or was otherwise nondivisible. (a-1) As used in this Section, "extreme heavy duty tow and recovery vehicle" means a tow truck manufactured as a unit having a lifting capacity of not less than 50 tons, and having either 4 axles and an unladen weight of not more than 80,000 pounds or 5 axles and an unladen weight not more than 90,000 pounds. Notwithstanding otherwise applicable gross and axle weight limits, an extreme heavy duty tow and recovery vehicle may lawfully travel to and from the scene of a disablement and clear a disabled vehicle if the towing service has obtained an extreme heavy duty tow and recovery permit for the vehicle. The form and content of the permit shall be determined by the Department with respect to highways under its jurisdiction and by local authorities with respect to highways under their jurisdiction.

(b) The application for any such permit shall:

- (1) state whether such permit is requested for a single trip or for limited continuous operation;
- (2) (blank);
- (3) specifically describe and identify the vehicle or vehicles and load to be operated or moved;
- (4) state the routing requested, including the points of origin and destination, and may identify and include a request for routing to the nearest certified scale in accordance with the Department's rules and regulations, provided the applicant has approval to travel on local roads; and
- (5) (blank).

(c) The Department or local authority when not inconsistent with traffic safety is authorized to issue or withhold such permit at its discretion; or, if such permit is issued at its discretion to prescribe the route or routes to be traveled, to limit the number of trips, to establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated, or otherwise to limit or prescribe conditions of operations of such vehicle or vehicles, when necessary to assure against undue damage to the road foundations, surfaces or structures, and may require such undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or road structure. The Department shall maintain a daily record of each permit issued along with the fee and the stipulated dimensions, weights, conditions, and restrictions authorized and this record shall be presumed correct in any case of questions or dispute. The Department shall install an automatic device for recording telephone conversations involving permit applications. The Department and applicant waive all objections to the recording of the conversation.

(d) The Department shall, upon application in writing from any local authority, issue an annual permit authorizing the local authority to move oversize highway construction, transportation, utility, and maintenance equipment over roads under the jurisdiction of the Department. The permit shall be applicable only to equipment and vehicles owned by or registered in the name of the local authority, and no fee shall be charged for the issuance of such permits.

(e) As an exception to subsection

(a) of this Section, the Department and local authorities, with respect to highways under their respective jurisdictions, in their discretion and upon application in writing, may issue a special permit for limited continuous operation, authorizing the applicant to move loads of agricultural commodities on a 2-axle single vehicle registered by the Secretary of State with axle loads not to exceed 35%, on a 3-axle or 4-axle vehicle registered by the Secretary of State with axle loads not to exceed 20%, and on a 5-axle vehicle registered by the Secretary of State not to exceed 10% above those provided in Section 15-111. The total gross weight of the vehicle, however, may not exceed the maximum gross weight of the registration class of the vehicle allowed under Section 3-815 or 3-818 of this Code. As used in this Section, "agricultural commodities" means:

(1) cultivated plants or agricultural produce grown, including, but not limited to, corn, soybeans, wheat, oats, grain sorghum, canola, and rice;

(2) livestock, including, but not limited to, hogs, equine, sheep, and poultry;

(3) ensilage; and

(4) fruits and vegetables. Permits may be issued for a period not to exceed 40 days and moves may be made of a distance not to exceed 50 miles from a field, an on-farm grain storage facility, a warehouse as defined in the Grain Code, or a livestock management facility as defined in the Livestock Management Facilities Act over any highway except the National System of Interstate and Defense Highways. The operator of the vehicle, however, must abide by posted bridge and posted highway weight limits. All implements of husbandry operating under this Section between sunset and sunrise shall be equipped as prescribed in Section 12-205.1. (e-1) A special permit shall be issued by the Department under this Section and shall be required from September 1 through December 31 for a vehicle that exceeds the maximum axle weight and gross weight limits under Section 15-111 of this Code or exceeds the vehicle's registered gross weight, provided that the vehicle's axle weight and gross weight do not exceed 10% above the maximum limits under Section 15-111 of this Code and does not exceed the vehicle's registered gross weight by 10%. All other restrictions that apply to permits issued under this Section shall apply during the declared time period and no fee shall be charged for the issuance of those permits. Permits issued by the Department under this subsection (e-1) are only valid on federal and State highways under the jurisdiction of the Department, except interstate highways. With respect to highways under the jurisdiction of local authorities, the local authorities may, at their discretion, waive special permit requirements and set a divisible load weight limit not to exceed 10% above a vehicle's registered gross weight, provided that the vehicle's axle weight and gross weight do not exceed 10% above the maximum limits specified in Section 15-111. Permits issued under this subsection (e-1) shall apply to all registered vehicles eligible to obtain permits under this Section, including vehicles used in private or for-hire movement of divisible load agricultural commodities during the declared time period.

(f) The form and content of the permit shall be determined by the Department with respect to highways under its jurisdiction and by local authorities with respect to highways under their jurisdiction. Every permit shall be in written form and carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting the permit and no person shall violate any of the terms or conditions of such special permit. Violation of the terms and conditions of the permit shall not be deemed a revocation of the permit; however, any vehicle and load found to be off the route prescribed in the permit shall be held to be operating without a permit. Any off-route vehicle and load shall be required to obtain a new permit or permits, as necessary, to authorize the movement back onto the original permit routing. No rule or regulation, nor anything herein, shall be construed to authorize any police officer, court, or authorized agent of any authority granting the permit to remove the permit from the possession of the permittee unless the permittee is charged with a fraudulent permit violation as provided in subsection (i). However, upon arrest for an offense of violation of permit, operating without a permit when the vehicle is off route, or any size or weight offense under this Chapter when the permittee plans to raise the issuance of the permit as a defense, the permittee, or his agent, must produce the permit at any court hearing concerning the alleged offense. If the permit designates and includes a routing to a certified scale, the permittee, while en route to the designated scale, shall be deemed in compliance with the weight provisions of the permit provided the axle or gross weights do not exceed any of the permitted limits by more than the following amounts: Single axle 2000 pounds Tandem axle 3000 pounds Gross 5000 pounds

(g) The Department is authorized to adopt, amend, and make available to interested persons a policy concerning reasonable rules, limitations and conditions or provisions of operation upon highways under its jurisdiction in addition to those contained in this Section for the movement by special permit of vehicles, combinations, or loads which cannot reasonably be dismantled or disassembled, including manufactured and modular home sections and portions thereof. All

rules, limitations and conditions or provisions adopted in the policy shall have due regard for the safety of the traveling public and the protection of the highway system and shall have been promulgated in conformity with the provisions of the Illinois Administrative Procedure Act. The requirements of the policy for flagmen and escort vehicles shall be the same for all moves of comparable size and weight. When escort vehicles are required, they shall meet the following requirements:

(1) All operators shall be 18 years of age or over and properly licensed to operate the vehicle.

(2) Vehicles escorting oversized loads more than 12 feet wide must be equipped with a rotating or flashing amber light mounted on top as specified under Section 12-215. The Department shall establish reasonable rules and regulations regarding liability insurance or self insurance for vehicles with oversized loads promulgated under the Illinois Administrative Procedure Act. Police vehicles may be required for escort under circumstances as required by rules and regulations of the Department.

(h) Violation of any rule, limitation or condition or provision of any permit issued in accordance with the provisions of this Section shall not render the entire permit null and void but the violator shall be deemed guilty of violation of permit and guilty of exceeding any size, weight, or load limitations in excess of those authorized by the permit. The prescribed route or routes on the permit are not mere rules, limitations, conditions, or provisions of the permit, but are also the sole extent of the authorization granted by the permit. If a vehicle and load are found to be off the route or routes prescribed by any permit authorizing movement, the vehicle and load are operating without a permit. Any off-route movement shall be subject to the size and weight maximums, under the applicable provisions of this Chapter, as determined by the type or class highway upon which the vehicle and load are being operated.

(i) Whenever any vehicle is operated or movement made under a fraudulent permit, the permit shall be void, and the person, firm, or corporation to whom such permit was granted, the driver of such vehicle in addition to the person who issued such permit and any accessory, shall be guilty of fraud and either one or all persons may be prosecuted for such violation. Any person, firm, or corporation committing such violation shall be guilty of a Class 4 felony and the Department shall not issue permits to the person, firm, or corporation convicted of such violation for a period of one year after the date of conviction. Penalties for violations of this Section shall be in addition to any penalties imposed for violation of other Sections of this Code.

(j) Whenever any vehicle is operated or movement made in violation of a permit issued in accordance with this Section, the person to whom such permit was granted, or the driver of such vehicle, is guilty of such violation and either, but not both, persons may be prosecuted for such violation as stated in this subsection (j). Any person, firm, or corporation convicted of such violation shall be guilty of a petty offense and shall be fined, for the first offense, not less than \$50 nor more than \$200 and, for the second offense by the same person, firm, or corporation within a period of one year, not less than \$200 nor more than \$300 and, for the third offense by the same person, firm, or corporation within a period of one year after the date of the first offense, not less than \$300 nor more than \$500 and the Department may, in its discretion, not issue permits to the person, firm, or corporation convicted of a third offense during a period of one year after the date of conviction or supervision for such third offense. If any violation is the cause or contributing cause in a motor vehicle crash causing damage to property, injury, or death to a person, the Department may, in its discretion, not issue a permit to the person, firm, or corporation for a period of one year after the date of conviction or supervision for the offense.

(k) Whenever any vehicle is operated on local roads under permits for excess width or length issued by local authorities, such vehicle may be moved upon a State highway for a distance not to exceed one-half mile without a permit for the purpose of crossing the State highway.

(l) Notwithstanding any other provision of this Section, the Department, with respect to highways under its jurisdiction, and local authorities, with respect to highways under their jurisdiction, may at their discretion authorize the movement of a vehicle in violation of any size or weight requirement, or both, that would not ordinarily be eligible for a permit, when there is a showing of extreme necessity that the vehicle and load should be moved without unnecessary delay. For the purpose of this subsection, showing of extreme necessity shall be limited to the following: shipments of livestock, hazardous materials, liquid concrete being hauled in a mobile cement mixer, or hot asphalt.

(m) Penalties for violations of this Section shall be in addition to any penalties imposed for violating any other Section of this Code.

(n) The Department with respect to highways under its jurisdiction and local authorities with respect to highways under their jurisdiction, in their discretion and upon application in writing, may issue a special permit for continuous limited operation, authorizing the applicant to operate a tow truck that exceeds the weight limits provided for in subsection

(a) of Section 15-111, provided:

- (1) no rear single axle of the tow truck exceeds 26,000 pounds;
- (2) no rear tandem axle of the tow truck exceeds 50,000 pounds; (2.1) no triple rear axle on a manufactured recovery unit exceeds 60,000 pounds;
- (3) neither the disabled vehicle nor the disabled combination of vehicles exceed the weight restrictions imposed by this Chapter 15, or the weight limits imposed under a permit issued by the Department prior to hookup;
- (4) the tow truck prior to hookup does not exceed the weight restrictions imposed by this Chapter 15;
- (5) during the tow operation the tow truck does not violate any weight restriction sign;
- (6) the tow truck is equipped with flashing, rotating, or oscillating amber lights, visible for at least 500 feet in all directions;
- (7) the tow truck is specifically designed and licensed as a tow truck;
- (8) the tow truck has a gross vehicle weight rating of sufficient capacity to safely handle the load;
- (9) the tow truck is equipped with air brakes;
- (10) the tow truck is capable of utilizing the lighting and braking systems of the disabled vehicle or combination of vehicles;
- (11) the tow commences at the initial point of wreck or disablement and terminates at a point where the repairs are actually to occur;
- (12) the permit issued to the tow truck is carried in the tow truck and exhibited on demand by a police officer; and
- (13) the movement shall be valid only on State routes approved by the Department.

(o) (Blank).

(p) In determining whether a load may be reasonably dismantled or disassembled for the purpose of subsection (a), the Department shall consider whether there is a significant negative impact on the condition of the pavement and structures along the proposed route, whether the load or vehicle as proposed causes a safety hazard to the traveling public, whether dismantling or disassembling the load promotes or stifles economic development, and whether the proposed route travels less than 5 miles. A load is not required to be dismantled or disassembled for the purposes of subsection

(a) if the Secretary of the Department determines there will be no significant negative impact to pavement or structures along the proposed route, the proposed load or vehicle causes no safety hazard to the traveling public, dismantling or disassembling the load does not promote economic development, and the proposed route travels less than 5 miles. The Department may promulgate rules for the purpose of establishing the divisibility of a load pursuant to subsection (a). Any load determined by the Secretary to be nondivisible shall otherwise comply with the existing size or weight maximums specified in this Chapter.

625 ILCS 5/15-302 — Fees for special permits

Sec. 15-302. Fees for special permits. The Department with respect to highways under its jurisdiction shall collect a fee from the applicant for the issuance of a permit to operate or move a vehicle or combination of vehicles or load as authorized in Section 15-301. The charge for each permit shall consist of: 1. a service charge for special handling of a permit when requested by an applicant; 2. fees for any dimension, axle weight or gross weight in excess of the maximum size or weight specified in this Chapter; and 3. additional fees for special investigations as in Section 15-311 and special police escort as in Section 15-312 when required. With respect to overweight fees, the charge shall be sufficient to compensate in part for the cost of the extra wear and tear on the mileage of highways over which the load is to be moved. With respect to over-dimension permits, the fee shall be sufficient to compensate in part for the special privilege of transporting oversize vehicle or vehicle combination and load and to compensate in part for the economic loss of operators of vehicles in regular operation due to inconvenience occasioned by the oversize movements. Fees to be paid by the applicant are to be at the rates specified in this Chapter. In determining the fees in Section 15-306 and paragraph (f) of Section 15-307, all weights shall be to the next highest 1,000 pounds and all distances shall be determined from the Illinois Official Highway Map. For repeated moves of like objects which cannot be dismantled or disassembled and which are monolithically structured for permanent use in the transported form, the fees specified in Sections 15-305, 15-306 and 15-307 for other than the first move shall be reduced by \$4 provided the objects are to be moved from the same origin to the same destination, the number of trips will not be less than 5, the trips will be completed within 30 days, and all

applications are submitted at one time. Round trip permits shall be the same as a single trip permit except the fee shall be computed based upon the total distance traveled, and shall be for the same vehicle, vehicle combination or like load traveling both directions over the same route, provided a description including make and model of the equipment being transported is furnished to the Department. Limited continuous operation permits are to be valid for a period of 90 days or one year, and shall be for the same vehicle, vehicle combination or like load.

625 ILCS 5/15-303 — Transmission Fees

Sec. 15-303. Transmission Fees. When special transmission of permits is requested by an applicant, a service charge in an amount sufficient to defray the cost shall be charged.

625 ILCS 5/15-304 — Fees for house trailer combinations, or a unit carrying roof or floor trusses

Sec. 15-304. Fees for house trailer combinations, or a unit carrying roof or floor trusses. Fees for special permits to move a house trailer, oversize storage building, modular home section, or a unit carrying roof or floor trusses in combination with a towing vehicle shall be paid by the applicant to the Department at the following rates: 90 Day Annual Limited Limited Single Continuous Continuous Trip Operation Operation

(a) Maximum overall width of 10 feet or less; maximum overall height of 14 feet 6 inches or less; or maximum overall length, including the towing vehicle, of 70 feet or less: \$100.00 \$400.00 For the first 90 miles \$12.00 From 90 miles to 180 miles \$15.00 From 180 miles to 270 miles \$18.00 For more than 270 miles \$21.00

(b) Maximum overall width of 12 feet or less, plus an additional 2 inch overhang on each side to allow for eaves, drip edges or guttering that is at least 9 feet above the surface of the pavement; maximum overall height of 14 feet 6 inches or less; or maximum overall length, including the towing vehicle, of 115 feet or less: \$150.00 \$600.00 For the first 90 miles \$15.00 From 90 miles to 180 miles \$20.00 From 180 miles to 270 miles \$25.00 For more than 270 miles \$30.00

(c) Maximum overall width of 14 feet or less; maximum overall height of 15 feet or less; maximum overall length, including the towing vehicle, of 115 feet or less; 90 Day Annual Limited Limited Single Continuous Continuous Trip Operation Operation \$250.00 \$1000.00 For the first 90 miles \$25.00 From 90 miles to 180 miles \$30.00 From 180 miles to 270 miles \$35.00 For more than 270 miles \$40.00

(d) Maximum overall width of 14 feet 4 inches or less, maximum overall height of 15 feet or less; or maximum overall length, including the towing vehicle, of 115 feet or less: 90 Day Annual Limited Limited Single Continuous Continuous Trip Operation Operation \$250.00 \$1000.00 For the first 90 miles \$30.00 From 90 miles to 180 miles \$40.00 From 180 miles to 270 miles \$50.00 From 270 miles or more \$60.00

(e) Maximum overall width of 16 feet or less provided that a tolerance in width of up to 3 inches will be allowed for house trailer combinations; or maximum overall height of 15 feet or less; or maximum overall length, including the towing vehicle of 115 feet or less: 90 Day Annual Limited Limited Single Trip Continuous Continuous Only Operation Operation For the first 90 miles \$30.00 \$250.00 \$1000.00 From 90 miles to 180 miles \$40.00 From 180 miles to 270 miles \$50.00 From 270 miles or more \$60.00

625 ILCS 5/15-305 — Fees for legal weight but overdimension vehicles, combinations, and loads, other than house trailer combinations

Sec. 15-305. Fees for legal weight but overdimension vehicles, combinations, and loads, other than house trailer combinations. Fees for special permits to move overdimension vehicles, combinations, and loads, other than house trailer combinations, shall be paid by the applicant to the Department at the following rates: 90 Day Annual Limited Limited Single Continuous Continuous Trip Operation Operation

(a) Overall width of 10 feet or less, overall height of 14 feet 6 inches or less, and overall length of 70 feet or less \$100.00 \$400.00 For the first 90 miles \$12.00 From 90 miles to 180 miles \$15.00 From 180 miles to 270 miles \$18.00 For more than 270 miles \$21.00

(b) Overall width of 12 feet or less, overall height of 14 feet 6 inches or less, and overall length of 85 feet or less \$150.00 \$600.00 For the first 90 miles \$15.00 From 90 miles to 180 miles \$20.00 From 180 miles to 270 miles \$25.00 For more than 270 miles \$30.00

(c) Overall width of 14 feet or less, overall height of 15 feet or less, and overall length of 100 feet or less Single Trip Only For the first 90 miles \$25.00 From 90 miles to 180 miles \$30.00 From 180 miles to 270 miles \$35.00 For more than 270 miles \$40.00

(d) Overall width of 18 feet or less (authorized only under special conditions and for limited distances), overall height of 16 feet or less, and overall length of 120 feet or less Single Trip Only For the first 90 miles \$30.00 From 90 miles to 180 miles \$40.00 From 180 miles to 270 miles \$50.00 For more than 270 miles \$60.00

(e) Overall width of more than 18 feet (authorized only under special conditions and for limited distances), overall height more than 16 feet, and overall length more than 120 feet Single Trip Only For the first 90 miles \$50.00 From 90 miles to 180 miles \$75.00 From 180 miles to 270 miles \$100.00 For more than 270 miles \$125.00 Permits issued under this Section shall be for a vehicle, or vehicle combination and load not exceeding legal weights, and, in the case of the limited continuous operation, shall be for the same vehicle, vehicle combination, or like load. Escort requirements shall be as prescribed in the Department's rules and regulations. Fees for the Illinois State Police vehicle escort, when required, shall be in addition to the permit fees.

625 ILCS 5/15-306 — Fees for Overweight-Axle Loads

Sec. 15-306. Fees for Overweight-Axle Loads. Fees for special permits to move legal gross weight vehicles, combinations of vehicles and loads with overweight-axle loads shall be paid by the applicant to the Department as follows: For each overweight single axle or tandem axle group, the flat rate fees herein scheduled for increments of 45 miles or fraction thereof including issuance fee predicated upon a 20,000 pound single axle equivalency. 20,000 Pound Single Axle Equivalency Fees Axle weight 2-Axle 3-Axle in excess Single Axle Tandem Tandem of legal 1-6000 lbs. \$5 \$5 \$5 6001-11,000 lbs. 8 7 6 11,001-17,000 lbs. not permitted 8 7 17,001-22,000 lbs. not permitted not permitted 9 22,001-29,000 lbs. not permitted not permitted 11 .)

625 ILCS 5/15-307 — Fees for overweight-gross loads

Sec. 15-307. Fees for overweight-gross loads. Fees for special permits to move vehicles, combinations of vehicles and loads with overweight-gross loads shall be paid at the flat rate fees established in this Section for weights in excess of legal gross weights, by the applicant to the Department.

(a) With respect to fees for overweight-gross loads listed in this Section and for overweight-axle loads listed in Section 15-306, one fee only shall be charged, whichever is the greater, but not for both.

(b) In lieu of the fees stated in this Section and Section 15-306, with respect to combinations of vehicles consisting of a 3-axle truck tractor with a tandem axle composed of 2 consecutive axles drawing a semitrailer, or other vehicle approved by the Department, equipped with a tandem axle composed of 3 consecutive axles, weighing over 80,000 pounds but not more than 88,000 pounds gross weight, the fees shall be at the following rates: Distance Rate For the first 45 miles \$10 From 45 miles to 90 miles 12.50 From 90 miles to 135 miles 15.00 From 135 miles to 180 miles 17.50 From 180 miles to 225 miles 20.00 For each additional 45 miles or part thereof in excess of the rate for 225 miles, an additional 2.50 For such combinations weighing over 88,000 pounds but not more than 100,000 pounds gross weight, the fees shall be at the following rates: Distance Rate For the first 45 miles 15 From 45 miles to 90 miles 25 From 90 miles to 135 miles 35 From 135 miles to 180 miles 45 From 180 miles to 225 miles 55 For each additional 45 miles or part thereof in excess of the rate for 225 miles, an additional 10 For such combination weighing over 100,000 pounds but not more than 110,000 pounds gross weight, the fees shall be at the following rates: Distance Rate For the first 45 miles \$20 From 45 miles to 90 miles 32.50 From 90 miles to 135 miles 45 From 135 miles to 180 miles 57.50 From 180 miles to 225 miles 70 For each additional 45 miles or part thereof in excess of the rate for 225 miles an additional 12.50 For such combinations weighing over 110,000 pounds but not more than 120,000 pounds gross weight, the fees shall be at the following rates: Distance Rate For the first 45 miles \$30 From 46 miles to 90 miles 55 From 90 miles to 135 miles 80 From 135 miles to 180 miles 105 From 180 miles to 225 miles 130 For each additional 45 miles or part thereof in excess of the rate for 225 miles an additional 25 Payment of overweight fees for the above combinations also shall include fees for overwidth dimensions of 4 feet or less, overheight and overlength. Any overwidth in excess of 4 feet shall be charged an additional fee of \$15.

(c) In lieu of the fees stated in this Section and Section 15-306 of this Chapter, with respect to combinations of vehicles consisting of a 3-axle truck tractor with a tandem axle composed of 2 consecutive axles drawing a semitrailer, or other vehicle approved by the Department, equipped with a tandem axle composed of 2 consecutive axles, weighing over 80,000 pounds but not more than 88,000 pounds gross weight, the fees shall be at the following rates: Distance Rate For the first 45 miles \$20 From 45 miles to 90 miles 32.50 From 90 miles to 135 miles 45 From 135 miles to 180 miles 57.50 From 180 miles to 225 miles 70 For each additional 45 miles or part thereof in excess of the rate for 225 miles an additional 12.50 For such combination weighing over 88,000 pounds but not more than 100,000 pounds gross weight, the fees shall be at the following rates: Distance Rate For the first 45 miles \$30 From 46 miles to 90 miles 55 From 90 miles

to 135 miles 80 From 135 miles to 180 miles 105 From 180 miles to 225 miles 130 For each additional 45 miles or part thereof in excess of the rate for 225 miles an additional 25 Payment of overweight fees for the above combinations also shall include fees for overwidth dimension of 4 feet or less, overheight and overlength. Any overwidth in excess of 4 feet shall be charged an additional overwidth fee of \$15.

(d) In lieu of the fees stated in this Section and in Section 15-306 of this Chapter, with respect to a 3 (or more) axle mobile crane or water well-drilling vehicle consisting of a single axle and a tandem axle or 2 tandem axle groups composed of 2 consecutive axles each, with a distance of extreme axles not less than 18 feet, weighing not more than 60,000 pounds gross with no single axle weighing more than 21,000 pounds, or any tandem axle group to exceed 40,000 pounds, the fees shall be at the following rates: Distance Rate For the first 45 miles \$12.50 For each additional 45 miles or portion thereof 9.00 For such vehicles weighing over 60,000 pounds but not more than 68,000 pounds with no single axle weighing more than 21,000 pounds and no tandem axle group exceeding 48,000 pounds, the fees shall be at the following rates: Distance Rate For the first 45 miles \$20 For each additional 45 miles or portion thereof 12.50 Payment of overweight fees for the above vehicle shall include overwidth dimension of 4 feet or less, overheight and overlength. Any overwidth in excess of 4 feet shall be charged an additional overwidth fee of \$15.

(e) In lieu of the fees stated in this Section and in Section 15-306 of this Chapter, with respect to a 4 (or more) axle mobile crane or water well drilling vehicle consisting of 2 sets of tandem axles composed of 2 or more consecutive axles each with a distance between extreme axles of not less than 23 feet weighing not more than 72,000 pounds with axle weights on one set of tandem axles not more than 34,000 pounds, and weight in the other set of tandem axles not to exceed 40,000 pounds, the fees shall be at the following rates: Distance Rate For the first 45 miles \$15 For each additional 45 miles or portion thereof 10 For such vehicles weighing over 72,000 pounds but not more than 76,000 pounds with axle weights on either set of tandem axles not more than 44,000 pounds, the fees shall be at the following rates: Distance Rate For the first 45 miles \$20 For each additional 45 miles or portion thereof 12.50 Payment of overweight fees for the above vehicle shall include overwidth dimension of 4 feet or less, overheight and overlength. Any overwidth in excess of 4 feet shall be charged an additional fee of \$15.

(f) In lieu of fees stated in this Section and in Section 15-306 of this Chapter, with respect to a two axle mobile crane or water well-drilling vehicle consisting of 2 single axles weighing not more than 48,000 pounds with no single axle weighing more than 25,000 pounds, the fees shall be at the following rates: Distance Rate For the first 45 miles \$15 For each additional 45 miles or portion thereof 10 For such vehicles weighing over 48,000 pounds but not more than 54,000 pounds with no single axle weighing more than 28,000 pounds, the fees shall be at the following rates: Distance Rate For the first 45 miles \$20 For each additional 45 miles or portion thereof 12.50 Payment of overweight fees for the above vehicle shall include overwidth dimension of 4 feet or less, overheight and overlength. Any overwidth in excess of 4 feet shall be charged an additional overwidth fee of \$15.

(g) Fees for special permits to move vehicles, combinations of vehicles, and loads with overweight gross loads not included in the fee categories shall be paid by the applicant to the Department at the rate of \$50 plus 3.5 cents per ton-mile in excess of legal weight. With respect to fees for overweight gross loads not included in the schedules specified in paragraphs

(a) through

(e) of Section 15-307 and for overweight axle loads listed in Section 15-306, one fee only shall be charged, whichever is the greater, but not both. An additional fee in accordance with the schedule set forth in Section 15-305 shall be charged for each overdimension.

(h) Fees for special permits for continuous limited operation authorizing the applicant to operate vehicles that exceed the weight limits provided for in subsection

(a) of Section 15-111. All single axles excluding the steer axle and axles within a tandem are limited to 24,000 pounds or less unless otherwise noted in this subsection (h). Loads up to 12 feet wide and 110 feet in length shall be included within this permit. Fees shall be \$250 for a quarterly and \$1,000 for an annual permit. Front tag axle and double tandem trailers are not eligible. The following configurations qualify for the quarterly and annual permits:

(1) 3 or more axles, total gross weight of 68,000 pounds or less, front tandem or axle 21,000 pounds or less, rear tandem 48,000 pounds or less on 2 or 3 axles, 25,000 pounds or less on single axle;

(2) 4 or more axles, total gross weight of 76,000 pounds or less, front tandem 44,000 pounds or less on 2 axles, front axle 20,000 pounds or less, rear tandem 44,000 pounds or less on 2 axles and 23,000 pounds or less on single axle or 48,000

pounds or less on 3 axles, 25,000 pounds or less on single axle;

(3) 5 or more axles, total gross weight of 100,000 pounds or less, front tandem 48,000 pounds or less on 2 axles, front axle 20,000 pounds or less, 25,000 pounds or less on single axle, rear tandem 48,000 pounds or less on 2 axles, 25,000 pounds or less on single axle;

(4) 6 or more axles, total gross weight of 120,000 pounds or less, front tandem 48,000 pounds or less on 2 axles, front axle 20,000 pounds or less, single axle 25,000 pounds or less, or rear tandem 60,000 pounds or less on 3 axles, 21,000 pounds or less on single axles within a tandem.

625 ILCS 5/15-308 — Fees for overweight trucks hauling agricultural commodities

Sec. 15-308. Fees for overweight trucks hauling agricultural commodities. Fees for special permits for increased axle loads to be used for hauling agricultural commodities, as defined in subsection

(e) of Section 15-301; limited continuous operation permit only, \$5 per axle.

625 ILCS 5/15-308.1 — Fees for moving oversize or overweight equipment to the site of rail derailments

Sec. 15-308.1. Fees for moving oversize or overweight equipment to the site of rail derailments. Fees for permits to move oversize or overweight equipment to the sites of train derailments shall include all equipment otherwise eligible to obtain single trip permits under normal situations. The permit shall be valid for a period of one year and can be used at any time for movement to the site of a train derailment during an emergency. The amount of the fee shall be \$500.

625 ILCS 5/15-308.2 — Fees for special permits for tow trucks

Sec. 15-308.2. Fees for special permits for tow trucks. The fee for a special permit to operate a tow truck pursuant to subsection

(n) of Section 15-301 is \$50 quarterly and \$200 annually.

625 ILCS 5/15-308.3

Sec. 15-308.3. (Repealed).

625 ILCS 5/15-309 — Fees for Moves Directly across Highway

Sec. 15-309. Fees for Moves Directly across Highway. Fees for special permits for vehicles or vehicle combinations exceeding the legal sizes and weights specified in this Chapter either empty or hauling material directly across a highway making repeated moves in the course of industrial operations, for a period of 6 months; limited continuous operation permit only, \$15.

625 ILCS 5/15-310 — Fees for Buildings and Special Moves

Sec. 15-310. Fees for Buildings and Special Moves. Fees for special permits for moving buildings or large machines.

(a) When moved on house moving equipment or on own trucks or tracks fees will be based on maximum overall dimensions, plus engineering investigation and police escort fees when required; single trip only.

(b) When moved on a vehicle or vehicle combination applicable overdimension and overweight fees shall apply; single trip only.

625 ILCS 5/15-311 — Fees for Engineering Inspections or Field Investigations

Sec. 15-311. Fees for Engineering Inspections or Field Investigations. Engineering inspections or field investigations will be made by the Department and the following fees shall be paid by the applicant: for normal field investigations, or for special engineering investigations requiring assessment of work to be done on the highway and final inspection, \$40 per hour.

625 ILCS 5/15-312 — Fees for police escort

Sec. 15-312. Fees for police escort. When State Police escorts are required by the Department of Transportation for the safety of the motoring public, the following fees shall be paid by the applicant:

(1) to the Department of Transportation: \$40 per hour per vehicle based upon the pre-estimated time of the movement to be agreed upon between the Department and the applicant, with a minimum fee of \$80 per vehicle; and

(2) to the Illinois State Police: \$75 per hour per State Police vehicle based upon the actual time of the movement, with a minimum fee of \$300 per State Police vehicle. The Illinois State Police shall remit the moneys to the State Treasurer, who shall deposit the moneys into the State Police Operations Assistance Fund. The actual time of the movement shall be the time the police escort is required to pick up the movement to the time the movement is completed. Any delays or breakdowns shall be considered part of the movement time. Any fraction of an hour shall be rounded up to the next whole hour. The State Police may use an online payment system to accept fees for police escorts.

625 ILCS 5/15-313 — Supplemental Permit Fee

Sec. 15-313. Supplemental Permit Fee. The Department shall collect a fee of \$5 and other applicable fees to cover the cost of processing an application for supplemental special permit. This fee shall be charged for each supplemental special permit issued. In addition, if the supplemental permit provides for an increase in size or weight or both over that specified in the original special permit, additional fees shall be charged as provided in Sections 15-303 through 15-312 as applicable, to correct for the increase.

625 ILCS 5/15-314 — Payment of fees

Sec. 15-314. Payment of fees. The Department shall prescribe the time and method of payment of all appropriate fees authorized by Section 15-302 through 15-313. The Department may, at its discretion, establish credit accounts with billing to be made at intervals not exceeding one month. Failure to pay invoices in full within a period of 30 days after the billing date shall be sufficient cause for the Department to withhold issuance of any further permits or credit to the individual, company, or subsidiary firm. The Department is authorized to charge a service fee of \$3 for a dishonored payment returned for any reason. All money received by the Department under the provisions of this Section shall be deposited in the Road Fund. No refund shall be made to applicant following issuance of a permit if move is not completed.

625 ILCS 5/15-315 — Exemptions to requirement of fees

Sec. 15-315. Exemptions to requirement of fees.

(a) The requirements as to fees authorized by Sections 15-302 through 15-314 shall not apply to the owner of the vehicle or vehicle combination if owned by the United States, this State, or any political subdivision of this State, or any municipality therein.

(b) The provisions of Sections 15-302 through 15-314 requiring fees for a permit shall not modify, alter or in any manner affect either the provisions of Section 15-301, or the policy of the Department adopted for the administration of this Chapter.

625 ILCS 5/15-316 — When the Department or local authority may restrict right to use highways

Sec. 15-316. When the Department or local authority may restrict right to use highways.

(a) Except as provided in subsection (g), local authorities with respect to highways under their jurisdiction may by ordinance or resolution prohibit the operation of vehicles upon any such highway or impose restrictions as to the weight of vehicles to be operated upon any such highway, for a total period of not to exceed 90 days, measured in either consecutive or nonconsecutive days at the discretion of local authorities, in any one calendar year, whenever any said highway by reason of deterioration, rain, snow, or other climate conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced.

(b) The local authority enacting any such ordinance or resolution shall erect or cause to be erected and maintained signs designating the provision of the ordinance or resolution at each end of that portion of any highway affected thereby, and the ordinance or resolution shall not be effective unless and until such signs are erected and maintained. To be effective, an ordinance or resolution passed to designate a Class II roadway need not require that signs be erected, but the designation shall be reported to the Department.

(c) Local authorities with respect to highways under their jurisdiction may also, by ordinance or resolution, prohibit the operation of trucks or other commercial vehicles, or may impose limitations as the weight thereof, on designated highways, which prohibitions and limitations shall be designated by appropriate signs placed on such highways. (c-1) (Blank). (c-5) Highway commissioners, with respect to roads under their authority, may not permanently post a road or portion thereof at a reduced weight limit unless the decision to do so is made in accordance with Section 6-201.22 of the Illinois Highway Code.

(d) The Department shall likewise have authority as hereinbefore granted to local authorities to determine by resolution and to impose restrictions as to the weight of vehicles operated upon any highway under the jurisdiction of said department, and such restrictions shall be effective when signs giving notice thereof are erected upon the highway or portion of any highway affected by such resolution. (d-1) (Blank). (d-2) (Blank).

(e) When any vehicle is operated in violation of this Section, the owner or driver of the vehicle shall be deemed guilty of a violation and either the owner or the driver of the vehicle may be prosecuted for the violation. Any person, firm, or corporation convicted of violating this Section shall be fined \$50 for any weight exceeding the posted limit up to the axle or gross weight limit allowed a vehicle as provided for in subsections

(a) or

(b) of Section 15-111 and \$75 per every 500 pounds or fraction thereof for any weight exceeding that which is provided for in subsections

(a) or

(b) of Section 15-111.

(f) A municipality is authorized to enforce a county weight limit ordinance applying to county highways within its corporate limits and is entitled to the proceeds of any fines collected from the enforcement.

(g) An ordinance or resolution enacted by a county or township pursuant to subsection

(a) of this Section shall not apply to cargo tank vehicles with two or three permanent axles when delivering propane for emergency heating purposes if the cargo tank is loaded at no more than 50 percent capacity, the gross vehicle weight of the vehicle does not exceed 32,000 pounds, and the driver of the cargo tank vehicle notifies the appropriate agency or agencies with jurisdiction over the highway before driving the vehicle on the highway pursuant to this subsection. The cargo tank vehicle must have an operating gauge on the cargo tank which indicates the amount of propane as a percent of capacity of the cargo tank. The cargo tank must have the capacity displayed on the cargo tank, or documentation of the capacity of the cargo tank must be available in the vehicle. For the purposes of this subsection, propane weighs 4.2 pounds per gallon. This subsection does not apply to municipalities. Nothing in this subsection shall allow cargo tank vehicles to cross bridges with posted weight restrictions if the vehicle exceeds the posted weight limit.

625 ILCS 5/15-317 — Special weight limitation on elevated structures

Sec. 15-317. Special weight limitation on elevated structures.

(a) No person shall operate a vehicle or combination of vehicles over a bridge or other elevated structure constituting a part of a highway with a gross weight which is greater than the maximum weight permitted by the Department, when such structure is sign posted as provided in this Section.

(b) The Department upon request from any local authority shall, or upon its own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if it finds that such structure cannot with safety to itself withstand the weight of vehicles otherwise permissible under this Chapter the Department shall determine and declare the maximum weight of vehicles which such structure can withstand, and shall cause or permit suitable signs stating maximum weight to be erected and maintained before each end of such structure.

(c) Upon the trial of any person charged with a violation of this Section proof of the determination of the maximum allowable weight by the Department and the existence of the signs, constitutes conclusive evidence of the maximum weight which can be maintained with safety to such bridge or structure.

625 ILCS 5/15-318 — Liability if highway or structure damaged

Sec. 15-318. Liability if highway or structure damaged.

(a) Any person driving any vehicle, object or contrivance upon any highway or highway structure is liable for all damage which the highway or structure may sustain as a result of any illegal operation, driving or moving of such vehicle, object or contrivance, or as a result of operating, driving, or moving any vehicle, object, or contrivance exceeding the maximum dimensions or weighing in excess of the maximum weight specified in this Chapter but authorized by a special permit issued as provided in this Chapter. The measure of liability is the cost of repairing a facility partially damaged or the depreciated replacement cost of a facility damaged beyond repair together with all other expenses incurred by the authorities in control of the highway or highway structure in providing a temporary detour, including a temporary structure, to serve the needs of traffic during the period of repair or replacement of the damaged highway or highway structure.

(b) Whenever such driver is not the owner of such vehicle, object, or contrivance, but is so operating, driving, or moving the same with the express or implied permission of such owner, then the owner and driver are jointly and severally liable to the extent provided in paragraph

(a) of this Section.

(c) Recovery may be had in a civil action brought by the authorities in control of such highway or highway structure.

625 ILCS 5/15-319

Sec. 15-319. (Repealed).

625 ILCS 5/16-101 — Applicability

Sec. 16-101. Applicability. The provisions of this Chapter shall be applicable to the enforcement of this entire Code, except where another penalty is set forth in a specific Chapter which is applicable to that Chapter or a designated part or Section thereof.

625 ILCS 5/16-102 — Arrests - Investigations - Prosecutions

Sec. 16-102. Arrests - Investigations - Prosecutions.

(a) The Illinois State Police shall patrol the public highways and make arrests for violation of the provisions of this Act.

(b) The Secretary of State, through the investigators provided for in this Act shall investigate and report violations of the provisions of this Act in relation to the equipment and operation of vehicles as provided for in Section 2-115 and for such purposes these investigators have and may exercise throughout the State all of the powers of police officers.

(c) The State's Attorney of the county in which the violation occurs shall prosecute all violations except when the violation occurs within the corporate limits of a municipality, the municipal attorney may prosecute if written permission to do so is obtained from the State's Attorney.

(d) The State's Attorney of the county in which the violation occurs may not grant to the municipal attorney permission to prosecute if the offense charged is a felony under Section 11-501 of this Code. The municipality may, however, charge an offender with a municipal misdemeanor offense if the State's Attorney rejects or denies felony charges for the conduct that comprises the charge.

625 ILCS 5/16-102.5 — Enforcement by municipality

Sec. 16-102.5. Enforcement by municipality.

(a) If a municipality adopts an ordinance similar to subsection

(f) of Section 3-413 or Section 11-1304.5 of this Code, any person that a municipality designates to enforce ordinances regulating the standing or parking of vehicles shall have the authority to enforce the provisions of subsection

(f) of Section 3-413 or Section 11-1304.5 of this Code or the similar local ordinance. However, the authority to enforce subsection

(f) of Section 3-413 or Section 11-1304.5 of this Code or a similar local ordinance shall not be given to an appointed volunteer or private or public entity under contract to enforce person with disabilities parking laws.

(b) To enforce the provisions of subsection

(f) of Section 3-413 or Section 11-1304.5 of this Code or a similar local ordinance, a municipality shall impose a fine not exceeding \$25.

625 ILCS 5/16-103 — Arrest outside county where violation committed

Sec. 16-103. Arrest outside county where violation committed. Whenever a defendant is arrested upon a warrant charging a violation of this Act in a county other than that in which such warrant was issued, the arresting officer, immediately upon the request of the defendant, shall take such defendant before a circuit judge or associate circuit judge in the county in which the arrest was made who shall admit the defendant to pretrial release for his appearance before the court named in the warrant. On setting the conditions of pretrial release, the circuit judge or associate circuit judge shall certify such fact on the warrant and deliver the warrant and conditions of pretrial release, or the drivers license of such defendant if deposited, under the law relating to such licenses, in lieu of such security, to the officer having charge of the defendant. Such officer shall then immediately discharge the defendant from arrest and without delay deliver such warrant and such

acknowledgment by the defendant of his or her receiving the conditions of pretrial release or drivers license to the court before which the defendant is required to appear.

625 ILCS 5/16-104 — Penalties

Sec. 16-104. Penalties. Every person convicted of a violation of any provision of this Code for which another penalty is not provided shall, for a first or second conviction thereof, be guilty of a petty offense and, for a third or subsequent conviction within one year after the first conviction, be guilty of a Class C misdemeanor.

625 ILCS 5/16-104a

Sec. 16-104a. (Repealed).

625 ILCS 5/16-104b

Sec. 16-104b. (Repealed).

625 ILCS 5/16-104c

Sec. 16-104c. (Repealed).

625 ILCS 5/16-104d

Sec. 16-104d. (Repealed).

625 ILCS 5/16-104d-1

Sec. 16-104d-1. (Repealed).

625 ILCS 5/16-104e — Minimum penalty for traffic offenses

Sec. 16-104e. Minimum penalty for traffic offenses. Unless otherwise disposed of prior to a court appearance in the same matter under Supreme Court Rule 529, a person who, after a court appearance in the same matter, is found guilty of or pleads guilty to, including any person receiving a disposition of court supervision, a violation of this Code or a similar provision of a local ordinance shall pay a fine that may not be waived. Nothing in this Section shall prevent the court from ordering that the fine be paid within a specified period of time or in installments under Section 5-9-1 of the Unified Code of Corrections.

625 ILCS 5/16-105 — Disposition of fines and forfeitures

Sec. 16-105. Disposition of fines and forfeitures.

(a) Except as provided in Section 15-113 of this Act and except those amounts subject to disbursement by the circuit clerk under the Criminal and Traffic Assessment Act, fines and penalties recovered under the provisions of Chapters 3 through 17 and 18b inclusive of this Code shall be paid and used as follows: 1. For offenses committed upon a highway within the limits of a city, village, or incorporated town or under the jurisdiction of any park district, to the treasurer of the particular city, village, incorporated town, or park district, if the violator was arrested by the authorities of the city, village, incorporated town, or park district, provided the police officers and officials of cities, villages, incorporated towns, and park districts shall seasonably prosecute for all fines and penalties under this Code. If the violation is prosecuted by the authorities of the county, any fines or penalties recovered shall be paid to the county treasurer, except that fines and penalties recovered from violations arrested by the Illinois State Police shall be remitted to the State Treasurer for deposit into the State Police Law Enforcement Administration Fund. Provided further that if the violator was arrested by the Illinois State Police, fines and penalties recovered under the provisions of paragraph

(a) of Section 15-113 of this Code or paragraph

(e) of Section 15-316 of this Code shall be remitted to the State Treasurer who shall deposit the amount so remitted in the special fund in the State treasury known as the Road Fund except that if the violation is prosecuted by the State's Attorney, 10% of the fine or penalty recovered shall be paid to the State's Attorney as a fee of his office and the balance shall be remitted to the State Treasurer for remittance to and deposit by the State Treasurer as hereinabove provided. 2. Except as provided in paragraph 4, for offenses committed upon any highway outside the limits of a city, village, incorporated town, or park district, to the county treasurer of the county where the offense was committed except if such offense was committed on a highway maintained by or under the supervision of a township, township district, or a road district to the Treasurer thereof for deposit in the road and bridge fund of such township or other district, except that fines

and penalties recovered from violations arrested by the Illinois State Police shall be remitted to the State Treasurer for deposit into the State Police Law Enforcement Administration Fund; provided that fines and penalties recovered under the provisions of paragraph

(a) of Section 15-113, paragraph

(d) of Section 3-401, or paragraph

(e) of Section 15-316 of this Code shall be remitted to the State Treasurer who shall deposit the amount so remitted in the special fund in the State treasury known as the Road Fund except that if the violation is prosecuted by the State's Attorney, 10% of the fine or penalty recovered shall be paid to the State's Attorney as a fee of his office and the balance shall be remitted to the State Treasurer for remittance to and deposit by the State Treasurer as hereinabove provided. 3. Notwithstanding subsections 1 and 2 of this paragraph, for violations of overweight and overload limits found in Sections 15-101 through 15-203 of this Code, which are committed upon the highways belonging to the Illinois State Toll Highway Authority, fines and penalties shall be remitted to the Illinois State Toll Highway Authority for deposit with the State Treasurer into that special fund known as the Illinois State Toll Highway Authority Fund, except that if the violation is prosecuted by the State's Attorney, 10% of the fine or penalty recovered shall be paid to the State's Attorney as a fee of his office and the balance shall be remitted to the Illinois State Toll Highway Authority for remittance to and deposit by the State Treasurer as hereinabove provided. 4. With regard to violations of overweight and overload limits found in Sections 15-101 through 15-203 of this Code committed by operators of vehicles registered as Special Hauling Vehicles, for offenses committed upon a highway within the limits of a city, village, or incorporated town or under the jurisdiction of any park district, all fines and penalties shall be paid over or retained as required in paragraph 1. However, with regard to the above offenses committed by operators of vehicles registered as Special Hauling Vehicles upon any highway outside the limits of a city, village, incorporated town, or park district, fines and penalties shall be paid over or retained by the entity having jurisdiction over the road or highway upon which the offense occurred, except that if the violation is prosecuted by the State's Attorney, 10% of the fine or penalty recovered shall be paid to the State's Attorney as a fee of his office.

(b) Failure, refusal, or neglect on the part of any judicial or other officer or employee receiving or having custody of any such fine or forfeiture either before or after a deposit with the proper official as defined in paragraph

(a) of this Section, shall constitute misconduct in office and shall be grounds for removal therefrom.

625 ILCS 5/16-105.5 — Payment to municipality

Sec. 16-105.5. Payment to municipality. All revenues derived from the issuance of citations for violations of subsection

(f) of Section 3-413 of this Code or a similar local ordinance that are required to be paid to a municipality under this Code shall be deposited into the general fund of the municipality.

625 ILCS 5/16-106

Sec. 16-106. For offenses committed under the provisions of this Act or the ordinances of any municipality, park district or county which involve the regulation of the ownership, use or operation of vehicles, the police officers and officials of such municipalities and park districts, and sheriffs shall, when issuing a traffic ticket, other citation, or Notice to Appear in lieu of either, in counties other than Cook, also issue written notice to the accused in substantially the following form: AVOID MULTIPLE COURT APPEARANCES If you intend to plead "not guilty" to this charge, or if, in addition, you intend to demand a trial by jury, so notify the clerk of the court at least 5 days (excluding Saturdays, Sundays or holidays) before the day set for your appearance. A new appearance date will be set, and arrangements will be made to have the arresting officer present on that new date. Failure to notify the clerk of either your intention to plead "not guilty" or your intention to demand a jury trial, may result in your having to return to court, if you plead "not guilty" on the date originally set for your court appearance. Upon timely receipt of notice that the accused intends to plead "not guilty", the clerk shall set a new appearance date not less than 7 days nor more than 49 days after the original appearance date set by the arresting officer, and notify all parties of the new date and the time for appearance. If the accused fails to notify the clerk as provided above, the arresting officer's failure to appear on the date originally set for appearance may, in counties other than Cook, be considered good cause for a continuance.

625 ILCS 5/16-106.3 — Erroneous appearance date

Sec. 16-106.3. Erroneous appearance date. In any case alleging a violation of this Code or similar local ordinance which would be chargeable as a misdemeanor, a case shall not be dismissed due to an error by the arresting officer or the clerk of the court, or both, in setting a person's first appearance date, subject to the right of speedy trial provided under Section

103-5 of the Code of Criminal Procedure of 1963.

625 ILCS 5/16-106.5 — Pilot project; notice of violation to owner

Sec. 16-106.5. Pilot project; notice of violation to owner.

(a) A pilot project is created that shall be in operation from January 1, 2002 through December 31, 2003 in the counties of DuPage, Kendall, and Sangamon. Under the pilot project, when a traffic citation is issued for a violation of this Code to a person who is under the age of 18 years, who is a resident of the county in which the traffic citation was issued, and who is not the registered owner of the vehicle named in the traffic citation, the circuit clerk of the county in which the traffic citation was issued shall, within 10 days after the traffic citation is filed with the circuit clerk, send notice of the issuance of the traffic citation to the registered owner of the vehicle. The notice must include:

- (1) the date and time the violation was alleged to have been committed;
 - (2) the location where the violation was alleged to have been committed;
 - (3) the name of the person cited for committing the alleged violation;
 - (4) the violation alleged to have been committed; and
 - (5) the date and time of any required court appearance by the person cited for committing the alleged violation.
- (b) On or before March 31, 2004, the Department of State Police shall report to the General Assembly on the effectiveness of the pilot project.

625 ILCS 5/16-107 — Appearance of parent or guardian of minor in certain court proceedings - Judicial discretion

Sec. 16-107. Appearance of parent or guardian of minor in certain court proceedings - Judicial discretion.

(a) Whenever an unemancipated minor is required to appear in court pursuant to a citation for violation of any Section or any subsection of any Section of this Act specified in subsection

(b) of this Section, the court may require that a parent or guardian of the minor accompany the minor and appear before the court with the minor, unless, in the discretion of the court, such appearance would be unreasonably burdensome under the circumstances.

(b) This Section shall apply whenever an unemancipated minor is charged with violation of any of the following Sections and subsections of this Act: 1) Sections 3-701, 3-702 and 3-703; 2) Sections 4-102, 4-103, 4-104 and 4-105; 3) Section 6-101, subsections (a),

(b) and

(c) of Section 6-104, and Sections 6-113, 6-301, 6-302, 6-303 and 6-304; 4) Sections 11-203 and 11-204, subsection

(b) of Section 11-305, Sections 11-311, 11-312, 11-401, 11-402, 11-403, 11-404, 11-407, 11-409, 11-501, 11-502, 11-503, 11-504, 11-506, subsection

(b) of Section 11-601, Sections 11-704, 11-707, 11-1007, 11-1403, 11-1404 and subsection

(a) of Section 11-1414.

625 ILCS 5/16-108 — Claims of diplomatic immunity

Sec. 16-108. Claims of diplomatic immunity.

(a) This Section applies only to an individual that displays to a police officer a driver's license issued by the U.S. Department of State or that otherwise claims immunities or privileges under Title 22, Chapter 6 of the United States Code with respect to the individual's violation of Section 9-3 or Section 9-3.2 of the Criminal Code of 2012 or his or her violation of a traffic regulation governing the movement of vehicles under this Code or a similar provision of a local ordinance.

(b) If a driver subject to this Section is stopped by a police officer that has probable cause to believe that the driver has committed a violation described in subsection

(a) of this Section, the police officer shall:

- (1) as soon as practicable contact the U.S. Department of State office in order to verify the driver's status and immunity, if any;

- (2) record all relevant information from any driver's license or identification card, including a driver's license or identification card issued by the U.S. Department of State; and
- (3) within 5 workdays after the date of the stop, forward the following to the Secretary of State of Illinois: (A) a vehicle crash report, if the driver was involved in a vehicle crash; (B) if a citation or charge was issued to the driver, a copy of the citation or charge; and (C) if a citation or charge was not issued to the driver, a written report of the incident.
- (c) Upon receiving material submitted under paragraph
- (3) of subsection
- (b) of this Section, the Secretary of State shall:
 - (1) file each vehicle crash report, citation or charge, and incident report received;
 - (2) keep convenient records or make suitable notations showing each: (A) conviction; (B) disposition of court supervision for any violation of Section 11-501 of this Code; and (C) vehicle crash; and
 - (3) send a copy of each document and record described in paragraph
- (2) of this subsection
- (c) to the Bureau of Diplomatic Security, Office of Foreign Missions, of the U.S. Department of State.
- (d) This Section does not prohibit or limit the application of any law to a criminal or motor vehicle violation by an individual who has or claims immunities or privileges under Title 22, Chapter 6 of the United States Code.

625 ILCS 5/16-201 — Parties to a crime

Sec. 16-201. Parties to a crime. Every person who commits, attempts to commit, conspires to commit, or aids, or abets in the commission of any act declared to be a crime, whether individually or in connection with one or more other persons or as principal, agent or accessory, shall be guilty of such offense, and every person who falsely, fraudulently, forcibly, or wilfully induces, causes, coerces, requires, permits, or directs another to violate any provision of this Act is likewise guilty of such offense.

625 ILCS 5/16-202 — Offenses by persons owning or controlling vehicles

Sec. 16-202. Offenses by persons owning or controlling vehicles. It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of such vehicle upon a highway in any manner contrary to law.

625 ILCS 5/17-101 — Powers and duties of governor

Sec. 17-101. Powers and duties of governor. The Governor, in addition to other duties and responsibilities conferred upon him by the constitution and laws of this State is empowered to contract and to do all other things necessary in behalf of this State to secure the full benefits available to this State under the Federal Highway Safety Act of 1966, as amended, and in so doing, to cooperate with Federal and State agencies, agencies private and public, interested organizations, and with individuals, to effectuate the purposes of that enactment, and any and all subsequent amendments thereto. The Governor is the official of this State having the ultimate responsibility for dealing with the Federal Government with respect to programs and activities pursuant to the National Highway Safety Act of 1966 and any amendments thereto. To that end he shall coordinate the activities of the Secretary of State and the State Board of Education and of any and all departments and agencies of this State and its subdivisions, relating thereto.

625 ILCS 5/18a-100 — Definitions

Sec. 18a-100. Definitions. As used in this Chapter:

- (1) "Commercial vehicle relocater" or "relocater" means any person or entity engaged in the business of removing trespassing vehicles from private property by means of towing or otherwise, and thereafter relocating and storing such vehicles;
- (2) "Commission" means the Illinois Commerce Commission;
- (3) "Operator" means any person who, as an employee of a commercial vehicle relocater, removes trespassing vehicles from private property by means of towing or otherwise. This term includes the driver of any vehicle used in removing a trespassing vehicle from private property, as well as any person other than the driver who assists in the removal of a trespassing vehicle from private property;

- (4) "Operator's employment permit" means a license issued to an operator in accordance with Sections 18a-403 or 18a-405 of this Chapter;
- (5) "Relocator's license" means a license issued to a commercial vehicle relocator in accordance with Sections 18a-400 or 18a-401 of this Chapter;
- (6) "Dispatcher" means any person who, as an employee or agent of a commercial vehicle relocator, dispatches vehicles to or from locations from which operators perform removal activities; and
- (7) "Dispatcher's employment permit" means a license issued to a dispatcher in accordance with Sections 18a-407 or 18a-408 of this Chapter.

625 ILCS 5/18a-101 — Declaration of policy and delegation of jurisdiction

Sec. 18a-101. Declaration of policy and delegation of jurisdiction. It is hereby declared to be the policy of the State of Illinois to supervise and regulate the commercial removal of trespassing vehicles from private property, and the subsequent relocation and storage of such vehicles in such manner as to fairly distribute rights and responsibilities among vehicle owners, private property owners and commercial vehicle relocators, and for this purpose the power and authority to administer and to enforce the provisions of this Chapter shall be vested in the Illinois Commerce Commission.

625 ILCS 5/18a-102 — Local regulation

Sec. 18a-102. Local regulation. Nothing contained in this Chapter shall be construed to infringe upon the right of non-home rule units of local government to regulate the commercial relocation of vehicles in a manner consistent with, or in addition to, State or federal laws or regulations. Nothing in this Chapter shall constitute a limitation on the authority of any home rule unit; however, the provisions of this Chapter shall remain in full force and effect in home rule units notwithstanding any applicable ordinances of home rule units.

625 ILCS 5/18a-103 — Review

Sec. 18a-103. Review. A person aggrieved by an order of the Commission under this Chapter is entitled, in addition to any other remedy, to a review thereof by the Circuit Court in accordance with the Administrative Review Law, as amended.

625 ILCS 5/18a-104 — Towing performed pursuant to police order

Sec. 18a-104. Towing performed pursuant to police order. Nothing contained in this Chapter shall be construed to regulate or otherwise affect towing performed by any relocator pursuant to the order of a law enforcement official or agency in accordance with Sections 4-201 through 4-214 of the Illinois Vehicle Code.

625 ILCS 5/18a-105 — Exemptions

Sec. 18a-105. Exemptions. This Chapter shall not apply to the relocation of motorcycles. Such relocation shall be governed by the provisions of Section 4-203 of this Code.

625 ILCS 5/18a-200 — General powers and duties of Commission

Sec. 18a-200. General powers and duties of Commission. The Commission shall:

- (1) Regulate commercial vehicle relocators and their employees or agents in accordance with this Chapter and to that end may establish reasonable requirements with respect to proper service and practices relating thereto;
- (2) Require the maintenance of uniform systems of accounts, records and the preservation thereof;
- (3) Require that all drivers and other personnel used in relocation be employees of a licensed relocator;
- (4) Regulate equipment leasing to and by relocators;
- (5) Adopt reasonable and proper rules covering the exercise of powers conferred upon it by this Chapter, and reasonable rules governing investigations, hearings and proceedings under this Chapter;
- (6) Set reasonable rates for the commercial towing or removal of trespassing vehicles from private property. The rates shall not exceed the mean average of the 5 highest rates for police tows within the territory to which this Chapter applies that are performed under Sections 4-201 and 4-214 of this Code and that are of record at hearing; provided that the Commission shall not re-calculate the maximum specified herein if the order containing the previous calculation was entered within one calendar year of the date on which the new order is entered. Set reasonable rates for the storage, for

periods in excess of 24 hours, of the vehicles in connection with the towing or removal; however, no relocater shall impose charges for storage for the first 24 hours after towing or removal. Set reasonable rates for other services provided by relocators, provided that the rates shall not be charged to the owner or operator of a relocated vehicle. Any fee charged by a relocater for the use of a credit card that is used to pay for any service rendered by the relocater shall be included in the total amount that shall not exceed the maximum reasonable rate established by the Commission. The Commission shall require a relocater to refund any amount charged in excess of the reasonable rate established by the Commission, including any fee for the use of a credit card;

(7) Investigate and maintain current files of the criminal records, if any, of all relocators and their employees and of all applicants for relocater's license, operator's licenses and dispatcher's licenses. If the Commission determines that an applicant for a license issued under this Chapter will be subjected to a criminal history records check, the applicant shall submit his or her fingerprints to the Illinois State Police in the form and manner prescribed by the Illinois State Police. These fingerprints shall be checked against the Illinois State Police and Federal Bureau of Investigation criminal history record information databases now and hereafter filed. The Illinois State Police shall charge the applicant a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The Illinois State Police shall furnish pursuant to positive identification, records of conviction to the Commission;

(8) Issue relocater's licenses, dispatcher's employment permits, and operator's employment permits in accordance with Article IV of this Chapter;

(9) Establish fitness standards for applicants seeking relocater licensees and holders of relocater licenses;

(10) Upon verified complaint in writing by any person, organization or body politic, or upon its own initiative may, investigate whether any commercial vehicle relocater, operator, dispatcher, or person otherwise required to comply with any provision of this Chapter or any rule promulgated hereunder, has failed to comply with any provision or rule;

(11) Whenever the Commission receives notice from the Secretary of State that any domestic or foreign corporation regulated under this Chapter has not paid a franchise tax, license fee or penalty required under the Business Corporation Act of 1983, institute proceedings for the revocation of the license or right to engage in any business required under this Chapter or the suspension thereof until such time as the delinquent franchise tax, license fee or penalty is paid.

625 ILCS 5/18a-201 — Additional officers and employees

Sec. 18a-201. Additional officers and employees. The Commission, for the purpose of more effectively carrying out the provisions of this Chapter, shall obtain pursuant to the provisions of the "Personnel Code" such officers and employees as it may deem necessary to carry out the provisions of this Chapter or to perform the duties and exercise the powers conferred by law upon the Commission.

625 ILCS 5/18a-300 — Commercial vehicle relocators - Unlawful practices

Sec. 18a-300. Commercial vehicle relocators - Unlawful practices. It shall be unlawful for any commercial vehicle relocater:

(1) To operate in any county in which this Chapter is applicable without a valid, current relocater's license as provided in Article IV of this Chapter;

(2) To employ as an operator, or otherwise so use the services of, any person who does not have at the commencement of employment or service, or at any time during the course of employment or service, a valid, current operator's employment permit, or temporary operator's employment permit issued in accordance with Sections 18a-403 or 18a-405 of this Chapter; or to fail to notify the Commission, in writing, of any known criminal conviction of any employee occurring at any time before or during the course of employment or service;

(3) To employ as a dispatcher, or otherwise so use the services of, any person who does not have at the commencement of employment or service, or at any time during the course of employment or service, a valid, current dispatcher's or operator's employment permit or temporary dispatcher's or operator's employment permit issued in accordance with Sections 18a-403 or 18a-407 of this Chapter; or to fail to notify the Commission, in writing, of any known criminal conviction of any employee occurring at any time before or during the course of employment or service;

(4) To operate upon the highways of this State any vehicle used in connection with any commercial vehicle relocation service unless: (A) There is painted or firmly affixed to the vehicle on both sides of the vehicle in a color or colors vividly contrasting to the color of the vehicle the name, address and telephone number of the relocater. The Commission shall

prescribe reasonable rules and regulations pertaining to insignia to be painted or firmly affixed to vehicles and shall waive the requirements of the address on any vehicle in cases where the operator of a vehicle has painted or otherwise firmly affixed to the vehicle a seal or trade mark that clearly identifies the operator of the vehicle; and (B) There is carried in the power unit of the vehicle a certified copy of the currently effective relocater's license and operator's employment permit. Copies may be photographed, photocopied, or reproduced or printed by any other legible and durable process. Any person guilty of not causing to be displayed a copy of his relocater's license and operator's employment permit may in any hearing concerning the violation be excused from the payment of the penalty hereinafter provided upon a showing that the license was issued by the Commission, but was subsequently lost or destroyed;

(5) To operate upon the highways of this State any vehicle used in connection with any commercial vehicle relocation service that bears the name or address and telephone number of any person or entity other than the relocater by which it is owned or to which it is leased;

(6) To advertise in any newspaper, book, list, classified directory or other publication unless there is contained in the advertisement the license number of the relocater;

(7) To remove any vehicle from private property without having first obtained the written authorization of the property owner or other person in lawful possession or control of the property, his authorized agent, or an authorized law enforcement officer. The authorization may be on a contractual basis covering a period of time or limited to a specific removal;

(8) To charge the private property owner, who requested that an unauthorized vehicle be removed from his property, with the costs of removing the vehicle contrary to any terms that may be a part of the contract between the property owner and the commercial relocater. Nothing in this paragraph shall prevent a relocater from assessing, collecting, or receiving from the property owner, lessee, or their agents any fee prescribed by the Commission;

(9) To remove a vehicle when the owner or operator of the vehicle is present or arrives at the vehicle location at any time prior to the completion of removal, and is willing and able to remove the vehicle immediately, except for vehicles that require a commercial driver's license to operate. Vehicles that require a commercial driver's license to operate shall be disconnected from the tow truck and the owner or operator shall be allowed to remove the vehicle without interference upon the payment of a reasonable service fee of not more than one-half of the posted rate of the towing service per tow vehicle on the scene and up to a maximum of 2 tow vehicles as provided in paragraph 6 of subsection

(f) of Section 4-203 of this Code, for which a receipt shall be given;

(10) To remove any vehicle from property on which signs are required and on which there are not posted appropriate signs under Section 18a-302;

(11) To fail to notify law enforcement authorities in the jurisdiction in which the trespassing vehicle was removed within one hour of the removal. Notification shall include a complete description of the vehicle, registration numbers if possible, the locations from which and to which the vehicle was removed, the time of removal, and any other information required by regulation, statute or ordinance;

(12) To impose any charge other than in accordance with the rates set by the Commission as provided in paragraph

(6) of Section 18a-200 of this Chapter;

(13) To fail, in the office or location at which relocated vehicles are routinely returned to their owners, to prominently post the name, address and telephone number of the nearest office of the Commission to which inquiries or complaints may be sent; (13.1) To fail to distribute to each owner or operator of a relocated vehicle, in written form as prescribed by Commission rule or regulation, the relevant statutes, regulations and ordinances governing commercial vehicle relocators, including, in at least 12 point boldface type, the name, address and telephone number of the nearest office of the Commission to which inquiries or complaints may be sent; (13.2) To fail, in the office or location at which relocated vehicles are routinely returned to their owners, to ensure that the relocater's representative provides suitable evidence of his or her identity to the owners of relocated vehicles upon request;

(14) To remove any vehicle, otherwise in accordance with this Chapter, more than 15 air miles from its location when towed from a location in an unincorporated area of a county or more than 10 air miles from its location when towed from any other location;

(15) To fail to make a telephone number available to the police department of any municipality in which a relocater operates at which the relocater or an employee of the relocater may be contacted at any time during the hours in which

the relocater is engaged in the towing of vehicles, or advertised as engaged in the towing of vehicles, for the purpose of effectuating the release of a towed vehicle; or to fail to include the telephone number in any advertisement of the relocater's services published or otherwise appearing on or after the effective date of this amendatory Act; or to fail to have an employee available at any time on the premises owned or controlled by the relocater for the purposes of arranging for the immediate release of the vehicle. Apart from any other penalty or liability authorized under this Act, if after a reasonable effort, the owner of the vehicle is unable to make telephone contact with the relocater for a period of one hour from his initial attempt during any time period in which the relocater is required to respond at the number, all fees for towing, storage, or otherwise are to be waived. Proof of 3 attempted phone calls to the number provided to the police department by an officer or employee of the department on behalf of the vehicle owner within the space of one hour, at least 2 of which are separated by 45 minutes, shall be deemed sufficient proof of the owner's reasonable effort to make contact with the vehicle relocater. Failure of the relocater to respond to the phone calls is not a criminal violation of this Chapter;

(16) To use equipment which the relocater does not own, except in compliance with Section 18a-306 of this Chapter and Commission regulations. No equipment can be leased to more than one relocater at any time. Equipment leases shall be filed with the Commission. If equipment is leased to one relocater, it cannot thereafter be leased to another relocater until a written cancellation of lease is properly filed with the Commission;

(17) To use drivers or other personnel who are not employees or contractors of the relocater;

(18) To fail to refund any amount charged in excess of the reasonable rate established by the Commission;

(19) To violate any other provision of this Chapter, or of Commission regulations or orders adopted under this Chapter;

(20) To engage in the removal of a commercial motor vehicle that requires a commercial driver's license to operate by operating the vehicle under its own power on a highway without authorization by a law enforcement officer.

625 ILCS 5/18a-301 — Commercial vehicle relocators - Security requirements

Sec. 18a-301. Commercial vehicle relocators - Security requirements. Every commercial vehicle relocater shall file with the Commission and have in effect an indemnity bond or insurance policy or certificates of bonds or insurance in lieu thereof which shall indemnify or insure the relocater for its liability:

(1) for injury to person, in an amount not less than \$100,000 to any one person and \$300,000 for any one crash;

(2) in case of damage to property other than a vehicle being removed, in an amount not less than \$50,000 for any one crash; and

(3) in case of damage to any vehicle relocated or stored by the relocater, in an amount not less than \$15,000 per vehicle. Any such bond or policy shall be issued by a bonding or insurance firm authorized to do business as such in the State of Illinois. All certificates or indemnity bonds or insurance filed with the Commission must show the coverage effective continuously until cancelled, and the Commission may require such evidence of continued validity as it deems necessary.

625 ILCS 5/18a-302 — Owner or other person in lawful possession or control of private property - Right to employ relocation service

Sec. 18a-302. Owner or other person in lawful possession or control of private property - Right to employ relocation service. It shall be unlawful for an owner or other person in lawful possession or control of private property to remove or employ a commercial relocater to remove an unauthorized vehicle from such property unless written notice is provided to the effect that such vehicles will be removed, including the name, address and telephone number of the appropriate commercial vehicle relocater, if any. Such notice shall consist of a sign, posted in a conspicuous place in the affected area, of a size at least 24 inches in height by 36 inches in width. Such sign shall be at least 4 feet from the ground but less than 8 feet from the ground and shall be either illuminated or painted with reflective paint, or both. Such sign shall state the amount of towing charges to which the person parking may be subject. This provision shall not be construed as prohibiting any unit of local government from imposing additional or greater notice requirements. No express notice shall be required under this Section upon residential property which, paying due regard to the circumstances and the surrounding area, is clearly reserved or intended exclusively for the use or occupation of residents or their vehicles.

625 ILCS 5/18a-303 — Civil and Criminal liability

Sec. 18a-303. Civil and Criminal liability. Nothing in this Chapter shall be construed to limit or alter the vehicle owner's civil or criminal liability for trespass. Nothing in this Chapter shall be construed to limit or alter the civil or criminal liability of

any person or entity for any act or omission. All penalties accruing under this Law shall be cumulative of each other and a suit for recovery of one penalty shall not bar or affect the recovery of another penalty.

625 ILCS 5/18a-304 — Operators - Unlawful Practices

Sec. 18a-304. Operators - Unlawful Practices. It shall be unlawful for any operator:

- (1) To act as an operator without a valid, current operator's employment permit.
- (2) To violate any other provision of this Chapter, or of Commission regulations or orders adopted under this Chapter.

625 ILCS 5/18a-305 — Aiding and abetting

Sec. 18a-305. Aiding and abetting. It shall be unlawful for any person to aid or abet in any violation of this Chapter, or of Commission regulations or orders adopted under this Chapter.

625 ILCS 5/18a-306 — Equipment Leasing

Sec. 18a-306. Equipment Leasing. Provisions in Section 18c-4103 of the Illinois Commercial Transportation Law, as amended, shall likewise govern equipment leasing by relocators except to the extent as otherwise provided in this Law.

625 ILCS 5/18a-307 — Enforcement

Sec. 18a-307. Enforcement. Provisions in Article VII of subchapter 1 of the Illinois Commercial Transportation Law, governing enforcement of the Illinois Commercial Transportation Law, shall likewise govern the enforcement of this Chapter.

625 ILCS 5/18a-400 — Relocator's licenses - Applications, original determinations

Sec. 18a-400. Relocator's licenses - Applications, original determinations.

- (a) Each application for a license to operate as a commercial vehicle relocator shall be made in writing to the Commission, shall be verified under oath, shall be in such form and contain such information as the Commission may by regulation require, and shall be accompanied by the required application fee and proof of security.
- (b) Upon the filing of such application, the Commission shall, within a reasonable time, fix a time and place for public hearing thereon. At least 10 days before the hearing, the Commission shall notify the applicant and all parties of record to such proceeding of the time and place of such hearing, by mailing a notice thereof to each such party to the address of such party shown in the records of such proceeding. Any person having an interest in the subject matter may appear at the hearing in support of or in objection to the application.
- (c) The applicant shall publish a notice on a form prescribed by the Commission covering the filing of such application at least 10 days prior to the time of the initial hearing in
 - (i) the official newspaper selected by the Department of Finance of the State of Illinois pursuant to Section 4 of the Illinois Purchasing Act, and (ii) a secular newspaper of general circulation and published in the county in the State of Illinois, wherein the applicant or applicants propose to maintain their principal office and place of business within the State of Illinois. The Commission may by regulation or otherwise order applicants to give such further notice as it deems required. The Commission may give additional notice of the filing of such application as it may deem reasonable and proper as prescribed in its rules. The Director of the Department of Finance of the State of Illinois for the purposes hereof shall over his or her signature as such Director annually and immediately upon selecting the official newspaper certify to the Illinois Commerce Commission the name and address of said newspaper, together with the date of expiration of the period of one year for which said newspaper was so selected and the Commission shall filemark each such certification as of the date it receives the same and shall keep an official file of said certifications of said Director conveniently available at its office in Springfield, Illinois; provided, however, that in any and all events and for all purposes of this Section and this Chapter, should the aforesaid Director for any reason fail to make said certification annually, the newspaper set forth in the certification aforesaid of said Director filemarked by the Commission as of the most recent date shall be the official newspaper in which publication is required hereby. In case publication is required hereby in a newspaper published in a particular county and no newspaper is so published, then and in that case publication shall be made in a newspaper published in the closest county thereto which meets the circulation requirements of this Section.
- (d) The Commission shall issue a relocator's license to any qualified applicant therefor after hearing, pursuant to an application filed, if it is found that the applicant is fit, willing and able properly to perform the service proposed and to conform to provisions of this Chapter and the requirements, rules and regulations of the Commission thereunder;

otherwise such application shall be denied. The order of the Commission granting or denying a relocator's license shall set forth the specific findings of fact on which such order is based. Notwithstanding any other provision of this Chapter no such license shall be issued to any person who has failed to pay any registration fee or any tax due from such person to the State of Illinois for the privilege of operating any motor vehicle on the public highways in the State of Illinois.

(e) Operation over the public highways of this State conducted pursuant to a relocator's license shall be in conformity with all of the laws of this State pertaining to motor vehicle operation over such public highways.

(f) No relocator's license shall confer any proprietary or property rights in the use of the public highways.

625 ILCS 5/18a-401 — Relocator's licenses - Expiration and renewal

Sec. 18a-401. Relocator's licenses - Expiration and renewal. All relocator's licenses shall expire 2 years from the date of issuance by the Commission. The Commission may temporarily extend the duration of a license for the pendency of a renewal application until formally approved or denied. Upon filing, no earlier than 90 days nor later than 45 days prior to such expiration, of written application for renewal, verified under oath, in such form and containing such information as the Commission shall by regulation require, and accompanied by the required application fee and proof of security, the Commission shall, unless it has received information of cause not to do so, renew the license. If the Commission has information of cause not to renew such license, it shall so notify the applicant, and shall hold a hearing as provided for in Section 18a-400. The Commission may at any time during the term of the license make inquiry into the management, conduct of business, or otherwise to determine that the provisions of this Chapter 18A and the regulations of the Commission promulgated thereunder are being observed.

625 ILCS 5/18a-402 — Relocator's license - Transfer

Sec. 18a-402. Relocator's license - Transfer. A relocator's license is not transferable.

625 ILCS 5/18a-403 — Operator's or dispatcher's employment permits - Applications, original determinations

Sec. 18a-403. Operator's or dispatcher's employment permits - Applications, original determinations.

(1) Each application for an operator's or dispatcher's employment permit shall be made in writing to the Commission, shall be acknowledged before a notary public, shall be in such form and shall contain such information as the Commission may by regulation require, and shall be accompanied by the required application fee and proof, in a form prescribed by the Commission, that the operator applicant has a valid driver's license issued by the Secretary of State.

(2) Upon the filing of such application, the Commission shall conduct an investigation of the criminal record, if any, of the applicant. The Commission shall, within 3 working days, issue to any new applicant for an employment permit a provisional operator's or dispatcher's employment permit unless the Commission finds that the applicant has committed an offense for which the permit could be revoked under Section 18a-404 of this Chapter. This provisional employment permit shall be valid for a period of 1 year unless suspended or revoked by order of the Commission. At the end of 1 year, the provisional permit shall automatically become permanent unless the permit was revoked by order of the Commission during the preceding year. The permanent permit shall remain valid unless suspended or revoked by order of the Commission under this law.

(3) The permit shall identify the operator or dispatcher by name and address, and shall identify the relocator by which the operator or dispatcher will be employed by name, address and relocator's permit number. The permit shall be valid only when the operator or dispatcher is employed by the relocator identified thereon. Operation over the public highways of this State conducted pursuant to an operator's license issued under the provisions of this Section shall be in conformity with all the laws of this State pertaining to motor vehicle operation over such public highways.

625 ILCS 5/18a-404 — Operator's and dispatcher's employment permits - Revocation

Sec. 18a-404. Operator's and dispatcher's employment permits - Revocation.

(1) The Commission shall suspend or revoke the permit of an operator if it finds that:

(a) The operator or dispatcher made a false statement on the application for an operator's or dispatcher's employment permit;

(b) The operator's or dispatcher's driver's license issued by the Secretary of State has been suspended or revoked;

(c) The operator or dispatcher has been convicted, during the preceding 5 years, of any criminal offense of the State of Illinois or any other jurisdiction involving any of the following, and the holder does not make a compelling showing that he is nevertheless fit to hold an operator's license:

(i) Bodily injury or attempt to inflict bodily injury to another; (ii) Theft of property or attempted theft of property; or (iii) Sexual assault or attempted sexual assault of any kind; or

(d) The operator or dispatcher has, during the preceding 5 years, violated this Chapter, Commission regulations or orders, or any other law affecting public safety, and the holder does not make a compelling showing that he or she is nevertheless fit to hold an operator's license.

(2) The Commission, upon notification and verification of any conviction described in this Section, of any person to whom license has been issued, occurring within the 5 years prior to such issuance or any time thereafter, shall immediately suspend the employment permit of such person, and issue an order setting forth the grounds for revocation. The person and his employer shall be notified of such suspension. Such person shall not thereafter be employed by a relocater until a final order is issued by the Commission either reinstating the employment permit, upon a finding that the reinstatement of an employment permit to the person constitutes no threat to the public safety, or revoking the employment permit.

(3) If the employment permit is revoked, the person shall not thereafter be employed by a relocater until he obtains an employment permit license under Article IV of this Chapter.

625 ILCS 5/18a-405 — Operator's employment permits - Expiration and renewal

Sec. 18a-405. Operator's employment permits - Expiration and renewal. All operator's employment permits shall expire 2 years from the date of issuance by the Commission. The Commission may temporarily extend the duration of an employment permit for the pendency of a renewal application until formally approved or denied. Upon filing, no earlier than 90 nor later than 45 days prior to such expiration, of written application for renewal, acknowledged before a notary public, in such form and containing such information as the Commission shall by regulation require, and accompanied by the required fee and proof of possession of a valid driver's license issued by the Secretary of State, the Commission shall, unless it has received information of cause not to do so, renew the applicant's operator's employment permit. If the Commission does not renew such employment permit, it shall issue an order setting forth the grounds for denial. The Commission may at any time during the term of the employment permit make inquiry into the conduct of the permittee to determine that the provisions of this Chapter 18A and the regulations of the Commission promulgated thereunder are being adhered to.

625 ILCS 5/18a-406 — Operator's employment permits - Transfer

Sec. 18a-406. Operator's employment permits - Transfer. An operator's employment permit is not transferrable to another operator or to another relocater.

625 ILCS 5/18a-407 — Dispatcher's employment permits, expiration and renewal

Sec. 18a-407. Dispatcher's employment permits, expiration and renewal. All dispatcher's employment permits shall expire 2 years from the date of issuance by the Commission. The Commission may temporarily extend the duration of an employment permit for the pendency of a renewal application until formally approved or denied. Upon filing, no earlier than 90 nor later than 45 days prior to such expiration, of written application for renewal, acknowledged before a notary public, in such form and containing such information as the Commission shall by regulation require, and accompanied by the required fee, the Commission shall, unless it has received information of cause not to do so, renew the applicant's dispatcher's employment permit. If the Commission does not renew such employment permit, it shall issue an order setting forth the grounds for denial. The Commission may at any time during the term of the employment permit make inquiry into the conduct of the permittee to determine that the provisions of this Chapter 18A and the regulations of the Commission promulgated thereunder are being observed.

625 ILCS 5/18a-408 — Dispatcher's employment permit - Transfer

Sec. 18a-408. Dispatcher's employment permit - Transfer. A dispatcher's employment permit is not transferable to another dispatcher or to another relocater.

625 ILCS 5/18a-500 — Posting of rates

Sec. 18a-500. Posting of rates. Every commercial vehicle relocater shall print and keep open to the public, all authorized rates and charges for towing, otherwise moving, and storing vehicles in connection with removal of unauthorized vehicles from private property. Such rates and charges shall be clearly stated in terms of lawful money of the United States, and shall be posted in such form and manner, and shall contain such information as the Commission shall by regulation prescribe.

625 ILCS 5/18a-501 — Liens against relocated vehicles

Sec. 18a-501. Liens against relocated vehicles.

(a) Unauthorized vehicles removed and stored by a commercial vehicle relocater in compliance with this Chapter shall be subject to a possessory lien for services pursuant to the Labor and Storage Lien (Small Amount) Act, and the provisions of Section 1 of that Act relating to notice and implied consent shall be deemed satisfied by compliance with Section 18a-302 and item

(10) of Section 18a-300. In no event shall such lien be greater than the rate or rates established in accordance with item (6) of Section 18a-200. In no event shall such lien be increased or altered to reflect any charge for services or materials rendered in addition to those authorized by this Act. Every such lien shall be payable by use of any major credit card, in addition to being payable in cash. Upon receipt of a properly signed credit card receipt, a relocater shall become a holder in due course, and neither the holder of the credit card nor the company which issued the credit card may thereafter refuse to remit payment in the amount shown on the credit card receipt minus the ordinary charge assessed by the credit card company for processing the charge. The Commission may adopt regulations governing acceptance of credit cards by a relocater.

(b) Any personal property belonging to the vehicle owner in a vehicle subject to a lien under this Section shall be subject to that lien, excepting only: child restraint systems as defined in Section 4 of the Child Passenger Protection Act and other child booster seats; eyeglasses; food; medicine; personal medical and health care devices, including hearing instruments; perishable property; any operator's licenses; any cash, credit cards, or checks or checkbooks; any wallet, purse, or other property containing any operator's licenses, social security cards, or other identifying documents or materials, cash, credit cards, checks or checkbooks, or passbooks; higher education textbooks and study materials; and any personal property belonging to a person other than the vehicle owner if that person provides adequate proof that the personal property belongs to that person. The spouse, child, mother, father, brother, or sister of the vehicle owner may claim personal property excepted under this subsection if the person claiming the personal property provides the commercial vehicle relocater with the authorization of the vehicle owner.

625 ILCS 5/18a-600 — Relocator's license

Sec. 18a-600. Relocator's license. Each application for a license to operate as a commercial vehicle relocater, or for a renewal of such license, shall be accompanied by a filing fee in the amount provided or prescribed by the Commission.

625 ILCS 5/18a-601 — Operator's or dispatcher's employment permit

Sec. 18a-601. Operator's or dispatcher's employment permit. Each application for dispatcher's or an operator's employment permit shall be accompanied by a filing fee in the amount provided or prescribed by the Commission. Each application for renewal of an operator's or dispatcher's employment permit shall be accompanied by a filing fee in the amount provided herein or prescribed by the Commission.

625 ILCS 5/18a-602 — Establishment and Adjustment of Fees

Sec. 18a-602. Establishment and Adjustment of Fees.

(1) General Provisions. The Commission may exercise any and all powers with respect to establishment and adjustment of fees with respect to commercial vehicle relocators which it may exercise with respect to motor carriers under subsections (2),

(3) and

(4) of Section 18c-1501 of the Illinois Commercial Transportation Law.

(2) Initial fees. The Commission shall set initial fees by rulemaking in accordance with Section 5-50 of the Illinois Administrative Procedure Act. Initial fees shall be set and take effect within 60 days after December 1, 1987. Such fees shall remain in effect until adjusted by the Commission in accordance with subsection

(1) of this Section.

625 ILCS 5/18a-603 — Disposition of funds

Sec. 18a-603. Disposition of funds. All fees and fines collected by the Commission under this Chapter shall be paid into the Transportation Regulatory Fund in the State Treasury. The money in that fund shall be used to defray the expenses of the administration of this Chapter and for the purposes specified in Section 18c-1601 of this Code.

625 ILCS 5/18a-700 — Counties covered

Sec. 18a-700. Counties covered.

(a) The provisions of this Chapter apply to all the activities of relocators and operators in any counties of 1,000,000 or more and in any county of less than 1,000,000 which adopts regulation under this Chapter as provided in this Section.

(b) Any operation of a relocator or operator involving the removal or storage of a given vehicle which takes place in any part in a regulated county shall subject all the activities of the relocator and operator involving that vehicle to regulation under this Chapter, except operations which take place entirely within the territory of a city, village or incorporated town excluded from this Chapter under paragraph (d).

(c) Any county of under 1,000,000 may elect to be covered under this Chapter by the adoption of a resolution by the County Board, approved by a majority of its members, providing that the county shall be subject to this Chapter. The county clerk shall certify to the Commission that the County Board has adopted the resolution. The Commission shall certify to such County Board an effective date for the applicability of this Chapter in such county. Such effective date shall be no earlier than 30 days from certification to the County Board nor later than 6 months from such certification or the beginning of the next fiscal year, whichever is last.

(d) Cities, villages and incorporated towns in counties to which the provisions of this Chapter apply may, by resolution adopted by a majority of the members of the corporate authorities and filed with the County Clerk of such county and with the Illinois Commerce Commission, choose to be excluded from the provisions of this Chapter. Upon the filing of such resolution, the provisions of this Chapter shall not be applicable to operations of relocators or operators which take place entirely within the territory of such city, village or incorporated town.

625 ILCS 5/18b-100 — Short Title

Sec. 18b-100. Short Title. This Chapter shall be known and may be cited as "The Illinois Motor Carrier Safety Law".

625 ILCS 5/18b-101 — Definitions

Sec. 18b-101. Definitions. Unless the context otherwise clearly requires, as used in this Chapter: "Agricultural commodities" means any agricultural commodity, non-processed food, feed, fiber, or livestock, including insects. "Agricultural operations" means the operation of a motor vehicle or combination of vehicles transporting agricultural commodities or farm supplies for agricultural purposes. "Air mile" means a nautical mile, which is equivalent to 6,076 feet or 1,852 meters. Accordingly, 100 air miles are equivalent to 115.08 statute miles or 185.2 kilometers. "Commercial motor vehicle" means any self propelled or towed vehicle used on public highways in interstate and intrastate commerce to transport passengers or property when the vehicle has a gross vehicle weight, a gross vehicle weight rating, a gross combination weight, or a gross combination weight rating of 10,001 or more pounds; or the vehicle is used or designed to transport more than 15 passengers, including the driver; or the vehicle is designed to carry 15 or fewer passengers and is operated by a contract carrier transporting employees in the course of their employment on a highway of this State; or the vehicle is used or designed to transport between 9 and 15 passengers, including the driver, for direct compensation; or the vehicle is used in the transportation of hazardous materials in a quantity requiring placarding under the Illinois Hazardous Materials Transportation Act. This definition shall not include farm machinery, fertilizer spreaders, and other special agricultural movement equipment described in Section 3-809 nor implements of husbandry as defined in Section 1-130. "Covered farm vehicle", for purposes of this Chapter and rule-making under this Chapter, means a straight truck or articulated vehicle, excluding vehicles transporting hazardous materials of a type or quantity that requires the vehicle to be placarded in accordance with the Illinois Hazardous Materials Transportation Act, registered in this State or another state and equipped with a special license plate or other designation by the state in which the vehicle is registered identifying the vehicle as a covered farm vehicle for law enforcement personnel and:

(1) is operated by a farm or ranch owner or operator, or an employee or family member of the farm or ranch owner or operator; and

(2) is being used to transport the following to or from a farm or ranch: (A) agricultural commodities; (B) livestock; or (C) machinery or supplies; and

(3) if registered in this State, is: (A) registered as a farm truck under subsection

(c) of Section 3-815 of this Code; or (B) operated in combination as an articulated vehicle when the truck in the combination is registered for 12,000 lbs. or less as a covered farm vehicle under subsections

(a) and (a-5) of Section 3-815 of this Code or subsection

(a) of Section 3-818 of this Code and contains in the cab of the motor vehicle a registration designating the vehicle as a covered farm vehicle under subsections

(a) and (a-5) of Section 3-815 of this Code and the trailer in the combination is registered as a farm trailer under subsection

(a) of Section 3-819 of this Code and displays a farm registration license plate; or (C) a truck registered for 12,000 lbs. or less as a covered farm vehicle under subsections

(a) and (a-5) of Section 3-815 of this Code or subsection

(a) of Section 3-818 of this Code containing in the cab of the motor vehicle a registration designating the vehicle as a covered farm vehicle under subsections

(a) and (a-5) of Section 3-815 of this Code that is towing an implement of husbandry as part of a farming operation; and

(4) is not used in for-hire motor carrier operations; however, for-hire motor carrier operations do not include the operation of a vehicle meeting the definition of a covered farm vehicle by a tenant pursuant to a crop share farm lease agreement to transport the landlord's portion of the crops under that agreement; and

(5) has a gross vehicle weight rating (GVWR), a gross combination weight rating (GCWR), or a gross vehicle weight or gross vehicle combination weight, whichever is greater, that is: (A) 26,001 lbs. or less, for vehicles operating in interstate commerce; or (B) greater than 26,001 lbs., operating in interstate commerce and registered in this State; or (C) greater than 26,001 lbs. and traveling interstate within 150 air miles of the farm or ranch for which the vehicle is being operated, regardless of whether it is registered in this State; or (D) greater than 10,000 lbs. and traveling intrastate. "Department" means the Illinois State Police. "Direct compensation" means payment made to the motor carrier by the passengers or a person acting on behalf of the passengers for the transportation services provided, and not included in a total package charge or other assessment for highway transportation services. "Farm supplies for agricultural purposes" means products directly related to the growing or harvesting of agricultural commodities and livestock feed at any time of the year. "Livestock" means cattle, sheep, goats, swine, poultry (including egg-producing poultry), fish used for food, and other animals designated by the Secretary of the United States Department of Transportation (at his or her sole discretion) that are part of a foundation herd (including producing dairy cattle) or offspring. "Officer" means Illinois State Police Officer. "Person" means any natural person or individual, governmental body, firm, association, partnership, copartnership, joint venture, company, corporation, joint stock company, trust, estate or any other legal entity or their legal representative, agent or assigns.

625 ILCS 5/18b-102 — Authority of Department

Sec. 18b-102. Authority of Department. To the extent necessary to administer this Chapter, the Department is authorized to:

(a) Adopt by reference all or any portion of the Federal Motor Carrier Safety Regulations of the United States Department of Transportation, as they are now or hereafter amended.

(b) Conduct investigations; make reports; issue subpoenas; conduct hearings; require the production of relevant documents, records and property; take depositions; conduct directly or indirectly research, development, demonstrations and training activities.

(c) Authorize any officer or Department employee to enter upon, inspect and examine at reasonable times and in a reasonable manner, the records and properties of persons to the extent such records and properties relate to the transportation by motor vehicle of persons or property.

(d) Conduct a continuing review of all aspects of the transportation of persons and property by motor vehicle in order to determine and recommend appropriate steps to assure safe transportation by motor vehicle in Illinois.

(e) Administer and enforce the provisions of this Chapter and any rules and regulations issued under this Chapter. Only the Department shall be authorized to stop and inspect any commercial motor vehicle or driver at any time for the purpose of determining compliance with the provisions of this Chapter or rules and regulations issued under this Chapter.

625 ILCS 5/18b-103 — Compliance with this Chapter

Sec. 18b-103. Compliance with this Chapter. Transportation by motor vehicle of persons or property in commerce that is not in compliance with this Chapter or any rules and regulations issued under this Act is prohibited.

625 ILCS 5/18b-103.1 — Obedience to Police Officer

Sec. 18b-103.1. Obedience to Police Officer.

(a) No person shall willfully fail or refuse to comply with any lawful order or direction of any officer authorized by law to enforce this Chapter and to perform vehicle and driver motor carrier safety inspections under this Chapter. Lawful orders or directions shall include providing documentation and answering questions necessary to determine compliance with the provisions of this Chapter. The driver or owner shall assist the officer, as needed, during the course of any such inspection.

(b) Any person who violates this Section shall be guilty of a Class C misdemeanor offense.

625 ILCS 5/18b-104 — Cooperation with State Agencies - Records and Data - Availability

Sec. 18b-104. Cooperation with State Agencies - Records and Data - Availability. The Department shall cooperate with other State agencies regulating transportation by motor vehicles and may enter into interagency agreements for the purpose of sharing data.

625 ILCS 5/18b-104.1 — Personnel transfers

Sec. 18b-104.1. Personnel transfers.

(a) On January 1, 2026, the personnel responsible for administering this Chapter are transferred from the transferring agency designated by the Governor to the Department. Prior to the transfer, the personnel shall be subject to a background check and any additional screening requirements established by the Department. The status and rights of the employees and the State or its transferring agency under the Personnel Code, the Illinois Public Labor Relations Act, and applicable collective bargaining agreements or under any pension, retirement, or annuity plan shall not be affected by this amendatory Act of the 104th General Assembly. Under the direction of the Governor, the Department, in consultation with the transferring agencies, Central Management Services, and labor organizations representing the affected employees, shall identify each position and employee who is engaged in the performance of functions transferred to the Department, or engaged in the administration of a law the administration of which is transferred to the Department, to be transferred to the Department. An employee engaged primarily in providing administrative and investigative support to the Illinois Motor Carrier Safety Assistance Program may be considered engaged in the performance of functions transferred to the Department.

(b) Until October 1, 2026, all union employees assigned to the Motor Carrier Safety Assistance Program shall retain the rights and benefits of their collective bargaining agreement, including, but not limited to, for personnel transactions, as if the employees were still employed by the Department of Transportation. As used in this subsection, "personnel transactions" includes promotions, lateral transfers, or voluntary reductions to other union titles within the Department of Transportation.

625 ILCS 5/18b-104.2 — Material transfers

Sec. 18b-104.2. Material transfers. On January 1, 2026, the Department shall take possession from the Department of Transportation any tangible items, including, but not limited to, vehicles, computers, uniforms, equipment, and supplies, which were procured or purchased using the Motor Carrier Safety Assistance Program Grant from the Federal Motor Carrier Safety Administration. These items shall become property of the Department.

625 ILCS 5/18b-105 — Rules and regulations

Sec. 18b-105. Rules and regulations.

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

(b) The following parts of Title 49 of the Code of Federal Regulations, as now in effect, are hereby adopted by reference as though they were set out in full: Part 40 - Procedures For Transportation Workplace Drug and Alcohol Testing Programs; Part 380 - Special Training Requirements; Part 382 - Controlled Substances and Alcohol Use and Testing; Part 383 - Commercial Driver's License Standards, Requirements, and Penalties; Part 385 - Safety Fitness Procedures; Part 386 Appendix B - Penalty Schedule; Violations and Maximum Monetary Penalties; Part 387 - Minimum Levels of Financial Responsibility for Motor Carriers; Part 390 - Federal Motor Carrier Safety Regulations: General; Part 391 - Qualifications of Drivers; Part 392 - Driving of Motor Vehicles; Part 393 - Parts and Accessories Necessary for Safe Operation; Part 395 - Hours of Service of Drivers, except as provided in Section 18b-106.1; Part 396 - Inspection, Repair and Maintenance; and Part 397 - Transportation of hazardous materials; Driving and Parking Rules. (b-5) Individuals who meet the requirements set forth in the definition of "medical examiner" in Section 390.5 of Part 390 of Title 49 of the Code of Federal Regulations may act as medical examiners in accordance with Part 391 of Title 49 of the Code of Federal Regulations.

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

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

(2) Section 393.86 of Part 393 for those vehicles registered as farm trucks under subsection

(c) of Section 3-815 of this Code.

(3) (Blank).

(4) (Blank).

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

(6) All of Part 395 for all agricultural operations as defined in Section 18b-101 of this Chapter at any time of the year and all farm to market agricultural transportation as defined in Chapter 1 and for grain hauling operations within a radius of 200 air miles of the normal work reporting location.

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

(d) Intrastate carriers subject to the recording provisions of Section 395.8 of Part 395 of the Federal Motor Carrier Safety Regulations shall be exempt as established under paragraph

(1) of Section 395.8; provided, however, for the purpose of this Code, drivers shall operate within a 150 air-mile radius of the normal work reporting location to qualify for exempt status.

(e) Regulations adopted by the Department subsequent to those adopted under subsection

(b) hereof shall be identical in substance to the Federal Motor Carrier Safety Regulations of the United States Department of Transportation and adopted in accordance with the procedures for rulemaking in Section 5-35 of the Illinois Administrative Procedure Act.

625 ILCS 5/18b-106 — Application of Chapter and Regulations

Sec. 18b-106. Application of Chapter and Regulations. Except as expressly specified within this Chapter, this Chapter and the rules and regulations issued under this Chapter shall be applicable to all persons employing drivers, drivers and commercial motor vehicles which transport property or passengers in interstate or intrastate commerce.

625 ILCS 5/18b-106.1 — Hours of service of drivers employed by contract carriers transporting employees in the course of their employment

Sec. 18b-106.1. Hours of service of drivers employed by contract carriers transporting employees in the course of their employment. A contract carrier shall limit the hours of service by a driver transporting employees in the course of their employment on a road or highway of this State in a vehicle designed to carry 15 or fewer passengers to 12 hours of vehicle operation per day, 15 hours of on-duty service per day, and 70 hours of on-duty service in 7 consecutive days. The contract carrier shall require a driver who has 12 hours of vehicle operation per day or 15 hours of on-duty service

per day to have at least 8 consecutive hours off duty before operating a vehicle again.

625 ILCS 5/18b-106.2 — Hours of service; utility service interruption emergencies

Sec. 18b-106.2. Hours of service; utility service interruption emergencies.

(a) As used in this Section: "Commercial driver's license" has the meaning set forth in Section 1-111.6 of this Code. "Commercial motor vehicle" has the meaning set forth in Section 18b-101 of this Code. "Utility service interruption emergency" means an outage or interruption of utility service in Illinois occasioned by a set of circumstances included in the definition of "emergency" set forth at 49 CFR 390.5. "Utility service" means the repairing, maintaining, or operating of any structures or any other physical facilities necessary for the delivery of utility services, including the furnishing of electric, gas, water, sanitary sewer, telephone, and television cable or community antenna service. "Utility service vehicle" has the meaning set forth in 49 CFR 395.2.

(b) Upon receipt of notification of a utility service interruption emergency by a utility service provider, the Department shall declare that an emergency exists pursuant to 49 CFR 390.23. Should an audit by the Department establish that there has been an abuse of the notification procedure by a utility service provider, the Department may refuse to grant emergency declarations to that utility service provider in the future without further confirmation of the existence of a utility service interruption emergency.

(c) A utility service interruption emergency continues until:

- (1) the necessary maintenance or repair work is completed; and
- (2) personnel used to perform necessary maintenance or repair work have returned to their respective normal work routines.

(d) An individual is exempt from any regulation of the maximum hours of service that an employee may work under 49 CFR 395 if he or she:

- (1) is the holder of a commercial driver's license;
- (2) is: (A) an employee; (B) an employee of a contractor; or (C) an employee of a subcontractor; of a utility service provider in an employment capacity in which the commercial driver's license is used; and
- (3) operates a commercial motor vehicle as a utility service vehicle and engages in intrastate maintenance or repair work in response to a utility service interruption emergency.

(e) The exemption from maximum hours of service regulations provided under subsection

(d) shall not exceed the duration of the utility service provider's or driver's direct assistance in providing utility service interruption emergency relief, or 5 days from the date of the initial declaration, whichever is less.

(f) Nothing in this amendatory Act of the 94th General Assembly shall be construed to contravene any federal law or to jeopardize State of Illinois entitlement to federal funding. If any provision of this amendatory Act of the 94th General Assembly or its application is found to jeopardize federal funding, that provision is declared invalid but does not affect any other provision or application. The provisions of this amendatory Act of the 94th General Assembly are declared to be severable.

625 ILCS 5/18b-107 — Violations - Civil penalties

Sec. 18b-107. Violations - Civil penalties. Except as provided in Section 18b-108, any person who is determined by the Department after reasonable notice and opportunity for a fair and impartial hearing to have committed an act in violation of this Chapter or any rule or regulation issued under this Chapter is liable to the State for a civil penalty. Such person is subject to a civil penalty as prescribed by Appendix B to 49 CFR Part 386 -- Penalty Schedule; Violations and Maximum Monetary Penalties, except that a person committing a railroad-highway grade crossing violation is subject to a civil penalty of not more than \$10,000, and, if any such violation is a continuing one, each day of violation constitutes a separate offense. The amount of any such penalty shall be assessed by the Department by a written notice. In determining the amount of such penalty, the Department shall take into account the nature, circumstances, extent and gravity of the violation and, with respect to a person found to have committed such violation, the degree of culpability, history or prior offenses, ability to pay, effect on ability to continue to do business and such other matters as justice may require. Such civil penalty is recoverable in an action brought by the State's Attorney or the Attorney General on behalf of the State in the circuit court or, prior to referral to the State's Attorney or the Attorney General, such civil penalty may be compromised by the Department. The amount of such penalty when finally determined (or agreed upon in compromise),

may be deducted from any sums owed by the State to the person charged. All civil penalties collected under this subsection shall be deposited in the State Police Operations Assistance Fund. On the effective date of this amendatory Act of the 104th General Assembly, the hearing process established by this Section shall be completed by the Department. All such violations dated prior to the effective date of this amendatory Act of the 104th General Assembly shall be completed by the Department of Transportation.

625 ILCS 5/18b-108 — Violations; criminal penalties

Sec. 18b-108. Violations; criminal penalties.

(a) The provisions of Chapter 16 shall be applicable to acts committed by a driver of a motor vehicle that violate this Chapter or any rule or regulation issued under this Chapter.

(b) Except as provided in subsection (d), any driver who willfully violates any provision of this Chapter or any rule or regulation issued under this Chapter is guilty of a Class 4 felony. In addition to any other penalties prescribed by law, the maximum fine for each offense is \$10,000. Such violation shall be prosecuted by the State's Attorney or the Attorney General.

(c) Except as provided in subsection (d), any person, other than a driver, who willfully violates or causes another to violate any provision of this Chapter or any rule or regulation issued under this Chapter is guilty of a Class 3 felony. In addition to any other penalties prescribed by law, the maximum fine for each offense is \$25,000. Such violation shall be prosecuted at the request of the Department by the State's Attorney or the Attorney General.

(d) Any driver who willfully violates Parts 392, 395, Sections 391.11, 391.15, 391.41, or 391.45 of Part 391, or any other Part of Title 49 of the Code of Federal Regulations, as adopted by reference in Section 18b-105 of this Code, which would place the driver or vehicle out of service, when the violation results in a motor vehicle crash that causes great bodily harm, permanent disability or disfigurement, or death to another person, is guilty of a Class 3 felony. Any person other than the driver who willfully violates Parts 392, 395, Sections 391.11, 391.15, 391.41, or 391.45 of Part 391 or any other Part of Title 49 of the Code of Federal Regulations, as adopted by reference in Section 18b-105 of this Code, which would place the driver or vehicle out of service, when the violation results in a motor vehicle crash that causes great bodily harm, permanent disability or disfigurement, or death to another person, is guilty of a Class 2 felony.

625 ILCS 5/18b-109 — Enforcement of rules and regulations

Sec. 18b-109. Enforcement of rules and regulations. Only the Department shall enforce the rules and regulations issued under this Chapter against drivers and persons other than drivers.

625 ILCS 5/18b-110 — Conflict With Other Laws

Sec. 18b-110. Conflict With Other Laws. This Chapter is not intended to affect any State law or ordinance of a local authority now in effect or intrude upon the duties and responsibilities of any State or local officer with respect to matters related to the subject to this Chapter, but in the case of any conflict with other State laws or ordinance of local authorities relating to the transportation of persons or property by highway, the provisions of this Chapter shall control.

625 ILCS 5/18b-111 — Review Under Administrative Review Law

Sec. 18b-111. Review Under Administrative Review Law. All administrative decisions of the Department under this Chapter shall be subject to judicial review under the Administrative Review Law, as now or hereafter amended.

625 ILCS 5/18b-112 — Intermodal trailer, chassis, and safety

Sec. 18b-112. Intermodal trailer, chassis, and safety.

(a) Definitions. For purposes of this Section: "Equipment interchange agreement" means a written document executed by the intermodal equipment provider and operator at the time the equipment is interchanged by the provider to the operator. "Equipment provider" is the owner of an intermodal trailer, chassis, or container. This includes any forwarding company, water carrier, steamship line, railroad, vehicle equipment leasing company, and their subsidiary or affiliated companies owning the equipment. "Federal motor carrier safety regulations" means regulations promulgated by the United States Department of Transportation governing the condition and maintenance of commercial motor vehicles contained in Title 49 of the United States Code of Federal Regulations on the day of enactment of this Act or as amended or revised by the United States Department of Transportation thereafter. "Interchange" means the act of providing a vehicle to a motor carrier by an equipment provider for the purpose of transporting the vehicle for loading or unloading by another party or

the repositioning of the vehicle for the benefit of the equipment provider. "Interchange" does not include the leasing of the vehicle by a motor carrier from an owner-operator pursuant to subpart B of Part 376 of Title 49 of the Code of Federal Regulations or the leasing of a vehicle to a motor carrier for use in the motor carrier's over-the-road freight hauling operations. "Operator" means a motor carrier or driver of a commercial motor vehicle. "Vehicle" means an intermodal trailer, chassis, or container.

(b) Responsibility of equipment provider. An equipment provider shall not interchange or offer for interchange a vehicle with an operator for use on a highway which vehicle is in violation of the requirements contained in the federal motor carrier safety regulations. It is the responsibility of the equipment provider to inspect and, if a vehicle at the time of inspection does not comply with all federal motor carrier safety regulation requirements, perform the necessary repairs on, all vehicles prior to interchange or offering for interchange.

(c) Duty of inspection by the operator. Before interchanging a vehicle with an operator, an equipment provider must provide the operator the opportunity and facilities to perform a visual inspection of the equipment. The operator must determine if it complies with the provisions of the federal motor carrier safety regulation capable of being determined from an inspection. If the operator determines that the vehicle does not comply with the provisions of the federal motor carrier safety regulations, the equipment provider shall immediately perform the necessary repairs to the vehicle so that it complies with the federal motor carrier safety regulations or shall immediately provide the operator with another vehicle.

(d) Presumption of defect prior to interchange.

(1) If as a result of a roadside inspection by the Illinois State Police, any of the defects listed in paragraph

(2) are discovered, a rebuttable presumption existed at the time of the interchange. If a summons or complaint is issued to the operator, the operator may seek relief pursuant to paragraph (3).

(2) A rebuttable presumption exists that the following defects were present at the time of the interchange: (A) There is a defect with the brake drum when: (I) the drum cracks; (II) the lining is loose or missing; or (III) the lining is saturated with oil. (B) There is a defect of inoperative brakes when: (I) there is no movement of any components; (II) there are missing, broken, or loose components; or (III) there are mismatched components. (C) There is a defect with the air lines and tubing when: (I) there is a bulge and swelling; (II) there is an audible air leak; or (III) there are air lines broken, cracked, or crimped. (D) There is a defect with the reservoir tank when there is any separation of original attachment points. (E) There is a defect with the frames when: (I) there is any cracked, loose, sagging, or broken frame members which measure one and one-half inch in web or one inch or longer in bottom flange or any crack extending from web radius into bottom flange; or (II) there is any condition which causes moving parts to come in contact with the frame. (F) There is an electrical defect when wires are chaffed. (G) There is a defect with the wheel assembly when: (I) there is low or no oil; (II) there is oil leakage on brake components; (III) there are lug nuts that are loose or missing; or (IV) the wheel bearings are not properly maintained. (H) There is a defect with the tires when: (I) there is improper inflation; (II) there is tire separation from the casing; or (III) there are exposed plys or belting material. (I) There is defect with rim cracks when: (I) there is any circumferential crack, except a manufactured crack; or (II) there is a lock or side ring cracked, bent, broken, sprung, improperly seated, or mismatched. (J) There is a defect with the suspension when: (I) there are spring assembly leaves broken, missing, or separated; or (II) there are spring hanger, u-bolts, or axle positioning components cracked, broken loose, or missing. (K) There is a defect with the chassis locking pins when there is any twist lock or fitting for securement that is sprung, broken, or improperly latched.

(3) If an operator receives a citation for a violation due to a defect in any equipment specified in subsection (d)(2), the equipment provider shall reimburse the operator for any: (A) fines and costs, including court costs and reasonable attorneys fees, incurred as a result of the citation; and (B) costs incurred by the operator to repair the defects specified in the citation, including any towing costs incurred. The equipment provider shall reimburse the operator within 30 days of the final court action. If the equipment provider fails to reimburse the operator within 30 days, the operator has a civil cause of action against the equipment provider.

(e) Fines and penalties. Any person violating the provisions of this Section shall be fined no less than \$50 and no more than \$500 for each violation.

(f) Obligation of motor carrier. Nothing in this Section is intended to eliminate the responsibility and obligation of a motor carrier and operator to maintain and operate vehicles in accordance with the federal motor carrier safety regulations and applicable State and local laws and regulations.

(g) This Section shall not be applied, construed, or implemented in any manner inconsistent with, or in conflict with, any provision of the federal motor carrier safety regulations.

625 ILCS 5/18c-1101 — Short Title

Sec. 18c-1101. Short Title. This Chapter shall be known and may be cited as the "Illinois Commercial Transportation Law".

625 ILCS 5/18c-1102 — Legislative Intent

Sec. 18c-1102. Legislative Intent. The General Assembly finds that:

- (a) a comprehensive recodification of existing transportation regulatory statutes is needed to delete obsolete provisions and facilitate a coordinated approach to regulation of motor carriers, rail carriers, and brokers;
- (b) the accelerating pace of change in the transportation industry, as an outgrowth of changing economic conditions and federal legislation, necessitates the streamlining of regulatory procedures to allow for prompt action to protect the interests of the people of the State of Illinois; and
- (c) an increasing incidence of unlawful activity by unlicensed carriers and others has rendered existing enforcement mechanisms inadequate. Where the language of any provision in this Chapter is substantially similar to the language in the predecessor statute, the legislative intent expressed in this Chapter shall be the same as the legislative intent embodied in the predecessor statute as construed by the courts of this State and, where appropriate, reports of the Illinois Motor Vehicle Laws Commission.

625 ILCS 5/18c-1103 — State Transportation Policy

Sec. 18c-1103. State Transportation Policy. It is hereby declared to be the policy of the State of Illinois to actively supervise and regulate commercial transportation of persons and property within this state. This policy shall be carried out in such manner as to:

- (a) promote adequate, economical, efficient and responsive commercial transportation service, with adequate revenues to carriers and reasonable rates to the public, and without discrimination;
- (b) recognize and preserve the inherent advantages of, and foster sound economic conditions in, the several modes of commercial transportation in the public interest;
- (c) develop and preserve a commercial transportation system properly supportive of the broad economic development goals of the State of Illinois;
- (d) create economic and employment opportunities in commercial transportation and affected industries through economic growth and development;
- (e) encourage fair wages and safe and suitable working conditions in the transportation industry;
- (f) protect the public safety through administration of a program of safety standards and insurance;
- (g) insure a stable and well-coordinated transportation system for shippers, carriers and the public; and
- (h) cooperate with the federal government, the several states, and with the organizations representing states and commercial transportation service providers and consumers.

625 ILCS 5/18c-1104 — Definitions

Sec. 18c-1104. Definitions. The following terms, when used in this Chapter, have the hereinafter designated meanings unless their context clearly indicates otherwise:

- (1) "Broker" means any person other than a motor carrier of property, that arranges, offers to arrange, or holds itself out, by solicitation, advertisement, or otherwise, as arranging or offering to arrange for-hire transportation of property or other service in connection therewith by a motor carrier of property which holds or is required to hold a license issued by the Commission.
- (2) "Carrier" means any motor carrier or rail carrier other than a private carrier.
- (3) "Certificate" means a certificate of public convenience and necessity issued under this Chapter to common carriers of household goods.
- (4) "Commission" means the Illinois Commerce Commission.

- (5) "Commission regulations and orders" means rules and regulations adopted and orders or decisions issued by the Commission pursuant to this Chapter; any certificate, permit, broker's license or other license or registration issued pursuant to such rules, regulations, orders and decisions; and all terms, conditions, or limitations thereof.
- (6) (Blank).
- (7) (Blank).
- (8) (Blank).
- (9) "Discrimination" means undue discrimination in the context of the particular mode of transportation involved.
- (10) "Farm crossing" means a crossing used for agricultural and livestock purposes only.
- (11) "For-hire" means for compensation or hire, regardless of the form of compensation and whether compensation is direct or indirect.
- (12) "Freight forwarder" means any person other than a motor carrier, rail carrier, or common carrier by pipeline which holds itself out as a common carrier to provide transportation of property, for compensation or hire, which, in the rendition of its services:
- (a) Undertakes responsibility for the consolidation (where applicable), transportation, break-bulk (where applicable), and distribution of such property from the point of receipt to the point of delivery; and
 - (b) Utilizes, for the transportation of such property, the services of one or more motor carriers or rail carriers.
- (13) "Hazardous material" means any substance or material in a quantity and form determined by the federal Office of Hazardous Materials and the Federal Railroad Administration to be capable of posing an unreasonable risk to health, safety, or property when transported in commerce. (13.1) "Household goods" means: (A) Personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling; except that this subdivision (13.1) shall not be construed to include property moving from a factory or store, except such property as the householder has purchased with intent to use in his or her dwelling and that is transported at the request of, and the transportation charges paid to the carrier by, the householder; (B) Furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments, when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments; except that this subdivision (13.1) shall not be construed to include the stock-in-trade of any establishment, whether consignor or consignee, other than used furniture and used fixtures, except when transported as an incident to the moving of the establishment, or a portion thereof, from one location to another; and (C) Articles, including, but not limited to, objects of art, displays, and exhibits, which, because of their unusual nature or value, require the specialized handling and equipment usually employed in moving household goods; except that this subdivision (13.1) shall not be construed to include any article, whether crated or uncrated, that does not, because of its unusual nature or value, require the specialized handling and equipment usually employed in moving household goods. (13.2) "Household goods carrier" means a motor carrier of property authorized to transport household goods. (13.3) "Household goods common carrier" means any household goods carrier engaged in transportation for the general public over regular or irregular routes. Household goods common carriers may also be referred to as "common carriers of household goods". (13.4) "Household goods contract carrier" means any household goods carrier engaged in transportation under contract with a limited number of shippers (that shall not be freight forwarders, shippers' agents or brokers) that either
- (a) assigns motor vehicles for a continuing period of time to the exclusive use of the shipper or shippers served, or
 - (b) furnishes transportation service designed to meet the distinct need of the shipper or shippers served. Household goods contract carriers may also be referred to as "contract carriers of household goods".
- (14) "Interstate carrier" means any person engaged in the for-hire transportation of persons or property in interstate or foreign commerce in this State, whether or not such transportation is pursuant to authority issued to it by the Interstate Commerce Commission.
- (15) "Intrastate carrier" means any person engaged in the for-hire transportation of persons or property in intrastate commerce in this State.
- (16) "Interstate commerce" means commerce between a point in the State of Illinois and a point outside the State of Illinois, or between points outside the State of Illinois when such commerce moves through Illinois, or between points in Illinois moving through another state in a bona fide operation that is either exempt from federal regulation or moves under a certificate or permit issued by the Interstate Commerce Commission authorizing interstate transportation, whether such

commerce moves wholly by motor vehicle or partly by motor vehicle and partly by any other regulated means of transportation where the commodity does not come to rest or change its identity during the movement, and includes commerce originating or terminating in a foreign country moving through the State of Illinois.

(17) "Intrastate commerce" means commerce moving wholly between points within the State of Illinois, whether such commerce moves wholly by one transportation mode or partly by one mode and partly by any other mode of transportation.

(18) "License" means any certificate, permit, broker's license, or other license issued under this Chapter. For purposes of Article III of Sub-chapter 4 of this Chapter, "license" does not include a "public carrier certificate".

(19) "Motor carrier" means any person engaged in the transportation of property or passengers, or both, for hire, over the public roads of this State, by motor vehicle. Motor carriers engaged in the transportation of property are referred to as "motor carriers of property"; motor carriers engaged in the transportation of passengers are referred to as "motor carriers of passengers" or "bus companies".

(20) "Motor vehicle" means any vehicle, truck, trucktractor, trailer or semitrailer propelled or drawn by mechanical power and used upon the highways of the State in the transportation of property or passengers.

(21) "Non-relocation towing" means the:

(a) For-hire transportation of vehicles by use of wrecker or towing equipment, other than the removal of trespassing vehicles from private property subject to the provisions of Chapter 18a of this Code, and other than transportation exempted by Section 18c-4102; and

(b) For-hire towing of wheeled property other than vehicles.

(22) "Notice" means with regard to all proceedings except enforcement proceedings instituted on the motion of the Commission, and except for interstate motor carrier registrations, public notice by publication in the official state newspaper, unless otherwise provided in this Chapter.

(23) "Official state newspaper" means the newspaper designated and certified to the Commission annually by the Director of Central Management Services of the State of Illinois, or, if said Director fails to certify to the Commission the name and address of the official newspaper selected by the Director prior to expiration of the previous certification, the newspaper designated in the most recent certification.

(24) "Party" means any person admitted as a party to a Commission proceeding or seeking and entitled as a matter of right to admission as a party to a Commission proceeding.

(25) "Permit" means a permit issued under this Chapter to contract carriers of property by motor vehicle.

(26) "Person" means any natural person or legal entity, whether such entity is a proprietorship, partnership, corporation, association, or other entity, and, where a provision concerns the acts or omissions of a person, includes the partners, officers, employees, and agents of the person, as well as any trustees, assignees, receivers, or personal representatives of the person.

(27) "Private carrier by motor vehicle" means any person engaged in the transportation of property or passengers by motor vehicle other than for hire, whether the person is the owner, lessee or bailee of the lading or otherwise, when the transportation is for the purpose of sale, lease, or bailment and in furtherance of the person's primary business, other than transportation. "Private carriers by motor vehicle" may be referred to as "private carriers". Ownership, lease or bailment of the lading is not sufficient proof of a private carrier operation if the carrier is, in fact, engaged in the transportation of property for-hire. (27.1) "Public carrier" means a motor carrier of property, other than a household goods carrier. (27.2) "Public carrier certificate" means a certificate issued to a motor carrier to transport property, other than household goods, in intrastate commerce. The issuance of a public carrier certificate shall not be subject to the provisions of Article I of Sub-chapter 2 of this Chapter.

(28) "Public convenience and necessity" shall be construed to have the same meaning under this Chapter as it was construed by the courts to have under the Illinois Motor Carrier of Property Law, with respect to motor carriers of property, and the Public Utilities Act with respect to motor carriers of passengers and rail carriers.

(29) "Public interest" shall be construed to have the same meaning under this Chapter as it was construed by the courts to have under the Illinois Motor Carrier of Property Law.

(30) "Rail carrier" means any person engaged in the transportation of property or passengers for hire by railroad, together with all employees or agents of such person or entity, and all property used, controlled, or owned by such person or entity.

(31) "Railroad" means track and associated structures, including bridges, tunnels, switches, spurs, terminals and other facilities, and equipment, including engines, freight cars, passenger cars, cabooses, and other equipment, used in the transportation of property or passengers by rail.

(32) "Rail yard" means a system of parallel tracks, cross-overs and switches where cars are switched and made up into trains, and where cars, locomotives, and other rolling stock are kept when not in use or awaiting repairs. A "rail yard" may also be referred to as a "yard".

(33) "Rate" means every individual or joint rate, fare, toll, or charge of any carrier or carriers, any provisions relating to application thereof, and any tariff or schedule containing rates and provisions. The term "tariff" refers to a publication or document containing motor common carrier rates and provisions or rates and provisions applicable via rail carrier under contracts established pursuant to 49 U.S. Code 10713. The term "schedule" refers to a publication or document containing motor contract carrier rates and provisions.

(34) "Registration" means a registration issued to an interstate carrier.

(35) "Shipper" means the consignor or consignee.

(36) "Terminal area" means, in addition to the area within the corporate boundary of an incorporated city, village, municipality, or community center, the area (whether incorporated or unincorporated) within 10 air miles of the corporate limits of the base city, village, municipality, or community center, including all of any city, village or municipality which lies within such area.

(37) "Transfer" means the sale, lease, consolidation, merger, acquisition or change of control, or other transfer of a license, in whole or in part.

(38) "Transportation" means the actual movement of property or passengers by motor vehicle (without regard to ownership of vehicles or equipment used in providing transportation service) or rail together with loading, unloading, and any other accessorial or ancillary service provided by the carrier in connection with movement by motor vehicle or rail, which is performed by or on behalf of the carriers, its employees or agents, or under the authority or direction of the carrier or under the apparent authority or direction and with the knowledge of the carrier. Transportation of property by motor vehicle includes driveaway or towaway delivery service.

(39) "Towing" means the pushing, towing, or drawing of wheeled property by means of a crane, hoist, towbar, towline, or auxiliary axle.

(40) "Wrecker or towing equipment" means tow trucks or auxiliary axles, when used in relation to towing accidentally wrecked or disabled vehicles; and roll-back carriers or trailers, when used in relation to transporting accidentally wrecked or disabled vehicles. Wrecker or towing equipment does not include car carriers or trailers other than roll-back car carriers or trailers.

625 ILCS 5/18c-1201 — Jurisdiction

Sec. 18c-1201. Jurisdiction. The jurisdiction of the Commission under this Chapter shall extend to for-hire transportation by motor carrier and rail carrier, the activities of brokers, and to other activities specifically enumerated herein, within the State of Illinois, and except as otherwise provided elsewhere in this Chapter shall extend only to intrastate commerce.

625 ILCS 5/18c-1202 — Enumeration of Powers

Sec. 18c-1202. Enumeration of Powers. The Commission shall have the power to:

- (1) Administer and enforce provisions of this Chapter;
- (2) Regulate the entry, exit, and services of carriers; as to public carriers, this power is limited to matters relating to insurance and safety standards;
- (3) Regulate rates and practices of household goods carriers, rail carriers, passenger carriers, and common carriers by pipeline;
- (4) Establish and maintain systems of accounting as well as reporting and record-keeping requirements for household goods carriers, rail carriers, passenger carriers, and common carriers by pipeline;
- (5) Establish and maintain systems for the classification of carriers, commodities and services;
- (6) Regulate practices, terms and conditions relating to the leasing of equipment and to the interchange of equipment among carriers; as to public carriers, this power is limited to matters relating to insurance and safety standards;

- (7) Protect the public safety through insurance and safety standards;
- (8) Regulate brokers in accordance with provisions of this Chapter;
- (9) Adopt appropriate regulations setting forth the standards and procedures by which it will administer and enforce this Chapter, with such regulations being uniform for all modes of transportation or different for the different modes as will, in the opinion of the Commission, best effectuate the purposes of this Chapter;
- (10) Conduct hearings and investigations, on its own motion or the motion of a person;
- (11) Adjudicate disputes, hear complaints or other petitions for relief, and settle such matters by stipulation or agreement;
- (12) Create special procedures for the receipt and handling of consumer complaints;
- (13) Issue certificates describing the extent to which a person is exempt under the provisions of this Chapter;
- (14) Construe this Chapter, Commission regulations and orders, except that the rule of ejusdem generis shall not be applicable in the construction or interpretation of any license, certificate or permit originally issued under the Illinois Motor Carrier of Property Law and now governed by subchapter 4 of this Chapter or issued under subchapter 4 of this Chapter prior to July 1, 1989;
- (15) Employ such persons as are needed to administer and enforce this Chapter, in such capacities as they are needed, whether as hearings examiners, special examiners, enforcement officers, investigators, or otherwise;
- (16) Create advisory committees made up of representatives of the various transportation modes, shippers, receivers, or other members of the public;
- (17) Initiate and participate in proceedings in the federal or State courts, and in proceedings before federal or other State agencies, to the extent necessary to effectuate the purposes of this Chapter, provided that participation in specific proceedings is directed, in writing, by the Commission;
- (18) Direct any telecommunications carrier to disconnect the telephone number published in any commercial listing of any household goods carrier that does not have a valid license issued by the Commission.

625 ILCS 5/18c-1203 — Initial Decisions

Sec. 18c-1203. Initial Decisions.

- (1) Delegation of Authority.
 - (a) General Delegation. The power to make an initial decision in all matters under this Chapter and Chapter 18a which are interlocutory or which are not the subject of an active controversy between parties, except in motor carrier of property licensing cases and cases assigned for hearing, is delegated to one or more staff members who shall be designated by the Commission.
 - (b) Delegation to Examiners. The power to make initial decisions shall be vested in the examiner, in all cases assigned for hearing, except in household goods carrier licensing cases.
- (2) Form of Decisions. Decisions under this Section shall be by letter notice or directive, signed by the person authorized to make the initial decision. Such notice or directive shall be effective and enforceable in the same manner as an order of the Commission.
- (3) Appeal of Initial Decisions. All initial decisions rendered under this Section may be appealed to the Commission. Appeal of interlocutory decisions by an examiner in a case assigned for hearing shall be in accordance with the Commission's Rules of Practice. Appeal of other initial decisions shall be by motion for reconsideration in accordance with Section 18c-2110 of this Chapter.
- (4) Enforcement. An initial decision which has not been administratively appealed or the administrative appeal of which has been denied shall be effective and enforceable in the same manner as an order of the Commission.

625 ILCS 5/18c-1204 — Transportation Division

Sec. 18c-1204. Transportation Division.

- (1) Establishment. There shall be established within the staff of the Commission a Transportation Division in which primary staff responsibility for the administration and enforcement of this Chapter and Chapter 18a shall be vested. The Transportation Division shall be headed by a division manager responsible to the executive director.

(2) Structure. The Transportation Division shall consist of 4 programs and 2 offices. The 4 programs shall be Compliance, Review and Examination, Docketing and Processing, and Rail Safety. Each program shall be headed by a program director and responsible to the division manager, except that in the Compliance Program the 3 staff supervisors shall each be responsible to the division manager. The 2 offices shall be the Office of Transportation Counsel and the Office of the Division Manager. The Office of Transportation Counsel shall be headed by a Chief Counsel responsible to the Division Manager. The Division Manager shall coordinate the activities and responsibilities of the Office of Transportation Counsel with the executive director and the personal assistant serving as staff counsel to the executive director in the office of the executive director, and with the Commission.

(a) The Compliance Program.

(i) The Compliance Program shall consist of a police staff, a rate auditing staff, and a civil penalties staff. These staffs shall be headed by a Chief of Police, a Supervisor of Tariffs and Audits, and a Supervisor of Civil Penalties, respectively.

(ii) The police staff shall be divided into districts with a field office in each district. Each district shall be headed by a working supervisor responsible to the Chief of Police. All staff responsibility for enforcement of this Chapter, except with regard to rail safety, shall be vested in the Compliance Program.

(b) The Review and Examination Program.

(i) Staff responsibility for review of all nonhearing matters under this Chapter and Chapter 18a and examination of all matters assigned for hearing under this Chapter and Chapter 18a shall be vested in the Review and Examination Program, except as otherwise provided in Section 18c-1204b. (ii) Hearing examiners in the program shall have responsibility for developing a full, complete and impartial record on all issues to be decided in a proceeding; recommending disposition of the issues or making an initial decision on them, as provided in this Chapter; and setting forth in writing the basis for their recommendations or initial decisions. The program director shall be the chief hearing examiner for matters under this Chapter and Chapter 18a with responsibility to insure consistency of recommendations and initial decisions.

(c) The Processing and Docketing Program. All staff responsibility for docketing and processing filings, accounting of receipts and expenditures, issuing, file maintenance and other processing functions under this Chapter and Chapter 18a shall be vested in the Processing Program.

(d) The Rail Safety Program. Staff responsibility for administration and enforcement of the rail safety provisions of this Chapter shall be vested in the Rail Safety Program.

(e) The Office of Transportation Counsel.

(i) All Commission staff responsibility for provision of legal services in connection with any matter under this Chapter, excepting any matter under subchapters 7 and 8 of this Chapter, or in connection with any matter under Chapter 18a shall, except with regard to functions vested in the review and examination program under paragraph

(b) of this subsection, be vested exclusively in the Office of Transportation Counsel. (ii) The Office of Transportation Counsel shall, when directed through the division manager to do so, represent the Commission or Commission staff in administrative or judicial proceedings and render staff advisory opinions to the executive director and the Commission.

(f) Levels of Administration. No additional levels of administration, supervision or authority shall be superimposed, or remain superimposed, between levels prescribed under this Section, and no organizational units may be created within the Transportation Division except as prescribed under this Section.

(3) Additional Functions. Staff functions relating to rulemaking, policy recommendations and advisory committees under this Chapter and Chapter 18a shall be vested in the Transportation Division. The staff shall prepare and distribute to the General Assembly, in April of each year, a report on railway accidents in Illinois which involve hazardous materials. The report shall include the location, substance involved, amounts involved, and the suspected reason for each accident. The report shall also reveal the rail line and point of origin of the hazardous material involved in each accident.

625 ILCS 5/18c-1204a — Docketing Procedures

Sec. 18c-1204a. Docketing Procedures.

(1) Mandatory Docketing Requirement. All pleadings filed with the Commission under this Chapter and Chapter 18a shall be docketed in a timely manner.

(2) Staff Objections. If staff believes a pleading filed with the Commission under this Chapter and Chapter 18a to be defective in any respect, it may file its objection with the Commission in writing, provided a copy of the objection is simultaneously served on the person who filed the pleading and 15 days are allowed for the filing of a reply. The Commission may, if it finds that the pleading is defective, either dismiss the proceeding or permit amendment of the pleading, provided that intervenors are permitted adequate time after amendment to prepare for continuation of the proceeding.

625 ILCS 5/18c-1204b — Certification of Records

Sec. 18c-1204b. Certification of Records. Copies of all official documents and orders filed or deposited according to the law in the office of the Commission under this Chapter or Chapter 18a, certified by the director of the processing and docketing program to be true copies of the originals, under the official seal of the Commission, shall be evidence in like manner as the originals.

625 ILCS 5/18c-1204c — Independent Review of Decisions on Administrative Appeal

Sec. 18c-1204c. Independent Review of Decisions on Administrative Appeal.

(1) Requirement of Independent Review. Except as otherwise provided in subsection

(3) of this Section:

(a) Review of Staff Decisions. No decision made by other than the Commission shall be reviewed on administrative appeal by the person or board which made the decision, unless the appeal requests review by the person or board which made the decision.

(b) Review of Commission or Employee Board Decisions. No decision made by the Commission or an employee board shall be reviewed on administrative appeal by the person or board which made the formal recommendation pursuant to which the decision was made, unless the appeal requests review by the person or board which made the formal recommendation.

(2) Independent Review Board.

(a) Establishment of an Independent Review Board. The Commission shall establish an Independent Review Board which shall review motions for rehearing and reconsideration which do not request review by the person or board which made the decision or the formal recommendation pursuant to which the decision was made.

(b) Composition of the Independent Review Board. The Board shall consist of 3 members appointed by the Commission, one of whom shall be designated as the chairman. The Commission shall appoint the members from Commission staff whose expenses may be allocated to the Transportation Regulatory Fund under Section 18c-1603. If the Transportation Division is not represented on the Board by a voting member, the Commission shall appoint a nonvoting member from the Transportation Division.

(c) Functions of the Independent Review Board. The Board shall review all motions presented to it under this Section. The Board may, in its discretion, review the record of the proceeding and hear oral argument by the parties. The Board shall recommend a decision by the Commission. If a Board member dissents from the recommendation, any dissenting opinion supplied by the member shall be attached.

(3) Applicability of Section. The provisions of this Section shall not apply to any matter arising under Subchapter 7 of this Chapter.

625 ILCS 5/18c-1204d — Staff participation

Sec. 18c-1204d. Staff participation.

(1) General Provisions. Except as otherwise provided in this Section, Commission staff participation in the administration or enforcement of this Law in a supervisory, advisory, or other capacity shall be limited to personnel whose expenses are, in whole or in part, allocable to the Transportation Regulatory Fund.

(2) Exceptions. The provisions of subsection

(1) of this Section shall not apply to:

(a) Staff of the office of chairman and commissioners serving as personal assistants or clerical support to the members;

(b) Members of the Independent Review Board serving on the effective date of this amendatory Act of 1989, while serving in their current capacities; or

(c) Commission staff other than the staff of the office of chairman and commissioners participating in proceedings involving subchapters 5, 6, 7 or 8 of this Chapter.

625 ILCS 5/18c-1204e — Communications with the Office of Chairman and Commissioners

Sec. 18c-1204e. Communications with the Office of Chairman and Commissioners.

(1) The chairman, members and executive director shall jointly adopt and adhere to written procedures concerning communication with staff of the Transportation Division to insure that:

(a) Communications from the members or staff of the office of chairman and commissioners which do not require substantial work from staff shall be transmitted to the manager of the Transportation Division; and

(b) Communications from the members or staff of the office of chairman and commissioners which do require substantial work from staff shall be transmitted to the executive director.

(2) The executive director shall establish written procedures, which staff other than staff of the office of chairman and commissioners shall adhere to, in regard to communications of such staff to the chairman, members or staff of the office of chairman and commissioners.

625 ILCS 5/18c-1205 — Qualifications of Transportation Compliance Program Staff

Sec. 18c-1205. Qualifications of Transportation Compliance Program Staff.

(1) General provisions. The manager of the Transportation Division shall establish and adhere to written professional standards and procedures for the employment, education and training, performance and dismissal of all nonclerical compliance program personnel. Such standards and procedures shall include:

(a) Merit standards and procedures, and education requirements, applicable to State troopers, and training requirements at least equivalent to that received from a police training school approved by the Illinois Law Enforcement Training Standards Board, together with such additional qualifications as are needed under this Chapter, for all nonclerical field operations personnel;

(b) Successful completion of an accredited accounting or transportation-related education program, or at least 4 years experience in motor carrier rate analysis or auditing, plus such additional qualifications as are needed under this Chapter, for all nonclerical rate auditing personnel; and

(c) Successful completion of an accredited legal or paralegal education program, or equivalent administrative law experience, plus such additional qualifications as are needed under this Chapter, for all nonclerical civil penalties program personnel.

(2) Merit Selection Committee. Standards and procedures under this Section for police shall include the establishment of one or more merit selection committees, each composed of one Commission employee and no fewer than 3, nor more than 5, persons who are not employed by the Commission, each of whom shall from time to time be designated by the division manager, subject to the approval of the Commission. The division manager shall submit a list of candidates to the committee or subcommittee thereof for its consideration. The committee or subcommittee thereof shall interview each candidate on the list and rate those interviewed as "most qualified", "qualified", or "not qualified". The committee shall recommend candidates rated "most qualified" and "qualified" to the division manager. In filling positions to which this Section applies, the division manager shall first offer the position to persons rated "most qualified". If all persons rated "most qualified" have been offered the position and each failed to accept the offer within the time specified by the division manager in the offer, the position may be offered to a person rated "qualified". Only persons rated "most qualified" or "qualified" shall be offered positions within the Compliance Program.

(3) The Commission shall authorize to each employee of the Commission exercising the powers of a peace officer a distinct badge that, on its face,

(i) clearly states the badge is authorized by the Commission and (ii) contains a unique identifying number. No other badge shall be authorized by the Commission.

625 ILCS 5/18c-1301 — Employee Boards Generally

Sec. 18c-1301. Employee Boards Generally. The Commission may, except as expressly provided in this Section, delegate one or more of its functions under this Chapter to Transportation Employee Boards. The Commission shall reserve to itself the function of making transportation policy. The Board shall be subject, in its deliberations, to all

restraints which would govern the Commission if such functions had not been delegated to a Board, and to such other restraints as the Commission may by regulation prescribe. All decisions delegated to an Employee Board shall be appealable to the Commission.

625 ILCS 5/18c-1302 — Members of Employee Boards

Sec. 18c-1302. Members of Employee Boards.

(1) Appointment of Members. Each board shall have 3 members. Members of employee boards established under provisions of this Article shall be appointed by the Commission. When any member is unable to act upon any matter before a Board because of absence, conflict, or other cause, and a qualified alternate appointed by the Commission is available, such alternate shall be called upon to serve on the Board. If no qualified alternate is available, the Chairman of the Commission may designate another qualified employee to serve temporarily until a member appointed by the Commission is available to serve.

(2) Qualification of Members. The Commission or its Chairman may, subject to limitations set forth in this Section, appoint any manager, section chief, examiner, attorney, or other qualified professional employee to serve on an Employee Board, either as a regular member or as an alternate member. No Employee Board member shall participate in any decision in which such person has a pecuniary or other direct interest. No 3 sitting members of an Employee Board shall be employed in the same division of the Commission.

625 ILCS 5/18c-1303 — Conduct of Employee Board Proceedings

Sec. 18c-1303. Conduct of Employee Board Proceedings. A majority of an Employee Board shall constitute a quorum for the transaction of business. Decisions on matters before an Employee Board shall be by majority vote of members present. Any party may appear before an Employee Board and be heard, in person or by representative, to the extent such party would be permitted to appear and be heard before the Commission itself. Each meeting of an Employee Board shall be a public meeting. Every vote and official act of an Employee Board shall be entered of record, and such records shall be made public on request.

625 ILCS 5/18c-1304 — Orders of Employee Boards

Sec. 18c-1304. Orders of Employee Boards. Employee Board orders shall be served, in writing, on all parties to the proceeding in which the order is entered. Such orders shall contain, in addition to the decision of the Board, a statement of findings, conclusions, or other reasons therefor. Employee Board decisions and orders shall have the same force and effect, and may be made, issued, and evidenced in the same manner, as if the decision had been made and the order issued by the Commission itself. The filing of a timely motion for reconsideration shall, unless otherwise provided by the Commission, stay the effect of an Employee Board order pending reconsideration.

625 ILCS 5/18c-1401 — Modification of Standards and Procedures in Response to Preemptive Federal Legislation

Sec. 18c-1401. Modification of Standards and Procedures in Response to Preemptive Federal Legislation. The Commission may, except with regard to licensing and ratemaking standards for motor carriers of property or passengers, conform its standards and procedures to the standards and procedures in a valid, preemptive federal statute where the provisions of this Chapter are in conflict with and would otherwise be preempted by such statute, any other provision of this Chapter notwithstanding.

625 ILCS 5/18c-1402 — Interim Rulemaking

Sec. 18c-1402. Interim Rulemaking. The Commission may, by publishing interim rules in the official state newspaper and simultaneously initiating rulemaking proceedings in accordance with the Administrative Procedure Act:

- (1) Modify its standards and procedures in accordance with Section 18c-1401 of this Chapter; or
- (2) Modify its procedures in accordance with this Chapter in response to other circumstances impacting on the jurisdiction of the Commission in the field of transportation which are not of the Commission's own making but which necessitate adoption or amendment of regulations prior to the completion of normal rulemaking proceedings pursuant to the Illinois Administrative Procedure Act. Nothing in this subsection shall be construed to permit modification of licensing or ratemaking standards for motor carriers of property or passengers. Such interim rules shall remain in effect only until regulations are adopted in accordance with the Administrative Procedure Act.

625 ILCS 5/18c-1501 — Franchise, Franchise Renewal, Filing and Other Fees for Motor Carriers of Property

Sec. 18c-1501. Franchise, Franchise Renewal, Filing and Other Fees for Motor Carriers of Property.

(1) Franchise, Franchise Renewal, Filing, and Other Fee Levels in Effect Absent Commission Regulations Prescribing Different Fee Levels. The levels of franchise, franchise renewal, filing, and other fees for motor carriers of property in effect, absent Commission regulations prescribing different fee levels, shall be:

(a) Franchise and franchise renewal fees: \$19 for each motor vehicle operated by a motor carrier of property in intrastate commerce, and \$2 for each motor vehicle operated by a motor carrier of property in interstate commerce.

(b) Filing fees: \$100 for each application seeking a Commission license or other authority, the reinstatement of a cancelled license or authority, or authority to establish a rate, other than by special permission, excluding both released rate applications and rate filings which may be investigated or suspended but which require no prior authorization for filing; \$25 for each released rate application and each application to register as an interstate carrier; \$15 for each application seeking special permission in regard to rates; and \$15 for each equipment lease.

(2) Adjustment of Fee Levels. The Commission may, by rulemaking in accordance with provisions of The Illinois Administrative Procedure Act, adjust franchise, franchise renewal, filing, and other fees for motor carriers of property by increasing or decreasing them from levels in effect absent Commission regulations prescribing different fee levels.

Franchise and franchise renewal fees prescribed by the Commission for motor carriers of property shall not exceed:

(a) \$50 for each motor vehicle operated by a household goods carrier in intrastate commerce; (a-5) \$15 for each motor vehicle operated by a public carrier in intrastate commerce; and

(b) \$7 for each motor vehicle operated by a motor carrier of property in interstate commerce.

(3) Late-Filing Fees.

(a) Commission to Prescribe Late-Filing Fees. The Commission may prescribe fees for the late filing of proof of insurance, operating reports, franchise or franchise renewal fee applications, or other documents required to be filed on a periodic basis with the Commission.

(b) Late-filing Fees to Accrue Automatically. Late-filing fees shall accrue automatically from the filing deadline set forth in Commission regulations, and all persons or entities required to make such filings shall be on notice of such deadlines.

(c) Maximum Fees. Late-filing fees prescribed by the Commission shall not exceed \$100 for an initial period, plus \$10 for each day after the expiration of the initial period. The Commission may provide for waiver of all or part of late-filing fees accrued under this subsection on a showing of good cause.

(d) Effect of Failure to Make Timely Filings and Pay Late-Filing Fees. Failure of a person to file proof of continuous insurance coverage or to make other periodic filings required under Commission regulations shall make licenses and registrations held by the person subject to revocation or suspension. The licenses or registrations cannot thereafter be returned to good standing until after payment of all late-filing fees accrued and not waived under this subsection.

(4) Payment of Fees.

(a) Franchise and Franchise Renewal Fees. Franchise and franchise renewal fees for motor carriers of property shall be due and payable on or before the 31st day of December of the calendar year preceding the calendar year for which the fees are owing, unless otherwise provided in Commission regulations.

(b) Filing and Other Fees. Filing and other fees (including late-filing fees) shall be due and payable on the date of filing, or on such other date as is set forth in Commission regulations.

(5) When Fees Returnable.

(a) Whenever an application to the Illinois Commerce Commission is accompanied by any fee as required by law and such application is refused or rejected, said fee shall be returned to said applicant.

(b) The Illinois Commerce Commission may reduce by interlineation the amount of any personal check or corporate check or company check drawn on the account of and delivered by any person for payment of a fee required by the Illinois Commerce Commission.

(c) Any check altered pursuant to above shall be endorsed by the Illinois Commerce Commission as follows: "This check is warranted to subsequent holders and to the drawee to be in the amount \$."

(d) All applications to the Illinois Commerce Commission requiring fee payment upon reprinting shall contain the following authorization statement: "My signature authorizes the Illinois Commerce Commission to lower the amount of check if fee

submitted exceeds correct amount."

625 ILCS 5/18c-1502 — Gross Receipts Taxes For Motor Carriers of Passengers and Rail Carriers

Sec. 18c-1502. Gross Receipts Taxes For Motor Carriers of Passengers and Rail Carriers. Each motor carrier of passengers and rail carrier shall pay to the Commission, in accordance with Sections 2-202, 3-120 and 3-121 of "The Public Utilities Act", as amended, a gross receipts tax in the amount provided herein. The amount of the tax for motor carriers of passengers shall be prescribed by the Commission by rulemaking in accordance with provisions of The Illinois Administrative Procedure Act, and shall not exceed 0.1% of the carrier's gross Illinois intrastate revenues for each calendar year. The amount of the tax for rail carriers shall be 0.15% of the carrier's gross Illinois intrastate revenues for each calendar year.

625 ILCS 5/18c-1502.05 — Route Mileage Fee for Rail Carriers

Sec. 18c-1502.05. Route Mileage Fee for Rail Carriers. Beginning with calendar year 2004, every rail carrier shall pay to the Commission for each calendar year a route mileage fee of \$45 for each route mile of railroad right of way owned by the rail carrier in Illinois. The fee shall be based on the number of route miles as of January 1 of the year for which the fee is due, and the payment of the route mileage fee shall be due by February 1 of each calendar year.

625 ILCS 5/18c-1502.10 — Railroad-Highway Grade Crossing and Grade Separation Fee

Sec. 18c-1502.10. Railroad-Highway Grade Crossing and Grade Separation Fee. Beginning with calendar year 2004, every rail carrier shall pay to the Commission for each calendar year a fee of \$28 for each location at which the rail carrier's track crosses a public road, highway, or street, whether the crossing be at grade, by overhead structure, or by subway. The fee shall be based on the number of the crossings as of January 1 of each calendar year, and the fee shall be due by February 1 of each calendar year.

625 ILCS 5/18c-1503 — Legislative Intent

Sec. 18c-1503. Legislative Intent. It is the intent of the Legislature that the exercise of powers under Sections 18c-1501 and 18c-1502 of this Chapter shall not diminish revenues to the Commission, and that any surplus or deficit of revenues in the Transportation Regulatory Fund, together with any projected changes in the cost of administering and enforcing this Chapter, should be considered in establishing or adjusting fees and taxes in succeeding years. The Commission shall administer fees and taxes under this Chapter in such a manner as to insure that any surplus generated or accumulated in the Transportation Regulatory Fund does not exceed 50% of the previous fiscal year's appropriation and shall adjust the level of such fees and taxes to insure compliance with this provision.

625 ILCS 5/18c-1504 — Reciprocity

Sec. 18c-1504. Reciprocity. The Commission may enter into agreements with agencies in other jurisdictions for the reciprocal waiver of motor carrier fees or taxes administered by the Commission, and may revoke such agreements where another jurisdiction does not extend reciprocal treatment to carriers based in the State of Illinois. The Commission may, in addition, and notwithstanding any other provision of this Chapter, prescribe fees for carriers based in jurisdictions other than the State of Illinois equal to fees charged to Illinois carriers by such other jurisdictions.

625 ILCS 5/18c-1505 — Proration of Fees

Sec. 18c-1505. Proration of Fees. The Commission may prorate fees and levies provided in this Chapter throughout the calendar year.

625 ILCS 5/18c-1601 — Deposit of Monies into the Transportation Regulatory Fund

Sec. 18c-1601. Deposit of Monies into the Transportation Regulatory Fund.

(1) Deposit of Fees, Taxes, and Monies Other Than Criminal Fines. All fees, penalties (other than criminal penalties) or monies collected in settlement of enforcement proceedings, taxes, and other monies collected under this Chapter or which are transferred, appropriated or reimbursed to the Commission for the purpose of administering and enforcing this Chapter, shall be promptly paid into a special fund in the State treasury known as the Transportation Regulatory Fund.

(2) Accounting for Monies Received. The Commission shall account separately for the receipt of monies from the following classes:

(a) motor carriers of property (other than carriers engaged in nonrelocation towing);

(b) rail carriers; and

(c) other monies. The Commission may account separately with regard to groups of persons within the foregoing classes.

(3) Deposit of criminal fines. Criminal fines collected under this Chapter from motor carriers of property or persons or entities found to have aided or abetted motor carriers of property or passengers in violation of this Chapter shall be disposed of in accordance with Section 16-105 of this Code. Other criminal fines collected under this Chapter shall be deposited into the Transportation Regulatory Fund in accordance with subsection

(1) of this Section.

(4) (Blank).

625 ILCS 5/18c-1602 — Appropriations from the Transportation Regulatory Fund

Sec. 18c-1602. Appropriations from the Transportation Regulatory Fund.

(1) Appropriation of Monies. Appropriations from the Transportation Regulatory Fund shall be separately identified both in the Commission's appropriations request and the Act by which appropriations from the Fund are made.

(2) Authorization of Staff Positions. Authorized staff positions to be funded with monies appropriated from the Transportation Regulatory Fund shall be separately identified in the Commission's appropriations request.

(3) Appropriations and Authorizations Not Transferable. Appropriations from the Transportation Regulatory Fund shall be used only for the administration and enforcement of this Chapter and Chapter 18a. Such appropriations and authorized headcount may be transferred within the Transportation Regulatory Fund, but may not be transferred to any other fund.

625 ILCS 5/18c-1603 — Expenditures from the Transportation Regulatory Fund

Sec. 18c-1603. Expenditures from the Transportation Regulatory Fund.

(1) Authorization of Expenditures from the Fund. Monies deposited in the Transportation Regulatory Fund shall be expended only for the administration and enforcement of this Chapter and Chapter 18a. Moneys in the Fund may also be used to administer the Personal Property Storage Act.

(2) Allocation of Expenses to the Fund.

(a) Expenses Allocated Entirely to the Transportation Regulatory Fund. All expenses of the Transportation Division shall be allocated to the Transportation Regulatory Fund, provided that they were:

(i) Incurred by and for staff employed within the Transportation Division and accountable, directly or through a program director or staff supervisor, to the Transportation Division manager; (ii) Incurred exclusively in the administration and enforcement of this Chapter and Chapter 18a; and (iii) Authorized by the Transportation Division manager.

(b) Expenses Partially Allocated to the Transportation Regulatory Fund. A portion of expenses for the following persons and activities may be allocated to the Transportation Regulatory Fund:

(i) The Executive Director, his deputies and personal assistants, and their clerical support; (ii) The legislative liaison activities of the Office of Legislative Affairs, its constituent elements and successors; (iii) The activities of the Bureau of Planning and Operations on the effective date of this amendatory Act of the 94th General Assembly, exclusive of the Chief Clerk's office; (iv) The payroll expenses of Commissioners' assistants;

(v) The internal auditor; (vi) The in-state travel expenses of the Commissioners to and from the offices of the Commission; and (vii) The Public Affairs Group, its constituent elements, and its successors.

(c) Allocation Methodology for Expenses Other Than Commissioners' Assistants. The portion of total expenses (other than commissioners' assistants' expenses) allocated to the Transportation Regulatory Fund under paragraph

(b) of this subsection shall be the portion of staff time spent exclusively on administration and enforcement of this Chapter and Chapter 18a, as shown by a time study updated at least once each 6 months.

(d) (Blank).

(e) Allocation methodology for Commissioners' Assistants Expenses. Five percent of the payroll expenses of commissioners' assistants may be allocated to the Transportation Regulatory Fund.

(f) Expenses not allocable to the Transportation Regulatory Fund. No expenses shall be allocated to or paid from the Transportation Regulatory Fund except as expressly authorized in paragraphs

(a) through

(e) of this subsection. In particular, no expenses shall be allocated to the Fund which were incurred by or in relation to the following persons and activities:

(i) Commissioners' travel, except as otherwise provided in paragraphs

(b) and

(c) of this subsection; (ii) Commissioners' assistants except as otherwise provided in paragraphs

(b) and

(e) of this subsection; (iii) The Policy Analysis and Research Division, its constituent elements and successors; (iv) The Chief Clerk's office, its constituent elements and successors;

(v) The Hearing Examiners Division, its constituent elements and successors, and any hearing examiners or hearings conducted, in whole or in part, outside the Transportation Division; (vi) (Blank); (vii) The Office of General Counsel, its constituent elements and successors, including but not limited to the Office of Public Utility Counsel and any legal staff in the office of the executive director, but not including the personal assistant serving as staff counsel to the executive director as provided in Section 18c-1204(2) and the Office of Transportation Counsel; and (viii) Any other expenses or portion thereof not expressly authorized in this subsection to be allocated to the Fund. The constituent elements of the foregoing shall, for purposes of this Section be their constituent elements on the effective date of this amendatory Act of 1987.

(3) (Blank).

(4) (Blank).

625 ILCS 5/18c-1604 — Annual Report of Expenditures

Sec. 18c-1604. Annual Report of Expenditures. The Commission shall, within 60 calendar days after the end of the lapse period for each fiscal year, submit to the Governor and the General Assembly a report of the following for such fiscal year:

(1) All monies deposited in the Transportation Regulatory Fund, showing the total and subtotals by class as defined in subsection

(2) of Section 18c-1601 of this Chapter;

(2) All expenditures from the Transportation Regulatory Fund, showing the total and the sub-totals by class as defined in subsection

(2) of Section 18c-1601 of this Chapter;

(3) A listing and description by function of all staff positions actually funded, in whole or in part, at any time during the fiscal year, from the Transportation Regulatory Fund; and

(4) The methods used to allocate expenses between the Transportation Regulatory Fund and other funds, and between classes within the Transportation Regulatory Fund.

625 ILCS 5/18c-1701 — Violations Defined

Sec. 18c-1701. Violations Defined. Each person who fails to comply, in whole or in part, with any provision of this Chapter, Commission regulations or orders shall have committed a violation of this Chapter. Likewise, any person who aids or abets another in such failure to comply shall have committed a violation of this Chapter. The agent of a carrier shall not be found to have aided or abetted in violation of this Chapter where the act of the agent was required by this Chapter, Commission regulations or orders. The act or omission of any officer, employee, or agent within the scope of such person's office, employment or agency shall be deemed the act or omission of the business entity; such entity shall be named as the party defendant or respondent and the officer, employee, or agent shall not be held liable. Failure to comply with more than one provision of this Chapter or regulations or orders hereunder shall constitute multiple violations. Each day's continuance of a violation shall constitute a separate violation.

625 ILCS 5/18c-1702 — Responsibility for Enforcement

Sec. 18c-1702. Responsibility for Enforcement. It shall be the duty of the Commission and of the Illinois State Police and the Secretary of State to conduct investigations, make arrests, and take any other action necessary for the enforcement of this Chapter.

625 ILCS 5/18c-1703 — Investigations and Arrests

Sec. 18c-1703. Investigations and Arrests.

(1) Enforcement Officers and Investigators. Enforcement officers and investigators appointed by the Commission shall have, and may exercise throughout the state, all the powers of police officers when enforcing provisions of this Chapter, subject to the regulations and orders of the Commission.

(2) Investigations.

(a) General Provisions. The Commission, through its employees, shall conduct such investigations as are necessary for the enforcement of this Chapter.

(b) Examination, Audit and Production of Records. Authorized employees of the Commission shall have the power at any and all times to examine, audit, or demand production of all accounts, books, records, memoranda, and other papers in the possession or control of a license or registration holder, its employees or agents. In addition, every person other than a license or registration holder and every officer, employee or agent of such person shall permit every authorized employee of the Commission, upon administrative subpoena issued by the Chairman or his designee or the Attorney General, to inspect and copy any accounts, books, records, memoranda, letters, checks, vouchers, telegrams, documents, or other papers in its possession or control which the Commission deems necessary to the proper conduct of an investigation to determine whether provisions of this Chapter, Commission regulations or orders, have been violated.

(c) Inspection of Equipment and Facilities. Authorized employees of the Commission shall have the power at all times to inspect the equipment, facilities, and other property of the licensee in the possession or control of a carrier or broker, its employees or agents.

(d) Special Investigations. The Commission may also conduct special investigations as necessary for the enforcement of this Chapter. Where such person is found by the Commission to have violated this Chapter, and where the Commission imposes a sanction for such violation under Section 18c-1704 of this Chapter, the Commission may impose on such person an assessment of reasonable expenses incurred by the Commission in the investigation and subsequent proceeding. Such assessment shall not exceed a fee of \$100 per work day or \$50 per half work day, per employee, for the payroll costs of the Commission staff, plus actual transportation (in accordance with applicable state employee travel expense reimbursement regulations) and all other actual expenses incurred in the special investigation and subsequent proceeding.

(3) Arrests and Citations. The Commission shall make arrests and issue notices of civil violations where necessary for the enforcement of this Chapter. No rail carrier employee shall be arrested for violation of this Chapter. No person operating a motor vehicle in violation of the licensing or safety provisions of this Chapter shall be permitted to transport property or passengers beyond the point of arrest unless, in the opinion of the officer making the arrest, it is necessary to transport the property or passengers to another location to insure their safety or to preserve or tend cargo carried in the vehicle.

625 ILCS 5/18c-1704 — Sanctions

Sec. 18c-1704. Sanctions. Each violation of this Chapter shall subject the violator to the following sanctions, except as otherwise provided elsewhere in this Chapter. Sanctions provided for in this Section may be imposed by the Commission only in compliance with the notice and hearing requirements of Section 18c-2102 of this Chapter.

(1) Criminal Misdemeanor Penalties. Each violation of this Chapter shall constitute a Class C misdemeanor.

(2) Civil Penalties. The Commission may assess, against any person found by it to have violated this Chapter, a civil penalty not greater than \$1,000 nor less than \$100 per violation. The penalty assessed by the Commission shall reflect the number and severity of violations found to have been committed. Penalties assessed by the Commission shall be enforced by any court having venue in enforcement cases under this Chapter.

(3) Cease and Desist Orders. The Commission may, where a person is found after hearing to have violated this Chapter, Commission regulations or orders, and justice requires, order the person to cease and desist from further or from any future violations. A cease and desist order may be entered on the Commission's own motion or by agreement between the parties. Orders and agreements under this Section shall be valid and enforceable for the period stated therein, not to exceed 2 years from the date the order or agreement is approved by the Commission, unless the parties stipulate otherwise. Such orders and agreements shall be enforceable in any court of this State having venue and jurisdiction in enforcement actions under this Chapter. Failure to comply with a Commission cease and desist order shall constitute a violation of this Chapter separate and apart from any underlying violations.

(4) Stipulated Settlements.

(a) General Provisions. The Commission may accept a reasonable monetary settlement, suspension or revocation of a license or registration, or any other reasonable terms stipulated between the respondent and staff, with or without a finding of violations.

(b) Presumption of Reasonableness. Such stipulations shall be presumed reasonable. Unless the terms of a stipulation exceed such parameters as the Commission may establish, this presumption is rebuttable only by evidence of record at hearing.

(c) Parameters. Parameters for settlement shall be based on type of violation; severity, as measured by revenues from unlawful activities; and number of violations. Minimum settlement amounts may be established.

(d) Orders. Orders suspending proposed settlements shall cite reasons for suspension which are specific to the case. Orders rejecting proposed settlements shall recite the grounds on which the settlements are found to be unreasonable and describe the evidence which supports such findings.

(5) Injunctive Relief. Any court with jurisdiction and venue for purposes of enforcing this Chapter shall have the power to enjoin any person from committing violations of this Chapter. Suit for penalties shall not be a prerequisite to injunctive relief. No bond shall be required when injunctive relief is granted at the request of the Commission.

(6) Suspension or Revocation of Licenses and Registrations.

(a) Availability of Suspension and Revocation as Sanctions. Violation of this Chapter by a motor carrier of property or passengers shall, in addition to other sanctions provided herein, subject the violator to suspension or revocation of any or all Commission licenses and registrations. The Commission may impose the sanctions of suspension and revocation. Where the violation is failure of a motor carrier of property or passengers to have in effect and file proof of continuous insurance coverage in accordance with this Chapter, Commission regulations and orders, the license or registration or both may be suspended by telephonic or telegraphic directive, confirmed by certified or registered mail or personal service, pending final disposition of revocation proceedings.

(b) Suspension Pending Adjudication. Where the violation is failure of a motor carrier of property to pay a franchise or franchise renewal fee, the license or registration or both may be suspended by certified or registered mail or personally served directive, pending final disposition of revocation proceedings.

(c) Special Revocation Procedures.

(i) Notice. The Commission shall serve notice upon all persons who have failed to pay a franchise tax, license fee, or penalty required under the Business Corporation Act of 1983, or who have failed to comply with this Chapter, Commission regulations and orders, regarding the filing of proof of continuous insurance or bond coverage, the payment of periodic fees, the filing of periodic reports, the payment of civil penalties, or the filing of rates to the full extent of a carrier's authority. The notice shall advise such person of the apparent violations and state that, unless the Commission receives a written request for hearing or extension of time within 30 days from the date the notice is served, the person's license or registration will be revoked by operation of law without further action by the Commission. (ii) Extensions of Time. The Commission may grant one extension of time not exceeding 60 days where the extension will not endanger the public. (iii) Request for Hearing. If a timely written request for hearing is received, no further action shall be taken until the requirements of Section 18c-2102 of this Chapter have been satisfied. (iv) Revocation by Operation of Law. If, at the expiration of the applicable time period, the person has not complied with the pertinent requirements, and a written request for hearing has not been received, the person will be deemed to have waived hearing and the license or registration shall be revoked by operation of law without further action by the Commission as if the Commission has served an order on the date following expiration revoking the license or registration.

(7) Probation. The Commission may probate the imposition of any of the sanctions set forth in this Section.

625 ILCS 5/18c-1705 — Expedited Enforcement Procedures

Sec. 18c-1705. Expedited Enforcement Procedures. The Commission shall, within 60 days from the effective date of this amendatory Act of 1987, implement expedited administrative enforcement procedures.

(a) Initiation of Administrative Enforcement Proceedings. The Transportation Division Manager or his designee shall have the power to issue, or refuse to issue, a notice or citation instituting an administrative enforcement proceeding.

(b) Settlement of Enforcement Proceedings by Stipulation.

(i) Power to Negotiate Settlements. The Transportation Division Manager or his designee shall have the power to negotiate and sign proposed settlements of enforcement proceedings by written stipulation. (ii) Review and Acceptance of Stipulations. The Commission shall provide for any appropriate and necessary review of proposed settlements within 30 days after a stipulation is signed by the parties. Unless a stipulation is suspended for review by order of the Commission served within 30 calendar days after it was signed by the parties, it shall be deemed accepted by operation of law. A stipulation which has been suspended for review shall likewise be deemed accepted by operation of law unless it is rejected by order of the Commission served within 45 days after it was suspended. A stipulation which is deemed accepted under this sub-paragraph shall become effective and shall be enforceable in the same manner as an order of the Commission. (iii) Administrative Appeal of Settlements. Administrative appeal of a stipulation which has been approved by order of the Commission or by operation of law shall be by motion for rehearing or reconsideration in accordance with Section 18c-2110 of this Chapter. The right to administratively appeal a settlement may be waived by written stipulation.

625 ILCS 5/18c-1801 — Persons Who May be Served

Sec. 18c-1801. Persons Who May be Served. It shall be the responsibility of each person subject to the licensing or ratemaking provisions of this Chapter to keep on file with the Commission the name of a person upon whom notices, orders, or process in administrative or judicial proceedings under this Chapter may be served, together with a current address within the State of Illinois at which such person may be served. The Commission shall maintain a file of such "agents for service of process." Service of any Commission notice, order, or process on the agent for service of process at the address shown in the file shall be conclusively presumed to be service on the carrier, broker, or other person. If a person fails to make the filing required herein, the person may be served at the most current address in other records of the Commission, or at the address on file with the Secretary of State for service of process, and the same conclusive presumption shall apply.

625 ILCS 5/18c-1802 — Time of Service

Sec. 18c-1802. Time of Service. Notices, orders, process and other correspondence of the Commission shall be deemed served at the time they are deposited in the United States mail or delivered to a commercial delivery service or delivered in person by an employee or agent of the Commission. Notices, orders, process and other correspondence shall be deemed served on the Commission at the time of receipt.

625 ILCS 5/18c-2101 — Hearings in household goods carrier licensing cases

Sec. 18c-2101. Hearings in household goods carrier licensing cases.

(1) Hearing required. The Commission shall issue orders in household goods carrier licensing cases only after notice and hearing in accordance with the rules of practice applicable to proceedings under this Chapter.

(2) Hearing not required. Hearing shall be required in household goods carrier licensing cases, except as provided in Sections 18c-2107 and 18c-4306 of this Chapter.

625 ILCS 5/18c-2102 — Hearings in other than household goods carrier authority cases

Sec. 18c-2102. Hearings in other than household goods carrier authority cases.

(1) Hearing required. Except as otherwise provided in subsection

(2) of this Section, and in Section 18c-2108 of this Chapter the Commission shall, in other than household goods carrier authority cases, issue orders granting authority or other relief, prescribing rates, imposing sanctions, or directing that a person take, continue to take, refrain from taking or cease and desist from continuing to take any action, only after notice and hearing in accordance with the rules of practice applicable to proceedings under this Chapter. (1.1) Service of notice in a case involving a motor carrier of passengers. In any case involving a motor carrier of passengers, if an airport is a point to be served, in addition to public notice by publication, notice of an application for a license or transfer of a license must be served by certified mail, return receipt requested, on

(i) the corporation counsel or chief legal officer of any municipality or other political subdivision operating the airport and
(ii) the agent for service of process in Illinois of any motor carrier possessing a license under Section 18c-6201 authorizing all or part of the service for which authority is sought under Section 18c-6201 of this Chapter.

(2) Hearing not required. Except as otherwise provided in Section 18c-2108 of this Chapter, the Commission may, in other than household goods carrier authority cases, conduct its review and issue orders without hearing, the taking of

evidence, or the making of a record where action taken in the order:

- (a) Was not opposed in a timely pleading addressed to the Commission;
- (b) Was opposed in a timely pleading, but such opposition was later withdrawn or the parties in opposition waived further hearing and taking of evidence;
- (c) Was taken on an emergency temporary or interim basis in accordance with Section 18c-2108 of this Chapter; or
- (d) Is interlocutory in nature.

(3) Section not applicable to household goods carrier authority cases. Nothing in this Section shall have application to any household goods carrier authority case.

625 ILCS 5/18c-2103 — Rules of Practice

Sec. 18c-2103. Rules of Practice.

(1) General Provisions. The Commission shall adopt General and Special rules of practice to govern administrative proceedings under this Chapter. Such rules shall be designed to effectuate the purposes of this Chapter. Rules of practice heretofore issued by the Commission shall be the rules of practice applicable under this Chapter unless changed, repealed, or supplemented by the Commission.

(2) Verification of Pleadings. Unless otherwise expressly provided therein, the signature on any pleading, document, or other paper filed with the Commission on which a verification or oath is required under applicable statutes or regulations shall constitute the verification or oath of the signatory and no further verification or oath shall be required. False verification or oath shall be a violation of this Chapter.

625 ILCS 5/18c-2104 — Rules of Evidence

Sec. 18c-2104. Rules of Evidence. The rules of evidence which apply in civil cases before the circuit courts of this State shall, except as otherwise provided herein, apply to proceedings before the Commission under this Chapter. Evidence not admissible under the rules of evidence applicable in civil courts may be admitted if it is of a type commonly relied upon by prudent persons in the conduct of their affairs. Objections must be made at hearing to preserve them on appeal. Evidence may be received orally or in writing.

625 ILCS 5/18c-2105 — Discovery

Sec. 18c-2105. Discovery.

(1) Discovery Generally. Any party may utilize written interrogatories, depositions, requests for discovery or inspection of documents or property and other discovery tools commonly utilized in civil actions in the circuit courts in the State of Illinois in the manner contemplated by the Code of Civil Procedure and the Rules of the Supreme Court of Illinois; except that discovery must be completed by the 30th day after the party filed its petition for leave to intervene, unless the period of discovery is extended by agreement of the parties or by the Commission. The Chairman or a hearing examiner may, at any time, on his own motion or at the request of a party, issue such rulings denying, limiting, conditioning, or regulating discovery as justice requires, and may supervise all or part of any discovery procedure. Parties to proceedings before the Commission are encouraged to clarify and resolve issues where possible through the use of pre-hearing discovery. However, discovery order should be calculated to lessen the time and expense required to reach an informed resolution of the issues.

(2) Subpoenas. The Chairman or a hearing examiner may, for good cause, issue a subpoena directing a person to appear and testify, and to produce records, documents, or other papers, at a time and place set forth in the subpoena, in connection with a proceeding before the Commission. Service of the subpoena shall be in the same manner as a subpoena issued by a court. The Commission may, on its own motion or the motion of a person served with a subpoena, quash the subpoena, in whole or in part.

(3) Appeal from Discovery and Subpoenas. A person served with a discovery request or subpoena may appeal such interlocutory matter to the Commission. Such appeals shall set forth grounds for seeking to quash or limit the scope of the discovery or subpoena, as well as the specific relief sought, and must be filed within 10 days after service of the discovery or subpoena. If discovery is stayed by the Commission, the person served shall be excused from compliance with the discovery order or subpoena until a decision on its appeal is made by the Commission.

(4) **Assessment and Payment of Discovery Costs.** The Commission may assess the costs of discovery, including fees for witness attendance and travel, against the party by which discovery was requested. Where a subpoena is issued on the Commission's own motion, fees for witness attendance and travel shall be paid by the Commission on request. Witness fees shall be the same as for a circuit court proceeding. Deposits to insure payment of costs and fees may be required.

(5) **Enforcement of Discovery Procedures.** The Commission may, where a person has failed to comply with or permit discovery authorized hereunder, determine any or all issues within the scope of the discovery or subpoena adverse to such person without further evidence. The Commission may, in addition, assess civil penalties under Article VII of Sub-chapter 1 of this Chapter for such violator for contempt and may assess the costs of enforcement, both before the Commission and before the court, against the violator.

625 ILCS 5/18c-2106 — Standing

Sec. 18c-2106. Standing.

(1) **General Provisions.** Each person with an administratively cognizable interest in a proceeding before the Commission shall, upon compliance with procedural rules adopted by the Commission for such proceedings, be entitled to appear and participate as a party to the proceeding. The Commission may, in addition, grant leave to appear and participate on such terms as it may prescribe, where to do so would assist the Commission in reaching an informed and just decision in the proceeding.

(2) **Definition of Administratively Cognizable Interest.** The following persons or entities shall be deemed to have an administratively cognizable interest in proceedings under this Chapter:

(a) **Licensing Proceedings.** A person or an entity shall be deemed to have an administratively cognizable interest in a proceeding in which an application for a new, amended, or extended intrastate license is under consideration only if:

(i) The person possesses a license authorizing all or part of the service for which authority is sought, such license is in good standing, and the person has transported or actively solicited traffic or both within the scope of the application during the 12 month period immediately preceding initiation of the proceeding; (ii) The proceeding involves an application for a household goods carrier license and the person is an organization representing employees of a household goods carrier; or (iii) The entity is a municipality or other political subdivision operating an airport that is a point to be served for the license under consideration.

(b) **Rate Proceedings.** A person shall be deemed to have an administratively cognizable interest in a proceeding in which new or amended rates are under consideration only if the person is:

(i) A carrier authorized to transport traffic such as would be subject to or affected by the rates; (ii) A shipper or receiver of traffic such as would be subject to or affected by the rates; (iii) An association of two or more carriers, acting at the request of and on behalf of one or more carriers authorized to transport traffic such as would be subject to or affected by the rates; or an association of two or more shippers or receivers acting at the request of and on behalf of one or more shippers or receivers of such traffic; or (iv) An organization representing employees of a household goods carrier.

(c) **Proceedings to Transfer a License.** A person shall be deemed to have an administratively cognizable interest in a proceeding to transfer an intrastate license only if the person:

(i) Has an ownership interest in or control of the license which is the subject of the proceeding; (ii) Would, if the proposed transfer is approved, acquire ownership or control of the license which is the subject of the proceeding; (iii) Possesses a license authorizing all or part of the service authorized by the license sought to be transferred, such license is in good standing, and the person or entity has transported or actively solicited traffic within the scope of the license sought to be transferred during the 12 months period immediately preceding initiation of the proceeding; (iv) Would be directly affected by the transfer;

(v) Is an organization representing employees of a household goods carrier; or (vi) Is a municipality or other political subdivision operating an airport that is a point to be served for the license under consideration.

(d) **Complaint and Enforcement Proceedings.** A person shall be deemed to have an administratively cognizable interest in a complaint proceeding if the person:

(i) Has an ownership interest in or control of the license which is the subject of the proceeding; (ii) Would be directly and adversely affected by failure to grant relief sought in the complaint or enforcement action and such adverse effect is contrary to the purposes of this Chapter; or (iii) Is an organization representing employees of a household goods carrier of property.

- (e) All Proceedings. Notwithstanding the provisions of subsections (2)(a) through (2)(d) of this Section, a person shall be deemed to have an administratively cognizable interest in a proceeding other than a complaint proceeding if the person:
- (i) Filed the pleading pursuant to which the proceeding was initiated; or
 - (ii) Is an organization representing employees of a household goods carrier.

625 ILCS 5/18c-2107 — Orders in household goods carrier authority proceedings

Sec. 18c-2107. Orders in household goods carrier authority proceedings.

(1) Emergency Proceedings Orders. The Commission may, on request, and upon a finding that urgent and immediate public need requires emergency temporary action, issue orders granting emergency temporary relief in household goods carrier authority proceedings. The Commission shall promptly post notice of any such request at a prominent location at the Commission offices in Springfield and Chicago, and where action affecting a specific named person is requested shall promptly notify the person by telephone or telegram. Such orders may be issued without hearing and shall remain in effect pending notice and hearing in accordance with subsection

(1) of Section 18c-2101 of this Chapter, but shall not remain in effect for a period exceeding 45 days from issuance, and shall not be renewed or extended. Any person in opposition to such relief shall be entitled, on request, to an oral hearing on the request for emergency temporary relief. The filing or granting of a request for an oral hearing shall not, unless the Commission so provides, stay the issuance or effect of any emergency temporary order under this subsection.

(2) Interim orders. The Commission may, on request, issue interim orders for temporary authority in household goods carrier authority proceedings making temporary disposition of issues in a proceeding after notice and review of verified supporting statements. Such orders shall remain in effect pending final disposition in accordance with Section 18c-2101 of this Chapter unless otherwise provided in the interim order or the interim order is modified or rescinded by the Commission. Any person in opposition to such relief shall be entitled, on request, to an oral hearing on the request for temporary relief. The filing or granting of such a request for an oral hearing shall not, unless the Commission so provides, stay the issuance or effect of any interim order under this subsection. A request for oral hearing on a request for interim relief shall, unless otherwise specified by the party making the request for oral hearing, be construed as a request for oral hearing on the application for permanent relief as well.

(3) Final Orders. Final orders shall be issued in household goods carrier of property authority proceedings only after an oral hearing.

625 ILCS 5/18c-2108 — Orders in other than household goods carriers authority and enforcement proceedings

Sec. 18c-2108. Orders in other than household goods carriers authority and enforcement proceedings.

(1) Emergency Orders. The Commission may, on request, and upon a finding that urgent and immediate public need requires emergency temporary action, issue orders granting emergency temporary relief in other than household goods carrier authority or enforcement cases. The Commission shall promptly post notice of any such request at a prominent location at the Commission offices in Springfield and Chicago, and where action affecting a specific named person is requested shall promptly notify the person by telephone or telegram. Such orders may be issued without hearing and shall remain in effect pending notice and hearing in accordance with subsection

(1) of Section 18c-2101 of this Chapter, but shall not remain in effect for a period exceeding 45 days from issuance, and shall not be renewed or extended. Any person in opposition to such relief shall be entitled, on request, to an oral hearing on the request for emergency temporary relief. The filing or granting of such request for oral hearing shall not, unless the Commission so provides, stay the issuance or effect of any emergency temporary order under this subsection.

(2) Interim Orders. The Commission may, on request, issue interim orders making temporary disposition of issues in a proceeding, other than a household goods carrier authority or enforcement proceeding, after notice and hearing on written submissions. Such orders shall remain in effect pending final disposition in accordance with Section 18c-2102 of this Chapter unless otherwise provided in the interim order or the interim order is modified or rescinded by the Commission. Any person in opposition to such relief shall be entitled, on request, to an oral hearing on the request for temporary relief. The filing or granting of such a request for oral hearing shall not, unless the Commission so provides, stay the issuance or effect of any interim order under this subsection. A request for oral hearing on a request for temporary relief shall, unless otherwise specified by the party making the request for oral hearing, be construed as a request for oral hearing on the application for permanent relief as well.

(3) Final orders. Any party to a proceeding before the Commission shall be entitled, on timely written request, to an oral hearing prior to issuance of a final order in the proceeding. Where the Commission has issued an interim order and no timely request for oral hearing has been filed or is pending, the Commission may issue a final order without oral hearing, except in household goods carrier authority proceedings.

(4) Section not applicable to household goods carrier authority proceedings. Nothing in this Section shall have application to any household goods carrier authority proceeding.

625 ILCS 5/18c-2109 — Prompt Final Disposition of Proceedings

Sec. 18c-2109. Prompt Final Disposition of Proceedings. The Commission shall consider matters properly before it in the most expeditious manner possible, and in no case shall the final order resolving matters in a proceeding be entered later than the 90th day following the close of oral hearing. Proceedings may be reassigned in order to expedite consideration and disposition.

625 ILCS 5/18c-2110 — Reconsideration, Rehearing and Reopening of Proceedings

Sec. 18c-2110. Reconsideration, Rehearing and Reopening of Proceedings.

(1) Motions for Rehearing or Reconsideration.

(a) Who May File Motions. Any party of record to an administrative proceeding before the Commission may file a motion administratively appealing the action or inaction of the Commission, Employee Board, or Commission staff.

(b) Relief Which May Be Sought. A motion may request modification or rescission of a Commission or Employee Board order, or of the action or inaction of the Commission, Employee Board, or Commission staff; the Commission or Employee Board may likewise request such relief

(c) To Whom Motions May Be Addressed. If the order appealed is a nonfinal order of an Employee Board, the motion may be addressed to the Board or to the Commission; otherwise, the motion must be addressed to the Commission.

(d) Deadline For Filing Motions. The motion must be filed within 30 days after service of the order, or of the action or inaction appealed, unless the time for filing a motion is extended by the Commission in writing.

(e) Style and Contents of Motions. The motion must set forth specific grounds for modification or rescission of the order. Appeals from orders issued by the Commission, or from the action or inaction of the Commission shall be styled "motions for rehearing;" appeals from orders of an Employee Board, or from the action or inaction of Employee Board or staff, shall be styled "motions for reconsideration."

(f) Grant or Denial of Motions. The Commission may grant or deny such motions, in whole or in part. If the Commission grants such a motion a new order shall be issued within 180 days after service of the order granting the motion unless the order granting the motion also disposed of the issues in the proceeding and is therefore a final, appealable order. If the Commission fails to act on any such motion within 45 days after it is filed, or up to 90 days if the period for acting on the motion has been extended by the Commission in writing, the motion shall be deemed to have been denied by operation of law.

(g) Appeals of Rulings by Hearing Examiners. Notwithstanding any other provision of this Section, interlocutory appeals of rulings by hearing examiners shall be as provided by the Commission's Rules of Practice; no other appeals of action or inaction by a hearing examiner may be taken.

(2) Motions to Reopen. The Commission may, at any time after notice to the parties and the public, reopen a proceeding to consider clarification, modification, or rescission of its order. Reopening may be on the Commission's own motion or on the motion of any interested person. Upon a finding of clerical or technical error the Commission may modify or rescind its order in the proceeding. The Commission may not, on reopening, impair the vested rights of any person.

625 ILCS 5/18c-2201 — Availability of Judicial Review

Sec. 18c-2201. Availability of Judicial Review.

(1) Standing to Seek Judicial Review. No person shall have standing to seek judicial review of a Commission action unless such person shall have an administratively cognizable interest in the order, be aggrieved by it, and have exhausted its administrative remedies. A person admitted as a party to an administrative proceeding shall be presumed to have an administratively cognizable interest in orders issued in the proceeding for purposes of standing to seek judicial review.

(2) Exhaustion of Administrative Remedies. A person shall be deemed to have exhausted its administrative remedies only if:

- (a) The person participated as a party to the proceeding before the Commission, or filed a timely pleading seeking to participate as a party and was entitled as matter of right to participate as a party;
 - (b) The person filed a timely motion for reconsideration or rehearing which was denied by the Commission or by operation of law, unless the Commission expressly waived the filing of such a motion; and
 - (c) The action of which judicial review is sought is, in all respects, a final order of the Commission.
- (3) Deadline for Filing Petitions for Judicial Review. A petition for judicial review must be filed within 35 days after the order of the Commission becomes final.
- (4) Remedy Exclusive. Judicial review as provided for under this Article shall be exclusive of all other remedies at law or equity in regard to review of Commission actions, regulations or orders.

625 ILCS 5/18c-2202 — Scope of Judicial Review

Sec. 18c-2202. Scope of Judicial Review.

- (1) Issues on Review. The reviewing court shall be limited in its review to whether:
- (a) The Commission's order is against the manifest weight of evidence in the record before the Commission;
 - (b) The order is contrary to provisions of this Chapter or Commission regulations;
 - (c) The order is an abuse of discretion;
 - (d) The order is beyond the jurisdiction of the Commission; or
 - (e) The order denies constitutional rights of the person seeking judicial review.
- (2) Record on Review. In reviewing an order of the Commission, the court shall be limited to issues of fact or law presented to the Commission in either a motion for reconsideration or a motion for rehearing, and to:
- (a) Evidence in the record before the Commission;
 - (b) Evidence offered but erroneously excluded by the Commission from the record; and
 - (c) Evidence of procedural irregularities which could not, with reasonable diligence, have been offered, either at the administrative hearing or in the motion for reconsideration or rehearing.

625 ILCS 5/18c-2203 — Submission of the Administrative Record

Sec. 18c-2203. Submission of the Administrative Record. It shall be the responsibility of the Commission to submit to the court certified copies of the record before the Commission. The record submitted must be complete in all respects unless all parties have, by written stipulation, agreed to deletion of materials not relevant to the issues raised in the petition for judicial review. The cost of preparing certified copies of the record may be assessed, in whole or in part, to the party seeking judicial review, and failure to pay such costs shall be grounds for dismissal in accordance with the Illinois Administrative Review Law.

625 ILCS 5/18c-2204 — Relief

Sec. 18c-2204. Relief. The reviewing court may grant relief in accordance with provisions of the Illinois Administrative Review Law.

625 ILCS 5/18c-2205 — Stay of Action Pending Judicial Review

Sec. 18c-2205. Stay of Action Pending Judicial Review.

- (1) Commission Orders Not Stayed by Filing of Appeal. The filing or pendency of a petition for judicial review shall not of itself stay, suspend, restrain or enjoin the operation of a rule, regulation, order or decision of the Commission.
- (2) Power of Court to Stay Commission Orders. During the pendency of a petition for judicial review the reviewing court in its discretion may, except as provided in this subsection, stay, suspend, restrain or enjoin, in whole or in part, the operation of a Commission regulation or order. No order staying, suspending, restraining or enjoining a Commission regulation or order shall be made by the court except upon 3 days' actual notice to the Commission and the Attorney General and after hearing. Where the Commission action relates to enforcement of this Chapter, the reviewing court shall not stay, suspend, restrain or enjoin the action of the Commission for a period longer than 180 days from the filing of the

appeal; unless at the expiration of the initial 180 day period, the court finds that continuation is necessary for the informed and just resolution of the issues; and unless the court does continue the stay, suspension, restraint, or injunction in effect for one or more definite periods of time not to exceed 180 days each.

(3) Bond Required. In case an action, regulation or order of the Commission is stayed, suspended, restrained, or enjoined, the order of the court shall not become effective until a bond shall first have been executed and filed with and approved by the court, except as otherwise provided in this paragraph. Where the order under review does not relate to enforcement of this law, the court may, for good cause, waive the requirement of a bond.

625 ILCS 5/18c-2206 — Application of the Illinois Administrative Review Law

Sec. 18c-2206. Application of the Illinois Administrative Review Law. Where this Article is silent, proceedings for judicial review of a Commission action, regulation or order shall be governed by provisions of the Administrative Review Law.

625 ILCS 5/18c-2301 — Initiation of Proceedings

Sec. 18c-2301. Initiation of Proceedings. The Commission may initiate either administrative or judicial proceedings, or both, to enforce provisions of this Chapter, and Commission regulations and orders. In addition, any interested person may apply to a circuit court, which has jurisdiction and venue as set out in this Chapter, for injunctive relief to enforce provisions of Sub-Chapter 4 of this Chapter, and Commission regulations and orders issued pursuant to Sub-Chapter 4.

625 ILCS 5/18c-2302 — Governing Procedures

Sec. 18c-2302. Governing Procedures. Administrative enforcement proceedings initiated hereunder shall be governed by the Commission's rules of practice. Judicial enforcement proceedings initiated hereunder shall be governed by the rules of procedure applicable in the courts of this State.

625 ILCS 5/18c-2401 — Venue and Jurisdiction in Actions for Judicial Review

Sec. 18c-2401. Venue and Jurisdiction in Actions for Judicial Review.

(1) Venue. Actions for judicial review under this Chapter may be filed in the circuit courts of Sangamon or Cook Counties.

(2) Jurisdiction. Jurisdiction in actions for judicial review under this Chapter shall be vested in the circuit courts of Sangamon and Cook Counties.

625 ILCS 5/18c-2402 — Venue and Jurisdiction in Actions to Enforce this Chapter

Sec. 18c-2402. Venue and Jurisdiction in Actions to Enforce this Chapter.

(a) Venue in Suits for Criminal Misdemeanor Penalties. Actions in which criminal misdemeanor penalties are sought may be brought in the county where any part of the subject matter is located, or part of the violation(s) occurred, or the arrest was made, and venue shall lie in that county; the case may be transferred to another county only with the approval of the court and the agreement of the parties.

(b) Venue in Actions Other Than Suits for Criminal Penalties. Actions to enforce this Chapter, Commission regulations and orders, other than suits for criminal misdemeanor penalties, may be brought in the circuit courts of any county in which any part of the subject matter is located, or any part of the violation(s) occurred; the case may be transferred to another county only with the approval of the court and the agreement of the parties.

625 ILCS 5/18c-3101 — Terms, Conditions, and Limitations

Sec. 18c-3101. Terms, Conditions, and Limitations. The Commission may attach to the exercise of rights under any license or other authorization issued or granted by it such terms, conditions, and limitations as will protect the public interest and effectuate the purposes of this Chapter.

625 ILCS 5/18c-3102 — Geographical Restrictions

Sec. 18c-3102. Geographical Restrictions. A prima facie determination whether transportation is within the geographical scope of a license may be made by reference to a copy of the official state highway map and the distance scale shown thereon. Such a determination may be rebutted by a showing, based on a municipal ordinance; other official document; or commercially published map, chart or other competent evidence; that the geographical scope of the license is other than as represented on the official state highway map.

625 ILCS 5/18c-3201 — Prohibition of transportation services in the absence of effective rates

Sec. 18c-3201. Prohibition of transportation services in the absence of effective rates. No common carrier by pipeline, household goods carrier, rail carrier, or passenger carrier shall render service until such carrier has in effect a tariff or schedule of rates applicable to such service in compliance with this Chapter. Likewise, no such carrier shall render service under a license issued by the Commission if the Commission has suspended or cancelled the tariff or schedule of rates previously in effect and applicable to such service, or if the tariff or schedule is, by action of a party thereto or by its own terms, no longer effective.

625 ILCS 5/18c-3202 — Effective Dates of New or Amended Rates

Sec. 18c-3202. Effective Dates of New or Amended Rates. The Commission shall prescribe the periods of notice which must elapse between the filing of a proposed rate and its proposed effective date. In no case shall the Commission prescribe a notice period greater than 30 days or the period established by a valid, preemptive federal statute.

625 ILCS 5/18c-3203 — Filing, publishing and posting of tariffs and schedules

Sec. 18c-3203. Filing, publishing and posting of tariffs and schedules.

- (1) General requirement of filing, publication and posting. Each common carrier of household goods or passengers shall file, publish, and make available for public inspection its current tariffs (other than rail contract rate tariffs). Copies of such tariffs shall be provided by the carrier to any member of the public on request and at a reasonable cost. Each contract carrier of household goods shall file its current schedule of rates and provisions.
- (2) Tariff and schedule specifications. Tariffs and schedules filed in accordance with this subsection shall be in such form and contain such information as the Commission may specify. The Commission may, by special permission for good cause shown, grant permission to deviate from its tariff and schedule regulations.
- (3) Rejection of tariffs and schedules. The Commission may, at any time prior to the effective date of a tariff or schedule, reject or suspend a tariff or schedule which does not conform to its specifications or which on its face is in violation of this Chapter, Commission regulations or orders.
- (4) Right of independent action. Each carrier subject to this Chapter shall have the individual right to publish, file, and post any rate for transportation provided by such carrier or in connection with any other carrier. No carrier shall be a member of any bureau, tariff publishing agency, or other organization which, directly or indirectly, prohibits such carrier from publishing and filing any rate or which requires that such rate be published or filed by the bureau, publishing agency, or other organization.

625 ILCS 5/18c-3204 — Rate Proceedings

Sec. 18c-3204. Rate Proceedings.

- (1) Initiation of proceedings. The Commission may initiate a proceeding to investigate or prescribe tariffs or schedules on its own motion or on complaint.
- (2) Suspension of tariffs and schedules.
 - (a) Suspension of tariffs. The Commission may suspend a tariff, in whole or in part, during the pendency of a proceeding to consider the reasonableness of the tariff, or to consider whether the tariff is discriminatory, or to consider whether the tariff otherwise violates provisions of this Chapter, Commission regulations or orders, provided the order of suspension is issued prior to the effective date of the tariff. The suspension shall remain in effect for the period allowed under this Chapter unless the Commission order provides for a shorter period of suspension. At the end of the statutory suspension period the suspension may be extended by agreement of the parties; otherwise, the tariff shall go into effect. The statutory suspension period is:
 - (i) Seven months for public carriers and household goods common carriers; (ii) One hundred and twenty days for motor carriers of passengers; and (iii) Five months for rail carriers, unless the period is extended for an additional 3 months in accordance with provisions of the Interstate Commerce Act.
 - (b) Suspension of schedules. The Commission may suspend a household goods contract carrier schedule, in whole or in part, during the pendency of a proceeding to consider whether the schedule violates provisions of this Chapter, Commission regulations or orders, provided the order of suspension is issued prior to the effective date of the schedule. The suspension shall remain in effect for 7 months unless the Commission order provides for a shorter period of suspension. At the end of this period, the suspension may be extended by agreement of the parties; otherwise, the schedule shall go into effect.

(c) Burden of proof in investigation proceedings. The burden of proof in an investigation proceeding shall be on the proponent of the rate unless otherwise provided in a valid preemptive federal statute which governs the rate.

(3) Prescription of tariffs and schedules. The Commission may prescribe tariffs where it has determined, in accordance with Section 18c-2102 of this Chapter, that a tariff published by a carrier is unreasonable, discriminatory, or otherwise in violation of this Chapter, Commission regulations or orders. The Commission may prescribe schedules where it has determined, after hearing, that a schedule filed by a carrier is in violation of this Chapter, Commission regulations or orders.

(4) Relief. The Commission may, where it finds a tariff or schedule to be in violation of this Chapter, its regulations or orders, or finds rates or provisions in a tariff unjust, unreasonable, or discriminatory, and in accordance with Section 18c-2102 of this Chapter, direct the carrier to:

- (a) Publish and file a supplement cancelling the tariff or file notice of cancellation of the schedule, in whole or in part;
- (b) Publish and file a new tariff or file a new schedule containing rates and provisions prescribed by the Commission; and
- (c) Repay any overcharges or collect any undercharges, and, except with regard to household goods carriers, pay reparations.

625 ILCS 5/18c-3205 — Ratemaking Standards

Sec. 18c-3205. Ratemaking Standards.

(1) Reasonableness. Rates for household goods common carrier service must be just, reasonable, and not discriminatory.

(2) Factors to be Considered. The Commission shall, in exercising its ratemaking powers consider, among other factors, the inherent advantages of transportation by a particular class of carriers, the public need for and interest in adequate and efficient transportation service, at rates consistent with provision of such service, and the revenue needs of carriers under honest, economical and efficient management.

(3) Factors Not Considered. The Commission shall not, in exercising its ratemaking powers, consider the value of any operating authority held by a carrier, or the value of any goodwill or earning power connected with operations of the carrier.

625 ILCS 5/18c-3206 — Charges to conform to tariffs or schedules and orders of the Commission

Sec. 18c-3206. Charges to conform to tariffs or schedules and orders of the Commission.

(1) Overcharges and undercharges prohibited. No common or contract household goods or passenger carrier shall offer, advertise, charge, demand, collect, or receive, in any manner, a greater, lesser, or different compensation for transportation or for any service in connection therewith than the rates and charges specified in tariffs or schedules on file with the Commission and in effect at the time the transportation or any other service is rendered; nor shall any such carrier offer, advertise, charge, demand, collect, or receive any compensation for transportation or for any other service rendered in connection therewith where there is not in effect at the time a lawfully applicable tariff or schedule. Likewise, no such carrier shall refund or remit, in any manner or by any device, whether directly or indirectly, or through any agent or otherwise, or pursuant to Commission order, any portion of the rates or charges specified in tariffs or schedules on file with the Commission and in effect at the time; nor shall any such carrier extend to any person any discount, value, privilege, or facilities for transportation or any service rendered in connection therewith, except as are specified in tariffs or schedules on file with the Commission and in effect at the time.

(2) Repayment of overcharges, collection of undercharges and reparations.

(a) Repayment of overcharges and payment of reparations. The Commission may, in accordance with Section 18c-2101 of this Chapter, order any carrier to pay to one or more shippers the amount by which the carrier received compensation greater than the rates and charges specified in tariffs or schedules in effect at the time the carrier rendered the transportation or other service in connection therewith. The Commission may likewise, in accordance with Section 18c-2101 of this Chapter, order any carrier other than a household goods carrier to pay to one or more shippers the amount by which the carrier received compensation greater than reasonable rates and charges as determined by the Commission.

(b) Collection of undercharges. The Commission may, in accordance to Section 18c-2101 of this Chapter, order any carrier to make all reasonable efforts to collect from one or more shippers the difference between amounts collected and

the amount of compensation specified in tariffs or schedules in effect at the time the transportation or other service in connection therewith was rendered.

625 ILCS 5/18c-3207 — Zones of Rate Flexibility

Sec. 18c-3207. Zones of Rate Flexibility.

(1) Zone for Motor Carriers of Passengers. Notwithstanding any other provisions of this Sub-chapter, the Commission may not investigate, suspend, revise, or revoke any single-line rate proposed by a motor carrier of passengers, or joint rate proposed by one or more such companies, applicable to any transportation on the grounds that such rate is unreasonably high or low if:

(a) The rate was published in accordance with provisions of this Chapter, Commission regulations and orders;

(b) The Commission was properly notified that the carrier or carriers wish to have the rate considered pursuant to this subsection; and

(c) The net of all increases and decreases, during the calendar year in which the rate is to become effective, is not more than 25%.

(2) Zone for Rail Carriers. Notwithstanding any other provision of this Sub-chapter the Commission may not investigate, suspend, revise, or revoke any rate proposed by a rail carrier on the grounds that such rate is unreasonably high or low if:

(a) The rate was published in accordance with provisions of this Chapter and Commission regulations;

(b) Commission was properly notified that the carrier wished to have the rate to be considered pursuant to this subsection; and

(c) The net of all increases and decreases, during the calendar year in which the rate is to become effective, is not more than the amount specified under 49 U.S. Code 10707a and 10708.

(3) Commission to Adopt Regulations. The Commission may adopt regulations specifying procedures for determining whether a rate published by a carrier falls within the zone of rate flexibility.

625 ILCS 5/18c-3208 — Joint rates and routes

Sec. 18c-3208. Joint rates and routes.

(1) Establishment by carriers. Two or more common carriers of household goods or passengers may establish through routes and joint rates, provided that the rates, and divisions and practices relating thereto, are just, reasonable, and not discriminatory.

(2) Establishment by the Commission. The Commission may, on its own motion or on petition or complaint, where 2 or more carriers have failed to establish through routes, joint rates, or divisions and practices relating thereto, establish such routes, rates, divisions and practices. The Commission shall take such action only after notice and hearing to consider whether any proposed routes, rates, divisions and practices are just, reasonable and not discriminatory, whether any carrier has a reasonable objection to establishment of such routes, rates, divisions and practices, and whether such objections can be satisfied by imposing reasonable terms and conditions on the application of such routes, rates, divisions and practices. The provisions of this subsection shall have no application to household goods carriers.

625 ILCS 5/18c-3209 — Charges Not Part of Direct Transportation Cost

Sec. 18c-3209. Charges Not Part of Direct Transportation Cost. Any agreement, arrangement, or device, or part thereof, which, as a condition to the provision of transportation service, requires or permits any carrier, shipper, or receiver to pay a charge to any person, where such charge is not part of the direct cost of transportation service, shall be void.

625 ILCS 5/18c-3210 — Presentation of freight bills, payment of freight charges, and extension of credit

Sec. 18c-3210. Presentation of freight bills, payment of freight charges, and extension of credit. Except as otherwise provided in this Chapter, this Section is applicable only to household goods carriers.

(1) Presentation of freight bills. Freight bills shall be presented to the person responsible for payment of freight charges not later than the 7th day following delivery of the freight.

(2) Payment required before delivery or relinquishment of possession. Except as provided in subsection

(3) of this Section, no common carrier shall deliver or relinquish possession of a shipment transported by it until all freight charges for such shipment under lawfully applicable rates have been paid to the carrier. Where credit has been extended

in accordance with this Section, and all freight charges on the shipment under lawfully applicable rates have not been paid before expiration of the period for which credit has been extended, the carrier shall cease delivering or relinquishing possession of the shipment and may decline to transport future shipments until all such charges have been paid.

(3) Exception: Delivery or relinquishment of possession before payment. A carrier may deliver or relinquish possession of a shipment transported by it in advance of payment of all freight charges on the shipment under lawfully applicable rates if the carrier has, in accordance with this Section, extended credit to the person responsible for payment of freight charges.

(4) Extension of credit. Credit, if extended by a carrier, must be extended without discrimination. Credit for payment of freight charges shown on the initial freight bill shall be for a period not to exceed 30 days, beginning on the later of the date of delivery or the date on which the freight bill is presented. If freight charges shown on the initial freight bill are paid and the carrier subsequently presents a supplemental freight bill, the carrier may extend credit in the amount of freight charges shown on the supplemental freight bill for an additional period not to exceed 15 days, beginning on the date on which the supplemental freight bill is presented.

(5) Commission regulation of credit terms. The Commission may regulate the extension and terms of credit extended by carriers under this Section, and no credit shall be extended except in accordance with such regulations.

(6) Use of U.S. Postal Service for presentation of bills or payment of charges. Where the United States Postal Service is used for the presentation of freight bills or payment of freight charges, the date of mailing, as indicated by the postmark, shall be the date of presentation or payment.

(7) Calculation of times for extension of credit. Time periods of extension of credit under this Section shall commence at midnight on the date of the event (delivery or presentation of freight bill). The initial 7 day period shall not include Saturdays, Sundays, or legal holidays.

625 ILCS 5/18c-3211 — Free or Reduced Rate Carriage

Sec. 18c-3211. Free or Reduced Rate Carriage. Nothing in this Chapter shall prevent a carrier from establishing reduced rate or free carriage rates applicable to transportation provided for the United States, the State of Illinois, or any municipality or subdivision of this State, where it is required by law that the carrier providing such transportation be selected by competitive bid. Such rates shall be filed in the form and manner required by the Commission.

625 ILCS 5/18c-3212 — Statute of Limitations for Freight Charges

Sec. 18c-3212. Statute of Limitations for Freight Charges.

(1) Collection Actions. Actions to collect freight charges under lawfully applicable rates must be instituted within 3 years after rendition of the service.

(2) Reparations or Overcharge Proceedings. Petitions seeking reparations or repayment of overcharges must be filed with the Commission within 3 years after rendition of the service, and any action seeking judicial enforcement of a Commission order awarding reparations must be instituted within 1 year after issuance of such order. Where an action seeking judicial review of a Commission order awarding reparations is filed, the time preceding final adjudication of the action shall be excluded in computing the time for instituting the action seeking judicial enforcement of the Commission order.

625 ILCS 5/18c-3213 — Application of Rate Regulations to Exempt Traffic

Sec. 18c-3213. Application of Rate Regulations to Exempt Traffic. Notwithstanding any other provision of this Chapter to the contrary, the provisions of this Article shall not apply to traffic which is altogether exempt from Commission jurisdiction under this Chapter or a valid, preemptive federal statute.

625 ILCS 5/18c-3301 — Certain Third Party Payments Prohibited

Sec. 18c-3301. Certain Third Party Payments Prohibited. Whenever a shipper or receiver of property requires that any person who owns or operates a motor vehicle transporting property in intrastate commerce under the provisions of this Chapter be assisted in the loading or unloading of such vehicle, the shipper or receiver shall be responsible for providing such assistance or shall compensate the owner or operator for all costs associated with securing and compensating the person or persons providing such assistance. It shall be unlawful to coerce or attempt to coerce any person providing transportation of property by motor vehicle for-hire in intrastate commerce to employ or pay one or more persons to load or unload any part of such property onto or from such vehicle, except that this subsection shall not be construed as making unlawful any activity which is not unlawful under the National Labor Relations Act or any other acts governing

labor practices.

625 ILCS 5/18c-3302 — Prohibition against discrimination

Sec. 18c-3302. Prohibition against discrimination. It shall be unlawful for any household goods carrier, rail carrier, common carrier by pipeline, or passenger carrier to discriminate by giving or causing to be given any unreasonable preference or advantage to any person or traffic, or to subject any such person or traffic to unreasonable prejudice or disadvantage.

625 ILCS 5/18c-3303 — Failure to Reject or Suspend, or to Invoke Sanctions, Not to be Construed as Acceptance

Sec. 18c-3303. Failure to Reject or Suspend, or to Invoke Sanctions, Not to be Construed as Acceptance. Failure of the Commission to reject or suspend any rate, contract, application, or other document filed with it, or to initiate enforcement proceedings or invoke sanctions against any person for action or violation of this Chapter, Commission regulations or orders, shall not be construed in any proceeding of either any administrative or judicial nature as authorization or acceptance of such document or action, or any portion thereof. Nothing in this Section shall be construed to affect the date on which a rate or tariff is lawfully in effect.

625 ILCS 5/18c-3304 — Records and accounts

Sec. 18c-3304. Records and accounts. Each household goods carrier, rail carrier, common carrier by pipeline, and passenger carrier shall:

- (1) Keep written accounts and records of its revenues, expenses, contracts, and other activities subject to regulation under this Chapter in accordance with regulations prescribed by the Commission;
- (2) Maintain, for a period of 3 years, copies of all accounts and records required by Commission regulations; and
- (3) Make such accounts and records available for inspection, on request, by any authorized employee of the Commission. Accounts and records kept pursuant to this Section shall be kept at an office in the State of Illinois unless the Commission shall have authorized maintenance at a location outside of the State.

625 ILCS 5/18c-4101 — Scope of Commission Jurisdiction

Sec. 18c-4101. Scope of Commission Jurisdiction. Except as provided in Section 18c-4102 of this Chapter, the jurisdiction of the Commission shall extend to all motor carriers of property operating within the State of Illinois.

625 ILCS 5/18c-4102 — Exemptions from Commission Jurisdiction

Sec. 18c-4102. Exemptions from Commission Jurisdiction. The provisions of this chapter shall not apply to transportation, by motor vehicle:

- (a) of mail exclusively for the United States Postal Service;
- (b) of agricultural commodities, farm supplies, and other commodities for sale by farm supply retail outlets, by an agricultural cooperative association as defined in the Illinois "Agricultural Co-Operative Act" as amended;
- (c) of farm or dairy products, livestock, poultry, fruits and agricultural products, by the producer thereof or by a producer on behalf of other producers from farm to a farm, market, warehouse, dairy or shipping terminal, for which no monetary compensation is paid or received;
- (d) of livestock from farm to a farm market, farm to farm, or farm market to a farm as long as the vehicle is not registered for a gross vehicle weight that exceeds 28,000 pounds or a truck and trailer with a registered combined gross vehicle weight that does not exceed 28,000 pounds;
- (e) by farm tractors and any other motorized, self-propelled machinery used in the production of agricultural commodities on a farm, where the transportation is provided by the owner of the machinery or another farmer as an incident to the business of farming;
- (f) consisting of towing performed by any towing service pursuant to the written order of a law enforcement official or agency in accordance with Sections 4-201 through 4-214 of the Illinois Vehicle Code;
- (g) of trespassing motor vehicles by a licensed commercial vehicle relocater;
- (h) of newspapers being delivered to residential subscribers or to persons who will deliver the newspapers to residential subscribers;

- (i) of waste having no commercial value to a disposal site for disposal;
- (j) where the transportation is incidental to and within the scope of the person's primary business purpose, and the primary business is other than transportation;
- (k) consisting of emergency transportation of a wrecked or disabled vehicle. Further movements to an additional place of repair or storage are not exempt under this subsection. Emergency transportation of wrecked or disabled vehicles shall include the transportation, pursuant to written authorization of law enforcement official if the owner is unavailable or unable to make the request, of wrecked or disabled vehicles which might otherwise constitute a public safety hazard along a street or highway, and transportation of wrecked or disabled vehicles in other bona fide emergency situations;
- (l) consisting of transportation by a tow truck or rollback car carrier equipped as a tow truck of a motor vehicle when requested by the owner;
- (m) of waste from the facilities of the generator of the waste to a recognized recycling or waste processing facility when the generator receives no direct or indirect compensation from anyone for the waste and when the transportation is by garbage trucks with self contained compacting devices, roll off trucks with containers, or vehicles or containers specially designed and used to receive separated recyclables, and when the transportation is an interim step toward recycling, reclamation, reuse, or disposal; and
- (n) of potable water for human and livestock consumption transported in containers of 1,600 gallons or less. This subsection does not apply to vehicles transporting more than one container.

625 ILCS 5/18c-4103 — Leasing

Sec. 18c-4103. Leasing.

(1) Prohibition Against Single-Source Leasing. No private carrier shall lease any motor vehicle with driver, nor shall any person lease a motor vehicle with driver to any private carrier. Likewise, no person shall lease any motor vehicle to any private carrier and either:

- (a) Procure or exercise control over drivers of such vehicles, directly or indirectly; or
- (b) Be responsible for or hold itself out to be responsible for driver's wages, payroll, unemployment compensation, social security tax, income withholding tax or any other taxes or payments normally due by reason of the employer-employee relationship, or any other compensation to drivers. The provision of motor vehicles with drivers shall constitute motor carrier operations subject to the licensing, ratemaking, and other jurisdiction of the Commission under this Chapter.

(2) Exclusive Use of Household Goods Contract Carrier Vehicles. The prohibition against single source leasing in subsection

(1) of this Section shall not prohibit a household goods contract carrier from providing motor vehicles, with drivers, for exclusive use by a private carrier where:

- (a) The private carrier is a contracting shipper;
- (b) Operations conducted with such motor vehicles are within the scope of the household goods contract carrier's authority;
- (c) The household goods contract carrier exercises direct supervision and control of such motor vehicles and drivers; and
- (d) The lease does not have the effect of circumventing rate or other provisions of this Chapter, Commission regulations and orders. This subsection shall apply regardless of whether the household goods contract carrier's permit expressly provides for the lease of vehicles, with drivers, to contracting shippers.

(3) Equipment Leasing.

(a) Requirements for Content, Filing, and Carrying of Leases. The Commission may prescribe requirements for the leasing of equipment, with driver, and of equipment without driver, to or by a motor carrier of property; provided that such regulations shall not encompass the leasing of equipment, without drivers, from a bona fide equipment leasing company to a motor carrier of property. Such leases shall be in writing, constitute the complete and exclusive statement of terms between the parties, specify the compensation for the lease and the duration of the lease, be signed by the parties thereto, be filed with the Commission, and be carried in each motor vehicle covered thereby, provided, however, that the Commission may exempt from the foregoing requirements leases between parties, all of whom hold public carrier certificates issued by the Commission. The provisions of this paragraph shall not apply to the interchange of equipment or drivers between carriers for use wholly within a county having a population of more than 1,000,000 inhabitants.

(b) Direction and Control of Leased Equipment. It shall be the responsibility of the license holder to exercise full direction and control of all equipment and personnel used in its operations. Equipment used in its operations must be owned by or under lease to the carrier.

625 ILCS 5/18c-4104 — Unlawful Operations

Sec. 18c-4104. Unlawful Operations.

(1) Prohibition. Except as provided in Article I of this Sub-chapter, and subject to the provisions stated herein, it shall be unlawful for any person to:

(a) Operate as an intrastate motor carrier of property without a license from the Commission; or as an interstate motor carrier of property without a registration from the Commission.

(b) Operate as an intrastate household goods carrier in excess of the scope of a license issued to it by the Commission in regard to any of the following: 1. hauling unauthorized commodities; 2. operating outside authorized territory; or 3. violating other restrictions.

(c) Operate, as an intrastate motor carrier of property, any motor vehicle which does not carry a copy of a valid, current license issued by the Commission to such carrier; or operate, as an interstate motor carrier of property, any motor vehicle which does not carry a copy of a valid, current registration issued by the Commission to such carrier; or fail to produce such copy on request; provided that an authorized interstate motor carrier of property shall be exempted from the requirement that a copy of its registration be carried in each motor vehicle.

(d) Operate, as an intrastate household goods carrier, any motor vehicle not owned by the carrier, or operate as an intrastate public carrier, any motor vehicle not owned by the carrier or another intrastate public carrier, for which a valid lease is not on file in compliance with Section 18c-4103 of this Chapter, Commission regulations and orders.

(e) Operate, as an intrastate household goods carrier, any motor vehicle not owned by the carrier, or operate as an intrastate public carrier, any motor vehicle not owned by the carrier or another intrastate public carrier, which does not carry an executed copy of the lease required in paragraph

(d) of this subsection; or fail to produce such copy on request.

(f) Operate, as an intrastate motor carrier of property, any motor vehicle for which the carrier has not executed a prescribed intrastate cab card, with current Illinois intrastate identifier printed thereon; or, as an interstate motor carrier of property, any motor vehicle for which the carrier has not executed a prescribed interstate cab card, with current Illinois interstate identifier affixed or printed thereon.

(g) Operate, as an intrastate motor carrier of property, any motor vehicle which does not carry the properly executed intrastate cab card, with current Illinois intrastate identifier printed thereon; or, as an interstate motor carrier of property, any motor vehicle which does not carry the properly executed interstate cab card, with current Illinois interstate identifier affixed or printed thereon.

(h) Operate, as an intrastate or interstate motor carrier of property, any motor vehicle which is not identified or is not properly identified in compliance with Section 18c-4701 of this Chapter, Commission regulations and orders.

(i) Operate, as an intrastate motor carrier of property, in violation of transfer requirements in Section 18c-4307 of this Chapter.

(j) Provide, as an intrastate household goods carrier, service at rates other than those contained in lawfully applicable tariffs or schedules for such service.

(k) Otherwise operate as a motor carrier of property in violation of any provision of this Chapter, Commission regulations and orders, or any other law of this State.

(l) Aid or abet any other person in a violation of this Chapter, Commission regulations or orders, by soliciting, receiving, or compensating service from a person not authorized to provide such service, or at other than lawful rates for such service, or otherwise.

(2) Provisos.

(a) Presentation of Documents at Hearing as Defense. Presentation, at hearing, of a copy of a current license or registration issued by the Commission to the carrier which was valid on the date the violation occurred shall, if no concurrent violations of this Chapter, Commission regulations or orders are found, excuse the carrier from any penalties under paragraph

(c) of subsection

(1) of this Section. Presentation, at hearing, of an executed copy of the current lease in the form prescribed by and on file with the Commission shall, if no concurrent violations of this Chapter, Commission regulations or orders are found, excuse the carrier from penalties under paragraph

(d) of subsection

(1) of this Section. Presentation, at hearing, of the required intrastate or interstate cab card, with the required Illinois intrastate or interstate identifier affixed or printed thereon, if valid on the date the violation occurred, and if no concurrent violations are found, shall excuse the carrier from penalties under paragraph

(g) of subsection

(1) of this Section.

(b) Lease Form Prescribed by the Commission. A lease shall, for purposes of paragraph

(d) of subsection

(1) of this Section, be deemed to be in the form prescribed by the Commission if it contains all provisions called for in the Commission-prescribed lease and does not contain any provisions inconsistent therewith.

625 ILCS 5/18c-4105 — Indemnity agreement in motor carrier transportation contracts void

Sec. 18c-4105. Indemnity agreement in motor carrier transportation contracts void.

(a) Notwithstanding any other provision of law, a provision, clause, covenant, or agreement contained in, collateral to, or affecting a motor carrier transportation contract that purports to indemnify, defend or hold harmless, or has the effect of indemnifying, defending or holding harmless, the promisee from or against any liability for loss or damage resulting from the negligence or intentional acts or omissions of the promisee is against the public policy of this State and is void and unenforceable.

(b) As used in this Section:

(1) "Motor carrier transportation contract" means a contract, agreement or understanding covering: (A) The transportation of property for compensation or hire by the motor carrier; (B) Entrance on property by the motor carrier for the purpose of loading, unloading, or transporting property for compensation or hire; or (C) A service incidental to activity described in

(i) or (ii) above, including, but not limited to, storage of property.

(2) "Promisee" means the promisee and any agents, employees, servants, or independent contractors who are directly responsible to the promisee except for motor carriers party to a motor carrier transportation contract with promisee, and such motor carrier's agents, employees, servants or independent contractors directly responsible to the motor carrier.

(c) This Section does not apply to the Uniform Intermodal Interchange and Facilities Access Agreement administered by the Intermodal Association of North America or other agreements providing for the interchange, use, or possession of intermodal chassis or other intermodal equipment.

625 ILCS 5/18c-4201 — Licensing cases

Sec. 18c-4201. Licensing cases.

(1) Scope of Section. The provisions of this Chapter relating to household goods carrier licensing apply to applications:

(a) For a license authorizing a carrier to operate as an intrastate household goods carrier;

(b) To transfer a certificate, permit, or license or to change the name on a certificate, permit, or license; and

(c) To convert household goods contract carrier authority to household goods common carrier authority.

(2) Form and content of household goods carrier licensing applications. Household goods carrier licensing applications shall be on such forms and contain such information as may be prescribed by the Commission, be verified under oath, and shall be accompanied by the required filing fee.

(3) Public notice of applications.

(a) Review of applications prior to publication. The Commission may provide for preliminary review of each application to determine if it is complete, if it gives adequate notice, and if the authority requested is unenforceably vague or otherwise contrary to the provisions of this Chapter.

(b) Authorization to submit application for publication. If the Commission determines after review that the application is defective in any respect, it shall promptly notify the applicant. No application shall be submitted to the official newspaper for publication until after it has been approved for publication, if the Commission has provided for preliminary review. If the Commission does not find that the application is defective, or if it finds that any defects have been removed by amendment, the applicant shall be permitted to submit the application to the official newspaper for publication. The Commission shall complete its review and notify the applicant within 15 days after filing of the application.

(c) Additional notice prescribed by the Commission. The Commission may direct applicant to give such further notice in connection with its application as the Commission deems necessary. The Commission may, itself, give such additional notice as it deems necessary.

(4) Hearing on licensing applications.

(a) Participation at hearing. Any person having standing to participate under this Chapter may appear and participate in a hearing before the Commission to the extent of its standing, provided that the person has complied with Commission regulations concerning the filing of petitions for leave to intervene and like pleadings. Petitions for leave to intervene must be filed within 15 days after publication, unless the Commission provides for filing at a later date. The Commission may permit additional persons to appear and participate, on such terms as the Commission shall prescribe, where such participation is deemed necessary to an informed and just resolution of the issues in the proceeding.

(b) Setting, notice, and hearing. Notwithstanding any contrary provisions in Section 18c-2101 of this Chapter, a hearing shall be held on each licensing application to determine that the requirements of this Chapter have been satisfied, except as otherwise provided in Section 18c-4306 of this Chapter. The Commission shall set the hearing at a time not less than 15 days after publication in the official newspaper. The Commission shall serve notice of hearing on each party of record.

(c) Issuance of orders after hearing. The Commission may issue summary orders in cases where the licensing application was not opposed in a timely pleading addressed to the Commission, or was opposed in a timely pleading but such opposition was later withdrawn or the parties in opposition waived all right to other than a summary order. Summary orders shall be issued within 10 days after the close of oral hearing or such other period as the Commission may prescribe. Where a party requests, in a properly filed motion for reconsideration or rehearing, a detailed statement of findings and conclusions, the Commission shall vacate the summary order and issue a new order in accordance with Sub-chapters 1 and 2 of this Chapter. Otherwise, orders shall be issued in accordance with provisions of Sub-chapters 1 and 2 of this Chapter.

625 ILCS 5/18c-4202 — Household goods common carrier certificates

Sec. 18c-4202. Household goods common carrier certificates.

(1) Prerequisite to operation as a household goods common carrier. No person shall operate as a household goods common carrier unless such person possesses a common carrier of household goods certificate issued by the Commission and in good standing.

(2) Requirements for issuance. The Commission shall grant an application for a common carrier of household goods certificate, in whole or in part, to the extent that it finds that the application was properly filed; a public need for the service exists; the applicant is fit, willing and able to provide the service in compliance with this Chapter, Commission regulations or orders; and the public convenience and necessity requires issuance of the certificate. Otherwise, the application shall be denied. The burden of proving that the requirements for issuance of a common carrier of household goods certificate have been met shall be borne by the applicant.

(3) Duties and practices of household goods common carriers. Household goods common carriers shall provide safe and adequate transportation service to the general public within the scope of their authorities and in compliance with this Chapter, Commission regulations and orders. Such service shall be at reasonable rates and without discrimination.

625 ILCS 5/18c-4203 — Household goods contract carrier permits

Sec. 18c-4203. Household goods contract carrier permits.

(1) Prerequisite to operation as a household goods contract carrier. No person shall operate as a household goods contract carrier of property unless such person possesses a household goods contract carrier permit issued by the Commission and in good standing.

(2) Requirements for issuance.

(a) General requirements. The Commission shall grant an application for a household goods contract carrier permit, in whole or in part, to the extent that it finds that the application was properly filed; the applicant is fit, willing and able to provide the service in compliance with this Chapter, Commission regulations and orders; and issuance of the permit will be consistent with the public interest. Otherwise, the application shall be denied. The burden of proving that the requirements for issuance of a household goods contract carrier permit have been met shall be borne by the applicant.

(b) Conversion to household goods common carrier authority. The Commission may, at the request of the holder, authorize the conversion of household goods contract carrier authority to household goods common carrier authority, subject to the same terms, conditions, limitations, and regulations as other household goods common carriers.

(c) Cancellation and non-renewal of contracts. Cancellation or non-renewal of a contract, or failure to keep on file with the Commission a copy of a valid contract, shall render a permit void with regard to the involved shipper.

(3) Duties and practices of household goods contract carriers.

(a) Services. Household goods contract carriers shall provide safe and adequate transportation service to their contracting shippers within the scope of their authorities and contracts and in compliance with this Chapter, Commission regulations and orders.

(b) Contracts. Each household goods contract carrier shall file with the Commission a copy of each contract executed under authority of its permit, and shall provide no service except in accordance with contracts on file with the Commission. The Commission may, at any time, reject contracts filed with it which do not comply with the provisions of this Chapter, Commission regulations and orders.

625 ILCS 5/18c-4204 — Standards to be considered in issuing common and contract household goods carrier licenses

Sec. 18c-4204. Standards to be considered in issuing common and contract household goods carrier licenses. The Commission shall exercise its discretion in regard to issuance of common carrier of household goods or contract carrier of household goods licenses in accordance with standards enumerated in this Section.

(1) Standards relevant to both common and contract household goods carrier licenses. In determining whether to issue a common carrier of household goods certificate or a contract carrier of household goods permit under Sections 18c-4202 and 18c-4203 of this Chapter, the Commission shall consider, in addition to other standards enumerated in this Chapter:

(a) (Blank);

(b) The existing authorized carriers' services, including the adequacy of such services and the effect which issuance of a new certificate or permit would have on such services;

(c) (Blank);

(d) Any evidence bearing on the fitness, willingness, or ability of the applicant, including but not limited to any past history of violations of this Chapter, Commission regulations or orders, whether or not such violations were the subject of an enforcement proceeding; and

(e) The effect which issuing the certificate or permit would have on the development, maintenance and preservation of the highways of this State for commercial and other public use.

(2) Additional standards relevant to household goods contract carrier licenses. In determining whether to issue a household goods contract carrier permit under Section 18c-4203 of this Chapter, the Commission shall consider, in addition to standards enumerated in subsection

(1) of this Section or elsewhere in this Sub-chapter:

(a) Whether the proposed service is contract carrier service; and

(b) The effect which failure to issue the permit would have on the supporting shipper or shippers.

(3) Standards not relevant to either household goods common or household goods contract carrier licenses. In determining whether to issue a household goods common carrier certificate or a household goods contract carrier permit under Sections 18c-4202 and 18c-4203 of this Chapter, the Commission shall not consider:

(a) The mere preference of the supporting shipper or shippers or their receiver or receivers for the applicant's service; or

(b) Any illegal operations of the applicant as evidence of shipper need or the inadequacy of existing carriers' services.

625 ILCS 5/18c-4204a — Fitness standards

Sec. 18c-4204a. Fitness standards.

(1) Establishment of administrative standards. The Commission shall, within 180 days from the effective date of this amendatory Act of 1987, adopt and implement standards for determining fitness to hold or continue to hold a household goods carrier license.

(2) Statutory standards. A person shall not be considered fit for purposes of this Section unless the record shows that, at the time of hearing, the person:

(a) Is aware of its obligations under this Chapter, Commission regulations and orders, and other provisions of The Illinois Vehicle Code;

(b) Has substantially complied with applicable statutes and regulations; and

(c) Possesses the equipment, facilities, financial resources, knowledge and experience to provide the proposed service and meet the needs of supporting shippers, in compliance with applicable statutes and regulations, on a long-term basis.

(3) Burden of proof in application proceedings.

(a) Temporary authority. Each applicant for temporary household goods carrier authority shall have the burden of making a prima facie showing of fitness. The Commission may, in its discretion, deny an application for temporary household goods authority where the applicant's fitness is controverted by specific allegations, under oath, by an intervenor.

(b) Permanent authority. Each applicant for permanent household goods authority shall have the burden of proving its fitness by clear and convincing evidence.

(c) Findings. The order granting permanent household goods authority shall contain specific findings, with citation to the record, on each aspect of fitness.

(4) Revocation proceedings. If the record in a revocation proceeding shows that a licensee is no longer fit to hold a household goods carrier license, the Commission shall suspend or revoke the license. When a license is suspended under this Section, the holder shall have 6 months in which to demonstrate, by clear and convincing evidence, that its fitness has been restored. Unless the Commission finds that such a demonstration has been made, the license shall be revoked. A license revoked under this Section shall not be reinstated.

625 ILCS 5/18c-4206 — Dual operations

Sec. 18c-4206. Dual operations.

(1) Dual common/contract operations. No person shall hold both a household goods common carrier certificate and a household goods contract carrier permit unless the Commission determines, or has determined, that both licenses may be held consistent with the public interest and authorizes such dual licensing. Issuance of household goods contract carrier authority after the effective date of this amendatory Act of 1995 to a person that already holds household goods common carrier authority, or vice versa, shall be rebuttably presumed inconsistent with the public interest if the two authorities would be duplicative, in whole or in part.

(2) Merger of duplicative operating rights. The Commission may, except as otherwise provided in this subsection, order that duplicative operating rights, whether household goods common carrier or household goods contract carrier or both, be merged into a single license and may impose such requirements upon operations under such license as will promote the public interest and effectuate the purposes of this Chapter. The power of the Commission to order merger shall not extend to duplicative operating rights in existence on the effective date of this Chapter.

625 ILCS 5/18c-4207 — Cessation of service under a license

Sec. 18c-4207. Cessation of service under a license. No household goods carrier shall abandon, discontinue, or suspend any service that it is authorized to provide pursuant to a license issued by the Commission without authorization by the Commission. If the Commission finds good cause for the abandonment, discontinuance, or suspension, it may approve same. If the Commission finds that a household goods carrier has abandoned, discontinued, or suspended service without authorization, it may revoke the carrier's license.

625 ILCS 5/18c-4301 — Power of Commission to Approve Transfers

Sec. 18c-4301. Power of Commission to Approve Transfers. A license issued under this Sub-chapter may be transferred, with Commission approval, under the conditions specified in this Article and in accordance with such rules and regulations as the Commission may prescribe.

625 ILCS 5/18c-4302 — Types of Transfers Which May be Approved

Sec. 18c-4302. Types of Transfers Which May be Approved. It is lawful, with prior authorization from the Commission, for:

- (1) Two or more motor carriers of property to consolidate or merge their properties into one business entity for the ownership, management, or operation of the properties theretofore in separate ownership;
- (2) A motor carrier of property, or two or more such carriers jointly, to purchase, lease or contract to operate the properties of another such carrier;
- (3) A motor carrier of property, or two or more such carriers jointly, to acquire control of another such carrier through ownership of its stock or otherwise;
- (4) A person not a motor carrier of property, to acquire control of one or more such motor carriers through ownership of its or their stock or otherwise;
- (5) A person not a motor carrier of property and which has control of one or more such carriers to acquire control of another carrier through ownership of its stock or otherwise; or
- (6) A person to acquire possession, ownership, or control, by means of the sale or other conveyance of a license issued by the Commission to another person.

625 ILCS 5/18c-4303 — Applications for Approval

Sec. 18c-4303. Applications for Approval. Applications for approval of the transfer of a license shall be on forms prescribed by the Commission and shall, where possible, be accompanied by a copy of the written contract executed by parties to the proposed transfer. The contract must state that it:

- (1) Is expressly conditioned on approval of the transfer by the Commission;
- (2) Is a complete and exclusive statement of the rights of the parties in regard to the proposed transfer; and
- (3) Cannot be amended without notice to and approval by the Commission. The application shall also be accompanied by an abstract of shipments performed by the transferor within the last year prior to the date of the contract showing the date of each shipment, the identification number of the shipment, the origin and destination of the shipment, and a description of the commodity shipped. The application shall not be docketed until a contract and abstract have been filed. Where the contract cannot be signed because of some operation of law, the Commission may waive the signature of the transferor, but not the filing of the written contract.

625 ILCS 5/18c-4304 — Standard for Review of Applications

Sec. 18c-4304. Standard for Review of Applications. The Commission may approve a proposed transfer if it finds that:

- (1) The license to be transferred is in good standing and has not been abandoned, discontinued, or suspended, in whole or in part;
- (2) The proposed transferee is fit, willing, and able to provide service for which the license was issued, and to do so in compliance with provisions of this Chapter, Commission regulations and orders; and
- (3) The transfer would be consistent with the public interest and the state transportation policy. The Commission may approve or disapprove a transfer, in whole or in part, and may subject the transfer to such terms and conditions as will protect the public interest and effectuate the purposes of this Chapter.

625 ILCS 5/18c-4305 — Abandonment, Discontinuance, or Suspension of Service Under a License to be Transferred

Sec. 18c-4305. Abandonment, Discontinuance, or Suspension of Service Under a License to be Transferred. In determining whether the proposed transferor has abandoned, discontinued or suspended service without authorization, the Commission shall only consider the operations of the transferring party performed within the last 2 years prior to the date on which the contract between transferor and transferee was executed, or the date the application was filed.

625 ILCS 5/18c-4306 — Expedited Transfer Procedures

Sec. 18c-4306. Expedited Transfer Procedures.

- (1) The Commission may provide for the transfer of a license, without notice and hearing, and without the necessity of making the findings specified above, when such transfer or control is to:
 - (a) a member or members of the transferor's immediate family;

- (b) a corporation, the stock of which is wholly owned by the transferor or members of his immediate family or a member or members of the transferor partnership;
 - (c) a member or members of a partnership of which the transferor is a partner;
 - (d) a stockholder or stockholders of the transferor corporation or of a corporation wholly owned by the transferor or the transferor's immediate family;
 - (e) the heirs of a person who dies intestate or the legatees of a testator, upon order of the probate court having jurisdiction;
 - (f) the heirs or legatees of the transferor pursuant to the Probate Act of 1975, as amended;
 - (g) a corporation, more than 50% of the stock of which is controlled by the stockholders of the transferor corporation; or
 - (h) a corporation, all of the stock of which is controlled by a member or members of the immediate family of the stockholder or stockholders of the transferor corporation.
- (2) When a transfer of a license may be accomplished on an expedited basis without notice and hearing through 2 or more transactions of the type described in subsection (a), and they do, in fact, represent a single, contemporaneous transaction, then the Commission shall allow the transfer to be made as a single transaction in a single application. However, it shall be the applicants' burden to demonstrate that they are entitled to this treatment of their application by setting forth each of the individual qualifying transactions under subsection
- (1) with the same detail and specificity as if each individual application were filed.

625 ILCS 5/18c-4307 — Unapproved Transfers

Sec. 18c-4307. Unapproved Transfers.

- (1) Unapproved Transfers Prohibited. Except as provided in this Article, no person may enter into a transaction to accomplish or effectuate, or participate in accomplishing or effectuating, the ownership, control or management of any one or more motor carriers, however such result is attained, whether directly or indirectly by use of common directors, officers, or stockholders, a holding or investment company, a voting trust, or in any other manner, and regardless of whether or not the carrier received compensation or value from the transaction. Nor shall any person continue to maintain control or management accomplished or effectuated in violation of this Article. The words "control or management," when used in this Article, shall be construed to include the power to exercise control or management.
- (2) Direct Supervision and Control by License Holder Required. The holder of a motor carrier license shall exercise direct supervision and control over all operations conducted with vehicles registered under its license or utilized in conducting operations under its license. The holder may be called upon to demonstrate that it is exercising direct supervision and control. Failure to exercise active supervision and control shall constitute the unauthorized transfer of operating rights in violation of this Chapter. Where an unauthorized transfer occurs, both the transferor and transferee shall have committed violations of this Chapter. Nothing contained herein shall prevent the holder from exercising such supervision and control through a manager or other bona fide employee of the holder. Elements to be considered in evaluating whether supervision and control is being exercised include solicitation; public identification; billing; collecting; dispatching drivers and equipment; hiring; evaluation and firing of drivers and other personnel; liability for cargo loss or damage; and responsibility for payment of carrier expenses.

625 ILCS 5/18c-4308 — Enforcement of Transfer Requirements

Sec. 18c-4308. Enforcement of Transfer Requirements. The Commission may, on its own motion or on complaint, investigate and determine whether violations of this Article have occurred. When the Commission determines that a carrier or other person is violating the provisions of this Article it shall by order require the carrier or other person to take whatever action is necessary to prevent continuance of the violation, and may, in addition, impose sanctions as provided in this Chapter.

625 ILCS 5/18c-4309 — Temporary Suspension and Transfer

Sec. 18c-4309. Temporary Suspension and Transfer. Periods during which a license is temporarily suspended by order of the Commission shall not be considered as part of the 1-year period for which an abstract of shipments must be provided for application to transfer a license pursuant to Section 18c-4303 of this Chapter, or for the 2-year period used to determine whether a proposed transferor has abandoned, discontinued or suspended service without Commission authorization pursuant to Section 18c-4305 of this Chapter. This Section shall apply to all temporary suspension

applications filed, and all temporary suspensions granted, on or after January 1, 1986.

625 ILCS 5/18c-4401 — Registration required

Sec. 18c-4401. Registration required.

- (1) General provisions. No intrastate public carrier and no interstate carrier shall operate over the public roads of this State without a registration issued pursuant to this Article and in effect at the time operations are conducted. As used in this Article, "interstate carrier" includes any private carrier that is required to register under federal law.
- (2) Interstate intercorporate hauling and single-source leasing. Persons or entities engaged in interstate compensated intercorporate hauling, and interstate private carriers which lease equipment, with drivers, are interstate carriers for purposes of this Article notwithstanding any other provision of this Chapter. However, the Commission may:
 - (a) Exempt such carriers from the requirements of this Article;
 - (b) Subject any such exemption to such reasonable terms and conditions as the Commission deems necessary to effectuate the purposes of this Chapter; and
 - (c) Revoke any exemption granted hereunder if it deems revocation necessary to effectuate the purposes of this Chapter.

625 ILCS 5/18c-4402 — Registration Standards

Sec. 18c-4402. Registration Standards. The Commission shall not issue a registration until after the carrier has:

- (1) Properly filed an application for registration; and
- (2) Complied with Commission regulations and orders regarding:
 - (a) Application, franchise, franchise renewal, and other fees and levies; and
 - (b) Proof of insurance.

625 ILCS 5/18c-4403 — Issuance of registrations

Sec. 18c-4403. Issuance of registrations. The Commission may issue registrations to any qualified applicant authorizing bona fide intrastate public carrier or interstate operations, if it is found that the applicant is fit, willing, and able to provide service in conformity with the requirements of this Chapter, Commission regulations and orders.

625 ILCS 5/18c-4404 — Revocation of Registrations

Sec. 18c-4404. Revocation of Registrations. The Commission may revoke any registration if it determines that the carrier has failed to comply with this Chapter, Commission regulations or orders, or with any other statute or regulation of this State relating to the privilege of operating motor vehicles over the public roads of the State.

625 ILCS 5/18c-4405 — Intrastate public carrier rate filings

Sec. 18c-4405. Intrastate public carrier rate filings. Public carriers that voluntarily file rates under an agreement approved by the Commission under Section 18c-4502 of this Chapter are subject to all provisions of Sub-chapter 3, Article II, and Section 18c-4501 of this Chapter 18c.

625 ILCS 5/18c-4501 — Jurisdiction and power of the Commission

Sec. 18c-4501. Jurisdiction and power of the Commission.

- (1) Power to set rates. The Commission shall have jurisdiction and power to set the maximum or minimum, or maximum and minimum, lawful rates for intrastate service by common carriers of household goods, to set the minimum lawful rates for contract carriers of household goods, and to prescribe the form and content of tariffs and schedules containing such rates.
- (2) Power to Establish Ratemaking Procedures. The Commission may establish procedures for the filing, publication, investigation, suspension and prescription of rates. The Commission may provide that rates for particular services will go into effect unless suspended by the Commission, or may require that rates for such services be approved by the Commission before going into effect.

625 ILCS 5/18c-4502 — Collective ratemaking

Sec. 18c-4502. Collective ratemaking.

(1) Application for approval. Any carrier party to an agreement between or among 2 or more carriers relating to rates, fares, classifications, divisions, allowances, or charges (including charges between carriers and compensation paid or received for the use of facilities and equipment), or rules and regulations pertaining thereto, or procedures for the joint consideration, initiation, or establishment thereof, whether such conference, bureau, committee, or other organization be a "for-profit" or "not-for-profit" corporate entity or whether or not such conference, bureau, committee or other organization is or will be controlled by other businesses may, under such rules and regulations as the Commission may prescribe, apply to the Commission for approval of the agreement, and the Commission shall by order approve any such agreement, if approval thereof is not prohibited by subsection (3), (4), or

(5) of this Section, if it finds that, by reason of furtherance of the State transportation policy declared in Section 18c-1103 of this Chapter, the relief provided in subsection

(8) should apply with respect to the making and carrying out of such agreement; otherwise the application shall be denied. The approval of the Commission shall be granted only upon such terms and conditions as the Commission may prescribe as necessary to enable it to grant its approval in accordance with the standard above set forth in this paragraph.

(2) Accounts, reporting, and internal procedures. Each conference, bureau, committee, or other organization established or continued pursuant to any agreement approved by the Commission under the provisions of this Section shall maintain such accounts, records, files and memoranda and shall submit to the Commission such reports, as may be prescribed by the Commission, and all such accounts, records, files, and memoranda shall be subject to inspection by the Commission or its duly authorized representatives. Any conference, bureau committee, or other organization described in subsection

(1) of this Section shall cause to be published notice of the final disposition of any action taken by such entity together with a concise statement of the reasons therefor. The Commission shall withhold approval of any agreement under this Section unless the agreement specifies a reasonable period of time within which proposals by parties to the agreement will be finally acted upon by the conference, bureau, committee, or other organization.

(3) Matters which may be the subject of agreements approved by the Commission. The Commission shall not approve under this Section any agreement between or among carriers of different classes unless it finds that such agreement is of the character described in subsection

(1) of this Section and is limited to matters relating to transportation under joint rates or over through routes. For purposes of this paragraph carriers by railroad and express companies are carriers of one class; carriers by motor vehicle are carriers of one class and carriers by water are carriers of one class.

(4) Non-applicability of Section to transfers. The Commission shall not approve under this Section any agreement which it finds is an agreement with respect to a pooling, division, or other matter or transaction, to which Section 18c-4302 of this Chapter is applicable.

(5) Independent action. The Commission shall not approve under this Section any agreement which establishes a procedure for the determination of any matter through joint consideration unless it finds that under the agreement there is accorded to each party the free and unrestrained right to take independent action either before or after any determination arrived at through such procedures. The Commission shall not find that each party has a free and unrestrained right to take independent action if the conference, bureau, committee, or other organization is granted by the agreement any right to engage in proceedings before the Commission or before any court regarding any action taken by a party to an agreement authorized by this Section, or by any other party providing or seeking authority to provide transportation services.

(6) Investigation of activities. The Commission is authorized, upon complaint or upon its own initiative without complaint, to investigate and determine whether any agreement previously approved by it under this Section or terms and conditions upon which such approval was granted, is not or are not in conformity with the standard, set forth in subsection (1), or whether any such terms and conditions are not necessary for purposes of conformity with such standard, and, after such investigation, the Commission shall by order terminate or modify its approval of such agreement if it finds such action necessary to insure conformity with such standard, and shall modify the terms and conditions upon which such approval was granted to the extent it finds necessary to insure conformity with such standard or to the extent to which it finds such terms and conditions not necessary to insure such conformity. The effective date of any order terminating or modifying approval, or modifying terms and conditions, shall be postponed for such period as the Commission determines to be reasonably necessary to avoid undue hardship.

(7) Hearings and orders. No order shall be entered under this Section except after interested parties have been afforded reasonable opportunity for hearing.

(8) Exemption from State antitrust laws. Parties to any agreement approved by the Commission under this Section and other persons are, if the approval of such agreement is not prohibited by subsection (3), (4), or (5), hereby relieved from the operation of the antitrust laws with respect to the making of such agreement, and with respect to the carrying out of such agreement in conformity with its provisions and in conformity with the terms and conditions prescribed by the Commission.

(9) Other laws not affected. Any action of the Commission under this Section in approving an agreement, or in denying an application for such approval, or in terminating or modifying its approval of an agreement, or in prescribing the terms and conditions upon which its approval is to be granted, or in modifying such terms and conditions, shall be construed as having effect solely with reference to the applicability of the relief provisions of paragraph subsection

(8) of this Section.

625 ILCS 5/18c-4503 — Terminal Area Operations

Sec. 18c-4503. Terminal Area Operations.

(1) Exemption From Rate Regulation. Except as provided in subsection

(2) of this Section, nothing contained in this Chapter shall be construed to require any carrier engaged in the transportation of property by motor vehicle between points wholly within a terminal area to comply with the provisions of this Chapter with respect to the filing, publishing, observance or enforcement of tariffs or schedules of rates with respect to transportation wholly within any such area.

(2) Application of Section. Notwithstanding any contrary provisions therein, the ratemaking provisions of subsection

(1) of this Section shall have no application to transportation of household goods, as defined in Commission regulations, wholly within a county having a population of more than 1,000,000.

625 ILCS 5/18c-4601 — Cab Card and Identifier to be Carried and Displayed in Each Vehicle

Sec. 18c-4601. Cab Card and Identifier to be Carried and Displayed in Each Vehicle.

(1) General Provisions.

(a) Carrying Requirement. Each motor vehicle used in for-hire transportation upon the public roads of this State shall carry a current cab card together with an identifier issued by or under authority of the Commission. If the carrier is an intrastate motor carrier of property, the prescribed intrastate cab card and identifier shall be required; if the carrier is an interstate motor carrier of property, the prescribed interstate cab card and identifier shall be required.

(b) Execution and Presentation Requirement. Such cab card shall be properly executed by the carrier. The cab card, with an identifier affixed or printed thereon, shall be carried in the vehicle for which it was executed. The cab card and identifier shall be presented upon request to any authorized employee of the Commission or the Illinois State Police or Secretary of State.

(c) Deadlines for Execution, Carrying, and Presentation. Cab cards and identifiers shall be executed, carried, and presented no earlier than December 1 of the calendar year preceding the calendar year for which fees are owing, and no later than February 1 of the calendar year for which fees are owing, unless otherwise provided in Commission regulations and orders.

(2) Interstate Compensated Intercompany Hauling and Single-Source Leasing. The provisions of subsection

(1) of this Section apply to motor vehicles used in interstate compensated intercompany hauling or which are leased, with drivers, to private carriers for use in interstate commerce, as well as to other motor vehicles used in for-hire transportation upon the public roads of this State. However, the Commission may:

(a) Exempt such carriers from the requirements of this Article;

(b) Subject any exemption to such reasonable terms and conditions as the Commission deems necessary to effectuate the purposes of this Chapter; and

(c) Revoke any exemption granted hereunder if it deems revocation necessary to effectuate the purposes of this Chapter.

625 ILCS 5/18c-4602 — Commission to Prescribe Cab Cards and Identifiers

Sec. 18c-4602. Commission to Prescribe Cab Cards and Identifiers. The Commission shall prescribe the cab cards and identifiers required under Section 18c-4601 of this Chapter.

625 ILCS 5/18c-4603 — Issuance of Cab Cards and Identifiers

Sec. 18c-4603. Issuance of Cab Cards and Identifiers.

(1) Applications for Cards and Identifiers. Applications for cab cards and identifiers shall be on forms prescribed by the Commission and shall be accompanied by the per vehicle franchise or franchise renewal fee prescribed by the Commission.

(2) Expiration and Renewal of Cab Cards and Identifiers. Identifiers issued by or under authority of the Commission shall expire automatically on January 31 of each year, or on such other date as the Commission may prescribe. It shall be the responsibility of each carrier to insure that the cab cards and identifiers in its vehicles are current.

(3) Issuance of Cards and Identifiers. Applications and fees for cab cards and identifiers may be filed with, and cards or identifiers may be issued by, the Commission or its agent. The Commission shall issue intrastate cab cards and identifiers and interstate identifiers as proof of payment of franchise and franchise renewal fees by licensed intrastate and registered interstate carriers. Upon payment of the intrastate fee by a licensed intrastate motor carrier of property, the Commission shall issue a current Illinois cab card with identifier printed thereon. Upon payment of the interstate fee, the Commission shall issue a current Illinois interstate identifier.

625 ILCS 5/18c-4604 — Enforcement

Sec. 18c-4604. Enforcement. It shall be a violation of this Chapter, separate and apart from any other violation, for a person to:

- (1) Operate a vehicle without a current, executed cab card and identifier as required by this Article;
- (2) Transfer a cab card and identifier to a vehicle other than the vehicle for which it was originally executed, except in accordance with Commission regulations;
- (3) Use a cab card and identifier issued to another carrier or permit the use of a cab card by another carrier except in accordance with Commission regulations; or
- (4) Fail to present a cab card and identifier as required by this Article.

625 ILCS 5/18c-4701 — Insignia on vehicles

Sec. 18c-4701. Insignia on vehicles.

(1) General requirements to be prescribed by Commission. Except as otherwise provided in this Section, no intrastate carrier shall operate any motor vehicle upon the public roads of this State unless there is painted or affixed to both sides of the cab or power unit, in accordance with such specifications as the Commission may prescribe, the trade name of the carrier as it appears on the carrier's license or the carrier's recognized logo, together with the license and registration number of the carrier. Likewise, no interstate carrier shall operate any motor vehicle upon the public roads of this State unless there is painted or affixed to both sides of the cab or power unit, in accordance with such specifications as the Commission may prescribe, the registration or authority number of the carrier. However, except for a household goods carrier, an interstate carrier operating intrastate may operate a motor vehicle upon the public roads of this State without the intrastate authority number of the carrier painted or affixed to any side of the cab or power unit.

(2) Use of ICC-prescribed identification. Identifying information prescribed by the Interstate Commerce Commission may be used in satisfaction of requirements established under this Section, including special orders granting a petition for waiver of Sections 1057.22(a) and 1057.22(c)(2) and (4), as they relate to equipment receipts, of the Lease and Interchange of Vehicle Regulations (49 CFR 1057), in lieu of numbers or symbols prescribed by the Commission.

(3) Identification of Trip Lessees. Notwithstanding any other provision of this Section to the contrary, a motor vehicle trip leased in accordance with this Chapter, Commission regulations and orders shall not be required to bear the name and license number of the lessee if:

- (a) the motor vehicle bears the name and license or registration number of the lessor in accordance with subsection (1) of this Section, Commission regulations and orders;
- (b) the lessor and lessee are commonly-owned; and

(c) the vehicle carries a photocopy of a letter signed by the lessor, on file with the Commission, stating that the lessor and lessee are commonly-owned.

(4) Rules not superseded. The authority of the Illinois Commerce Commission to regulate the identification of motor vehicles of intrastate and interstate carriers, engaged in the transportation of hazardous materials, shall not supersede or replace the rules and regulations of the Illinois Department of Transportation and Federal Motor Carrier Safety regulations Part 390.21, as relates now or hereafter to the markings and identification of such vehicles.

(5) Identification on vehicles under 9,000 pounds gross vehicle weight (GVW). Vehicles with a gross vehicle weight (GVW) less than 9,000 pounds may, in lieu of identification required under subsection

(1) of this Section display the trade name of the carrier as it appears on the carrier's license or the carrier's recognized logo, together with the license and registration number of the carrier in such manner as to be clearly legible and visible from both sides of the vehicle at a distance of 25 feet, when the vehicle is not in motion, and in accordance with such specifications as the Commission may prescribe.

625 ILCS 5/18c-4702 — Identification of Carrier in Advertising, Solicitation, and other Documents

Sec. 18c-4702. Identification of Carrier in Advertising, Solicitation, and other Documents. No carrier shall use in any advertising, solicitation, correspondence, publication, or other document connected with its transportation service any name other than its name or trade name as it appears on the carrier's license or registration. Each advertisement, solicitation, correspondence, publication, or other document shall contain the carrier's license or registration number unless otherwise provided in Commission regulations or orders.

625 ILCS 5/18c-4801 — Rights, Obligations, and Liabilities

Sec. 18c-4801. Rights, Obligations, and Liabilities. The provisions of Sections 7-101, 7-102, 7-103, 7-104, 7-105, 7-301, 7-302, 7-303, 7-304, 7-305, 7-306, 7-307, 7-308, 7-309, 7-401, 7-402, 7-403, 7-404, 7-501, 7-502, 7-503, 7-504, 7-505, 7-506, 7-507, 7-508, 7-509, 7-601, 7-602, 7-603 of the "Uniform Commercial Code", as amended, are adopted by reference to the extent that they relate to bills of lading and the intrastate transportation of property by a motor common carrier.

625 ILCS 5/18c-4802 — Straight Bill of Lading

Sec. 18c-4802. Straight Bill of Lading. A bill in which it is stated that the goods are consigned or destined to a specific person is a straight bill.

625 ILCS 5/18c-4803 — Order Bill of Lading

Sec. 18c-4803. Order Bill of Lading. A bill of lading in which it is stated that the goods are consigned or destined to the order of any person named in such bill is an order bill of lading. Any provision in such a bill or in any notice, contract, regulation, or tariff that it is nonnegotiable shall be null and void unless upon its face and in writing such provision is agreed to by the shipper.

625 ILCS 5/18c-4804 — Limitation of Liability

Sec. 18c-4804. Limitation of Liability. The provisions of this Section respecting liability for full actual loss, damage or injury, notwithstanding subsection 2 of Section 7-309 of the "Uniform Commercial Code", as amended, do not apply to property received for transportation concerning which the carrier is expressly authorized or required by order of the Commission to establish rates based on value declared in writing by the shipper or agreed upon by the shipper, in writing, as the released value of the property. Such declarations or agreements have no other effect than to limit liability to an amount not exceeding the value declared or released, and are not in violation of this Chapter. A tariff containing such rates shall contain specific reference to the Commission order authorizing them.

625 ILCS 5/18c-4805 — Other Remedies Available to Holder of Bill of Lading Not Preempted

Sec. 18c-4805. Other Remedies Available to Holder of Bill of Lading Not Preempted. This Article does not deprive any holder of a receipt or bill of lading of any remedy or right of action had under existing law.

625 ILCS 5/18c-4806 — Delivering Carrier Defined

Sec. 18c-4806. Delivering Carrier Defined. For the purposes of this Section the delivering carrier is the carrier performing transportation service to or nearest to the point of destination.

625 ILCS 5/18c-4807 — Bill of Lading or Similar Documentation Required

Sec. 18c-4807. Bill of Lading or Similar Documentation Required.

(1) General Requirements. Except as provided in subsection

(2) of this Section, every motor common carrier of property shall be required to issue a bill of lading and freight bill indicating the commodities transported, weight thereof (where freight charges are assessed by weight), the points of origin and destination of such commodities, the consignor and consignee, and the charge therefor. If the commodities are not delivered by the originating carrier, the bill of lading or freight bill shall indicate the point of interchange and the connecting carrier. This Section shall not apply to motor contract carriers of property.

(2) Exceptions.

(a) Simplified Documentation. The Commission may prescribe simplified documentation to be issued by classes of carriers where such requirements would be less burdensome and would effectuate the purposes of this Chapter. Simplified documentation shall be prescribed for the following classes of carriers:

(i) Motor common carriers of shipments composed of parcels weighing 100 pounds or less and not exceeding 200 pounds from one consignor to one consignee on one day; (ii) Carriers of agricultural or dairy products, poultry, eggs, or fruits; (iii) Aggregate carriers; and (iv) Messenger carriers; and

(v) Such other classes as the Commission may, from time to time, determine.

(b) Supplementary Requirements. The Commission may adopt supplementary requirements for the issuance or carrying of documentation for household goods carriers or other carriers where large numbers of non-commercial shippers may be affected and such documentation is necessary to effectuate the purposes of this Chapter.

(c) Commodity descriptions for shipments weighing 10 pounds or less. Where a shipment weighs ten pounds or less, except when it contains dangerous articles or hazardous materials, the following may be used in lieu of a commodity description: "Parcel 10 Pounds or Under".

625 ILCS 5/18c-4901 — Insurance Coverage as a Prerequisite to Operations

Sec. 18c-4901. Insurance Coverage as a Prerequisite to Operations. No motor carrier of property shall operate within this State unless it has on file with the Commission or its agent proof of continuous insurance or surety coverage in accordance with Commission regulations.

625 ILCS 5/18c-4902 — Commission to Set Insurance Coverage Limits and Establish Procedures

Sec. 18c-4902. Commission to Set Insurance Coverage Limits and Establish Procedures. The Commission shall prescribe the amounts of insurance or surety coverage required as a minimum, the maximum allowable deductible limits, procedures for the filing and rejection or return of filings, and such other reasonable regulations regarding insurance or surety coverage as are necessary to protect the travelling and shipping or receiving public.

625 ILCS 5/18c-4903 — Implied Terms of Insurance Coverage

Sec. 18c-4903. Implied Terms of Insurance Coverage. Each certificate or other proof of insurance or surety coverage shall have, as an implied term, that the insurance or surety coverage will remain in effect continuously until notice of cancellation is filed in accordance with Commission regulations, and that all motor vehicles operated by or under authority of the carrier will be covered, whether or not such vehicles have been reported to the insurance, surety, or other company. Filing proof of insurance with the Commission shall constitute acceptance of this implied term, and such acceptance may not thereafter be withdrawn except on withdrawal of all proof of insurance or surety coverage.

625 ILCS 5/18c-4904 — Liability to Be Covered by Insurance

Sec. 18c-4904. Liability to Be Covered by Insurance. Insurance or surety under this Article shall cover the carrier's liability for injury to persons and damage to property other than cargo. Coverage shall, in the case of motor common carriers, also extend to cargo damage.

625 ILCS 5/18c-4905 — Self-insurance

Sec. 18c-4905. Self-insurance. The Commission may exempt a carrier from the requirement of Sections 18c-4901, 18c-4902, 18c-4903, and 18c-4904 of this Chapter if it determines that the carrier has the financial ability to pay for any and all damages the liability for which would otherwise be assumed by an insurance or surety company under the

referenced sections. Each carrier so exempted shall file periodic reports, at such intervals as the Commission shall specify, showing its continuing ability to act as a self-insurer. The Commission may rescind an exemption on 10 days' notice if rescission appears necessary to protect the public. Upon the granting or rescission of a self-insured status of a carrier by the Commission, the Commission shall immediately notify, in writing, the Illinois Department of Transportation of the name, address, and other pertinent information required by the Department of Transportation concerning the status of the carrier.

625 ILCS 5/18c-5101 — Unlawful Activities

Sec. 18c-5101. Unlawful Activities. It shall be unlawful for any person:

- (1) To act as a broker without a license in good standing issued to it by the Commission;
- (2) To act as a broker in violation of any provision of this Chapter, Commission regulations and orders, or any other law of this state;
- (3) To act as a broker of any shipment which the person owns or in which the person has a beneficial interest;
- (4) To act as a broker of any shipment over which the person is able to exercise control because the person acting as a broker owns or controls the shipper, the shipper owns or controls the person acting as a broker, or there is a common ownership or control of the two;
- (5) Which is also a broker to act or represent itself as a shipper in dealing with a common or contract carrier of property by motor vehicle;
- (6) To act as a broker in connection with transportation by a person other than an authorized common or contract carrier of property by motor vehicle, unless the carrier does not require authorization to transport the shipment;
- (7) To act as a broker in connection with transportation at other than lawfully applicable rates for the motor carrier service;
- (8) To act as a broker in any name other than that which appears on its Commission license;
- (9) To act as a broker without fully disclosing its brokering status;
- (10) To provide transportation service with regard to freight for which it was the broker;
- (11) To receive any compensation for brokering services other than a fee assessed to the shipper or, alternatively, to the carrier, in addition to freight charges at lawfully applicable rates for the motor carrier service;
- (12) To advertise, offer, or give anything of value to a shipper, consignor, or consignee, other than inexpensive promotional items; or
- (13) Act as a broker of household goods.

625 ILCS 5/18c-5102 — Licensing of Brokers

Sec. 18c-5102. Licensing of Brokers.

- (1) Procedures for Issuing Brokers' Licenses. The Provisions of Article II of Sub-chapter 4 of this Chapter which govern the form and manner of filing of applications for authority, notice to be given to the public, and hearing, shall likewise govern the issuance of a brokers' license.
- (2) Standards for Review of Brokers' License Applications. The Commission shall issue a license authorizing a person to act as a statewide broker of general commodities where:
 - (a) The person has properly filed an application on forms prescribed by the Commission;
 - (b) The person has remitted the filing fee prescribed by the Commission;
 - (c) The person has filed proof of bond or insurance as required by Commission regulations; and
 - (d) The Commission has determined that the person is fit, willing, and able to;
 - (i) Act as a statewide broker of general commodities as authorized by the license; and
 - (ii) Comply with provisions of this Chapter, Commission regulations and orders. Otherwise, the application shall be denied.
- (3) Suspension or Revocation of Brokers' Licenses. If at any time the Commission determines after notice and hearing that the holder of a broker's license is not fit, willing, or able to continue to act as a broker, the Commission may suspend or revoke the license.

625 ILCS 5/18c-5103 — The Fitness Standard

Sec. 18c-5103. The Fitness Standard. A person shall be rebuttably presumed unfit to act or to continue to act as a broker if:

- (1) The person has violated any provision of this Chapter, Commission regulations or orders, or any other law governing its activities as a broker;
 - (2) The person has violated any fiduciary or other obligation with regard to transmittal of monies, bills, or other matters entrusted to it as broker; or
 - (3) The person is applying for a broker's license and any other person the ownership, management, or control of which is or was in substantial identity with the applicant has committed an act of the type described in
- (1) or (2), above. The Commission may consider any relevant facts in determining whether a person is fit to act or to continue to act as a broker, or whether any presumption which arises under this Section has been rebutted.

625 ILCS 5/18c-5104 — Transfer of Brokers' Licenses

Sec. 18c-5104. Transfer of Brokers' Licenses.

- (1) Transfer of Brokers' Licenses Permitted. A broker's license may be transferred, with Commission approval, under the conditions specified in this Section and in accordance with such regulations as the Commission may prescribe.
- (2) Procedures for Transferring Brokers' Licenses. The provisions of Article III of the Sub-chapter 4 of this Chapter that define a transfer and which govern the form and manner of filing of applications for approval of the transfer of a motor carrier of property license, notice to be given to the public, and hearing, shall likewise govern the transfer of a broker's license.
- (3) Standards for Review of Transfer Applications. The Commission shall grant an application for authority to transfer a broker's license where:
 - (a) The application was properly filed on forms prescribed by the Commission;
 - (b) The person has remitted the filing fee prescribed by the Commission; and
 - (c) The transferee is fit, willing, and able under the terms of Section 18c-5103 of this Chapter. Otherwise, the application shall be denied.

625 ILCS 5/18c-5105 — Bonds and Insurance

Sec. 18c-5105. Bonds and Insurance. The Commission may prescribe for brokers such requirements regarding bonds, insurance, and the terms of coverage thereof, as the Commission determines are needed to protect carriers, shippers, consignors, and consignees of freight with respect to which brokering service is provided. Unless otherwise provided by the Commission, such requirements shall be the same as are applicable to property brokers under the Interstate Commerce Act and regulations adopted thereunder.

625 ILCS 5/18c-5106 — Records of Brokers

Sec. 18c-5106. Records of Brokers.

- (1) Records to be Kept by Brokers. A broker shall keep a record of each transaction which shows:
 - (a) The name, address, and license number of the motor carrier or carriers;
 - (b) The name and address of the shipper, consignor, and consignee;
 - (c) The Bill of Lading or freight bill number;
 - (d) The amount of compensation received by the broker for brokering service, and the identity of the payor;
 - (e) A description of any non-brokering service provided in connection with each shipment or other activity, the amount of compensation received for such non-brokering service, and the identity of the payor;
 - (f) The amount of any freight charges collected by the broker, the date on which such charges were paid over to the carrier, and the amount of payment to the carrier; and
 - (g) Any other information which the Commission may prescribe.
- (2) Maintenance of Records. Records required to be kept under this Section shall be maintained at an office within the State of Illinois, unless maintenance of an office outside the State of Illinois is expressly authorized by the Commission, and shall be maintained for a period of 3 years after the date on which the shipment was delivered.

(3) Accounting. Each broker which engages in other business shall maintain accounts so that the brokering portion of its business or businesses is segregated from its other activities.

625 ILCS 5/18c-5107 — Brokers and Motor Carrier Applications

Sec. 18c-5107. Brokers and Motor Carrier Applications. A Broker shall not have standing to support any application for motor carrier of property authority.

625 ILCS 5/18c-5201 — Application of Article

Sec. 18c-5201. Application of Article. The provisions of this Article apply to the collect-on-delivery transportation of household goods for non-commercial use where:

- (1) The dispute relates to the propriety of charges for services rendered or loss of or damage to lading from the loading, unloading, or transportation thereof;
- (2) The movement to which the dispute relates was between points in the State of Illinois; or
- (3) Either the movement was made under authority issued by the Commission or the movement was such that it could have been lawfully made only under authority issued by the Commission.

625 ILCS 5/18c-5202 — Commission to prescribe dispute resolution procedures

Sec. 18c-5202. Commission to prescribe dispute resolution procedures.

- (1) Within 180 days after the effective date of this amendatory Act of 1995, the Commission shall propose rules specifying the procedures by which disputes between carriers and shippers to which this Sub-chapter is applicable will be resolved. Upon adoption, the rules will be applicable to all household goods carriers.
- (2) Standards for dispute resolution procedures. The rules adopted by the Commission shall be calculated to provide for the objective, expeditious, and inexpensive resolution of household goods disputes, and shall include, without limitation, provisions dealing with: the location of any required hearings; required notifications; whether participation in a dispute resolution procedure is mandatory; and how the fees and costs of the procedures shall be distributed. To the extent authorized by Commission rules, procedures adopted under this Article may specify that dispute resolution services will be provided by the Commission, and in accordance with procedural rules adopted by the Commission.
- (3) Grounds for Resolution of Household Goods Disputes. A dispute under this Article shall be resolved adverse to the carrier if:
 - (a) The carrier assessed a rate not contained in a lawfully applicable tariff or tariffs for such services;
 - (b) The carrier failed to fully apprise the shipper, prior to execution of any contract or contract amendment covering the services, of the lawful rates and charges for such services;
 - (c) Damages to lading occurred during the loading, transportation, or unloading of the shipments, or rendition of any accessorial service by the carrier, its employees or agents, without regard to negligence or fault, and the shipper did not elect in writing to assume liability for all or part of such damages.

625 ILCS 5/18c-5203 — Award of Attorneys Fees

Sec. 18c-5203. Award of Attorneys Fees.

- (1) Award to Complaining Shipper. In any court action to resolve a dispute within the scope of this Article, the court shall award reasonable attorney's fees to the complaining shipper if:
 - (a) The shipper submitted a claim to the carrier within 120 days after delivery of the shipment is completed;
 - (b) The shipper prevailed in the court action; and
 - (c) Either:
 - (i) No certified private dispute resolution procedure was available for use by the shipper at the time the court action was initiated; or (ii) (Blank).
 - (iii) The court action was to enforce a timely decision rendered under the dispute resolution procedures specified by the Commission under this amendatory Act of 1995.
- (2) Award to carrier. In any court action to resolve a dispute within the scope of this Article, the court may award reasonable attorney's fees to the carrier if the shipper brought the action in bad faith after submitting the dispute for resolution under the dispute resolution procedures specified by the Commission.

625 ILCS 5/18c-5204 — Investigation of Practices of Household Goods Carriers

Sec. 18c-5204. Investigation of Practices of Household Goods Carriers. The Commission may, on its own motion or on complaint, conduct an investigation to determine whether a household goods carrier has, with or without the license required under Sub-chapter 4 of this Chapter, engaged in a pattern or practice of underestimating freight charges for household goods shipments, or has otherwise violated provisions of this Chapter, Commission regulations or orders, and may invoke any or all sanctions provided for in Article VII of Sub-chapter 1 of this Chapter against the carrier if such a pattern or practice, or any other violation, is found to have occurred.

625 ILCS 5/18c-5205 — Applicability of Article

Sec. 18c-5205. Applicability of Article. This Article applies to disputes arising from transactions which occur at least 180 days after the effective date of this amendatory Act of 1985.

625 ILCS 5/18c-5301 — Application of Article

Sec. 18c-5301. Application of Article. The provisions of this Article shall apply to non-relocation towing. Where the provisions of this Article conflict with any other provisions in this Chapter, the provisions of this Article shall govern.

625 ILCS 5/18c-5302 — Commission to Adopt Special Rules

Sec. 18c-5302. Commission to Adopt Special Rules.

(1) General Provisions. The Commission shall, within 180 days after the effective date of this Article, have finally adopted special forms and regulations applicable to non-relocation towing. Such regulations shall encompass definitions of terms, licensing, ratemaking, record-keeping, insurance or surety coverage, fees, and such other provisions as are necessary to effectuate the purposes of this Article. Such regulations shall be consistent with the provisions of this Article and shall implement such provisions with regard to non-relocation towing in a manner which recognizes the special circumstances and conditions which pertain to non-relocation towing as distinguished from other forms of motor carriage of property.

(2) Towing at Owner's Request. The Commission shall, within 60 days from July 1, 1988, adopt rules in accordance with Section 5-50 of the Illinois Administrative Procedure Act which implement the provisions of this Chapter dealing with the exemption of non-relocation towing at the request of the vehicle owner.

625 ILCS 5/18c-5303 — The Fitness Test

Sec. 18c-5303. The Fitness Test.

(1) Prima Facie Evidence of Applicant Fitness in Licensing Cases. Applicants for non-relocation towing licenses may establish a prima facie showing of fitness by the following evidence:

- (a) A summary statement of net worth;
- (b) A listing of applicant's drivers and any persons who assist or supervise drivers;
- (c) A description of equipment to be used in providing service under the license;
- (d) A statement that the applicant has not:
 - (i) Been convicted, during the 2 years immediately preceding the filing of the application, of a felony involving theft of property, violence to persons, or criminal damage to property; or
 - (ii) Been convicted, during the year immediately preceding the filing of the application, of safety violations on 3 or more occasions in which its vehicle or vehicles were taken out of service, or which otherwise show the applicant to be unfit;
- (e) A statement that the applicant does not and will not employ or lease any driver, or any person who will assist or supervise drivers, who has been convicted, during the applicable time frames, of the foregoing violations;
- (f) A statement that the applicant does not and will not employ or lease any driver who does not hold a valid classified driver's license to operate a tow truck;
- (g) A statement that the applicant is familiar with and will comply with the provisions of this Chapter, Commission regulations and orders; and
- (h) Proof of insurance in compliance with Commission regulations and orders.

(2) Prima Facie Evidence of Licensee Fitness in Enforcement Cases. The respondent in a proceeding to consider whether to suspend or revoke a license authorizing non-relocation towing or to impose other sanctions on grounds of unfitness may establish a prima facie showing of fitness in the manner provided in subsection

(1) of this Section.

(3) Rebuttal of Prima Facie Showing of Fitness. A prima facie showing of applicant or licensee fitness may be rebutted by other evidence of record, either from the applicant or otherwise.

625 ILCS 5/18c-5304 — The Public Need/Public Convenience and Necessity Test

Sec. 18c-5304. The Public Need/Public Convenience and Necessity Test. Applicants for non-relocation towing licenses may establish, and other parties may rebut, a prima facie showing of public need/public convenience and necessity by the following evidence:

(1) Existing Towing Companies.

(a) Evidentiary Standard. Any person engaged in non-relocation towing between July 1, 1985 and January 1, 1986 may establish a prima facie showing of public convenience and necessity to the extent of such operations by submitting a statement:

(i) Affirming that the person was engaged in non-relocation during the foregoing time period; and (ii) Describing its operations during such period.

(b) Extent of Existing Operations. The extent of the applicant's operations shall be presumed to encompass non-relocation towing within the following territory, unless otherwise shown on the record:

(i) Movements within a 50 mile radius of the applicant's principal place of business in Illinois; and (ii) Movements from points within the foregoing radius to points in Illinois, and vice versa.

(c) Deadline for Filing Applications. Applications under this subsection must be filed within 9 months after the effective date of this amendatory Act of 1986, or by July 1, 1987, whichever is later.

(2) New Towing Companies and Extension of Existing Company Operations. Applications for non-relocation towing licenses need not be supported by shippers intending to use the carrier's service if other evidence of public need/public convenience and necessity is offered by carrier witnesses, non-carrier witnesses from other than shippers intending to use the carrier's service, or others.

(3) Rebuttal of Prima Facie Showing of Public Need/Public Convenience and Necessity. A prima facie showing of public need/public convenience and necessity may be rebutted by other evidence of record, either from the applicant or otherwise.

625 ILCS 5/18c-5305 — Hearings in Non-Relocation Towing Authority Cases

Sec. 18c-5305. Hearings in Non-Relocation Towing Authority Cases.

(1) Hearings on Fitness Required. Hearings on applications for non-relocation towing licenses shall be governed by the provisions of Section 18c-2101 of this Code, with regard to the issue of fitness; and by the provisions of subsection

(2) of Section 18c-2102 of this Code, with regard to the issue of public need/public convenience and necessity. Hearings in other non-relocation towing cases shall be governed by the provisions of Section 18c-2102 of this Code.

(2) Setting and Conduct of Licensing Hearings.

(a) Regional Hearings. Hearings on applications for non-relocation towing licenses shall be consolidated and conducted regionally for the convenience of the parties. Where practicable:

(i) Hearings shall be conducted at a location not more than 50 miles from the principal place of the applicant's business; (ii) The Commission shall schedule joint hearings at each regional location.

(b) Scheduling of Hearings. Hearings on applications for non-relocation towing licenses shall be scheduled and concluded so as to minimize inconvenience to the parties. Where practicable, hearings on an application shall be concluded in a single day, unless:

(i) Continuance is required for the applicant to produce evidence of its fitness; or (ii) A petition for leave to intervene in opposition is properly filed and granted.

625 ILCS 5/18c-5306 — Denial, Suspension, or Revocation of Licenses

Sec. 18c-5306. Denial, Suspension, or Revocation of Licenses. If, at any time during or after adjudication of a non-relocation towing license application, there exists an issue with regard to the fitness of the applicant, the Commission may suspend any temporary license granted to the applicant. If the applicant is not shown to be fit, the Commission shall

revoke the temporary license and deny the application for a permanent license. If, at any time subsequent to the grant of a permanent license, the holder is determined to be unfit, the Commission shall suspend or revoke the license. Suspension or revocation shall be after notice and hearing, absent waiver of same by respondent, as provided for other than motor carrier of property authority cases under Section 18c-2102 of this Code.

625 ILCS 5/18c-5307 — False Statements by Applicant

Sec. 18c-5307. False Statements by Applicant. Any false statement of a material fact by an applicant shall be grounds for denial or revocation of a license.

625 ILCS 5/18c-5308 — Intervention in Opposition to Non-Relocation Towing applications

Sec. 18c-5308. Intervention in Opposition to Non-Relocation Towing applications.

(1) Filing Fee for Petitions for Leave to Intervene in Opposition. The Commission shall prescribe a filing fee of not less than \$100 for each petition for leave to intervene in opposition in a non-relocation towing authority case.

(2) Standing to Participate and Intervene. Any person with evidence relating to the fitness of an applicant for a non-relocation towing license may be permitted, at the discretion of the examiner, to present such evidence at hearing. The provisions of paragraph

(a) of subsection

(2) of Section 18c-2106 of this Code shall not apply to persons filing petitions for leave to intervene in opposition to non-relocation towing license applications, unless the issue of public need/public convenience and necessity is controverted by such persons at hearing.

625 ILCS 5/18c-5309 — Ratemaking

Sec. 18c-5309. Ratemaking. Unless otherwise specified in the tariff, rates applicable to non-relocation towing shall be the maximum rates which may be charged by carriers participating in the tariff for such service.

625 ILCS 5/18c-5310 — Insurance

Sec. 18c-5310. Insurance.

(1) Implied Garagekeeper's Liability. The filing of a form E certificate of insurance shall constitute a representation by the insurance company that the underlying insurance policy includes, with regard to non-relocation towing, liability for damage to vehicles in the custody of the non-relocation towing company, whether in transit or otherwise, in an amount not less than the amount of cargo insurance required under Commission regulations and orders, unless otherwise specified by the insurance company on the form E certificate of liability insurance.

(2) Filing Proof of Cargo Insurance. Except where the form E certificate of liability insurance indicates, in accordance with subsection

(1) of this Section, that garagekeeper's liability is not covered by the underlying policy of insurance, a non-relocation towing company shall not be required to file proof of cargo insurance for the transportation of vehicles.

625 ILCS 5/18c-6101 — Scope of Commission Jurisdiction

Sec. 18c-6101. Scope of Commission Jurisdiction. Except as provided in Section 18c-6102 of this Chapter, the jurisdiction of the Commission shall extend to all motor carriers of passengers operating within the State of Illinois.

625 ILCS 5/18c-6102 — Exemptions From Commission Jurisdiction

Sec. 18c-6102. Exemptions From Commission Jurisdiction. The provisions of this Sub-chapter shall not, except as provided in Section 18c-6501 of this Chapter, apply to:

(1) carriers owned by any political subdivision, school district, institution of higher education, or municipality, and operated either by such political subdivision, institution of higher education, or municipality or its lessee or agent;

(2) commuter vans as defined in this Code;

(3) carriers transporting passengers without fixed routes or schedules and charging on a time or distance basis, including taxicabs, charter operations, and contract bus operations;

(4) carriers transporting passengers with fixed routes and schedules and charging on a per passenger fixed charge basis and which do not include an airport as a point to be served on the route, in whole or in part;

- (5) transportation in vehicles with a manufacturer's rated seating capacity of less than 8 persons, including the driver;
- (6) transportation subject to the Ridesharing Arrangements Act;
- (7) commuter buses offering short-haul for-hire regularly scheduled passenger transportation service within metropolitan and suburban areas, over regular routes with fixed schedules, and utilized primarily by passengers using reduced-fare, multiple-ride, or commutation tickets during morning and evening peak periods in travelling to and from their places of employment; and
- (8) those persons owning and operating school buses, as defined in this Code, and regulated by other provisions of this Code.

625 ILCS 5/18c-6103 — Unlawful Operations

Sec. 18c-6103. Unlawful Operations. Except as provided in Article I of this Sub-chapter, and subject to the provisions stated herein, no person shall:

- (1) Operate as a motor carrier of passengers unless the person possesses a valid license authorizing such operations.
- (2) Provide service at rates other than those contained in lawfully applicable tariffs for such service;
- (3) Otherwise operate as a motor carrier of passengers in violation of any provision of this Chapter, Commission regulations and orders, or any other law of this state; or
- (4) Aid or abet any other person in a violation of this Chapter, Commission regulations or orders, by soliciting or receiving, or by compensating service from a person not authorized to provide such service, or at other than lawful rates for such service, or otherwise.

625 ILCS 5/18c-6201 — Requirements for issuance of licenses

Sec. 18c-6201. Requirements for issuance of licenses.

- (1) General requirements. Except as provided in subsection
- (2) of this Section, the Commission shall grant an application for a motor carrier of passengers license, in whole or in part, to the extent that it finds that the application was properly filed, a need for the proposed service exists, the applicant if fit, willing, and able to provide the service in compliance with this Chapter, Commission regulations and orders, absent a showing that issuance of the license would be inconsistent with the public interest. Otherwise, the application shall be denied. In determining whether issuance of a motor carrier of passengers license would be inconsistent with the public interest, the Commission shall consider:
 - (a) the value of competition which would result from issuance to the travelling public;
 - (b) the effect of issuance on motor carrier of passengers service to small communities;
 - (c) the effect of issuance on the ability of any other carrier to provide a substantial portion of the passenger service such carrier provides over its entire system, except that diversion of revenue or traffic from a carrier in and of itself shall not be sufficient to support a finding that issuance of the license would impair the ability of the other carrier to provide a substantial portion of the passenger service such carrier provides over its entire system; and
 - (d) any other factor relevant to the public interest.
- (2) Motor carriers of passengers providing service to or from airports. The Commission shall grant an application for a motor carrier of passengers license authorizing service along any route where an airport is a point to be served on the route, in whole or in part, to the extent that it finds that the application was properly filed, a need for the proposed service exists, the applicant is fit, willing, and able to provide the service in compliance with this Chapter, Commission regulations and orders, and the public convenience and necessity requires issuance of the license. Otherwise, the application shall be denied. The provisions of this subsection shall be construed to impose the same entry requirements as were previously applicable under Section 55 of "An Act concerning public utilities", approved June 29, 1921, as amended.

625 ILCS 5/18c-6202 — Other Provisions Relating to Licensing and Registration

Sec. 18c-6202. Other Provisions Relating to Licensing and Registration. Provisions in Articles II, III, and IV of Sub-chapter 4 of this Chapter, governing the suspension, revocation, and transfer of motor carrier of property licenses, the registration of interstate motor carriers of property shall likewise govern motor carriers of passengers as if all references therein were to motor carriers of passengers.

625 ILCS 5/18c-6301 — General Provisions

Sec. 18c-6301. General Provisions. No motor common carrier of passengers shall add to, change, reduce, or discontinue service to any point along a route over which the carrier is authorized to provide intrastate service, except in accordance with the provisions of this Article.

625 ILCS 5/18c-6302 — Definitions

Sec. 18c-6302. Definitions. The following terms, when used in this Article, shall have the hereinafter designated meanings.

- (1) "Addition" to service means the institution of new scheduled service.
- (2) "Change" in service means a change in the time or times of scheduled service which does not constitute a reduction or discontinuance of service.
- (3) "Reduction" of service means any reduction in the level of scheduled service which does not constitute discontinuance of the carrier's service.
- (4) "Discontinuance" of service means total discontinuance of service to any point along a route over which the carrier is authorized to provide service or reduction in the level of service to any such point to less than one round trip per weekday (Monday through Friday).

625 ILCS 5/18c-6303 — Schedule Changes and Reductions in Service

Sec. 18c-6303. Schedule Changes and Reductions in Service. Any motor common carrier of passengers may add to, change, or reduce the level of its service to any point along a route over which the carrier is authorized to provide service, provided that the addition, change or reduction does not constitute discontinuance of service to any point along a route over which the carrier is authorized to serve, after the carrier has served notice in accordance with Commission regulations adopted pursuant to this Article, and without prior authorization.

625 ILCS 5/18c-6304 — Discontinuances

Sec. 18c-6304. Discontinuances. No motor common carrier of passengers shall discontinue service to any point along a route over which the carrier is authorized to provide service except in accordance with provisions of Section 18c-6305 of this Chapter.

625 ILCS 5/18c-6305 — Prior Notice and Petition for Authorization

Sec. 18c-6305. Prior Notice and Petition for Authorization.

- (1) Annual and Amended Lists of Points Under Consideration for Discontinuance. By March of each calendar year, each motor carrier of passengers shall submit to the Commission a list of routes and points which it is authorized to serve which the carrier has under consideration for discontinuance within the following 12 months. A carrier may amend its list on the 1st day of each subsequent month.
- (2) Notice of Intent to Discontinue. Not less than 30 days after a point appears on a list of points under consideration for discontinuance, the carrier may serve on the Commission the carrier's Notice of Intent to discontinue service. Such notice shall be for the purpose of alerting the Commission and allowing a period of time during which alternatives to discontinuance, or alternative service, may be explored.
- (3) Petitions to Discontinue. Not less than 60 nor more than 90 days after the filing of a Notice of Intent to discontinue, the carrier may formally propose discontinuance by filing in accordance with such requirements as to form and content as the Commission may prescribe. The Commission may investigate the proposal, and may suspend the discontinuance pending the outcome of the investigation for a period not to exceed 90 days from the date the proposal is filed. The Commission shall determine, after considering the public need for service, revenues (both those which have been received and those which might be received, by subsidy or otherwise) and variable costs associated with the service, and the availability of reasonable alternative transportation service whether the public convenience and necessity requires continuation of the service proposed to be discontinued. If the Commission determines that the public convenience and necessity requires continuation, it shall so order; otherwise, the proceeding shall be dismissed.
- (4) Waiver or Notice. Prior notice requirements under this Section may be waived for good cause or where the carrier has made substantial compliance with such prior notice requirements or compliance is not necessary to effectuate the purposes of this Chapter.

625 ILCS 5/18c-6401 — Ratemaking

Sec. 18c-6401. Ratemaking. The Commission may exercise, with respect to rate regulation of motor carriers of passengers, any and all power which it may exercise with respect to rate regulation of motor carriers of property. Motor carriers of passengers shall be in all respects subject to provisions of this Chapter governing ratemaking for motor carriers of property, except as provided in 49 U.S. Code 11501(e).

625 ILCS 5/18c-6501 — Hours of Service for Drivers

Sec. 18c-6501. Hours of Service for Drivers. No motor carrier of passengers shall operate any vehicle with a manufacturer's rated seating capacity of more than 8 persons, including the driver, except in compliance with federal hours of service regulations codified at 49 Code of Federal Regulations Part 395, Hours of Service of Drivers, as amended.

625 ILCS 5/18c-6502 — Report and investigation of crashes

Sec. 18c-6502. Report and investigation of crashes.

(1) Reports. Every motor carrier of passengers shall report to the Commission, by the speediest means possible, whether telephone, telegraph, or otherwise, every crash involving its equipment which resulted in loss of life to any person. In addition to reports required to be filed with the Department of Transportation, under Article IV of Chapter 11 and Chapter 7 of this Code, such carrier shall file a written report with the Commission, in accordance with regulations adopted hereunder, of any crash which results in injury or loss of life to any employee, or damage to the person or property of any member of the public. The Commission and the Department of Transportation may adopt, by reference, such state or federal reporting requirements as will effectuate the purposes of this Section and promote uniformity in bus crash reporting.

(2) Investigations. The Commission and the Department of Transportation may investigate any bus crash reported to it or of which it acquires knowledge independent of reports made by motor carriers of passengers, and shall have the power to enter such orders and adopt such regulations as will minimize the risk of future crashes.

625 ILCS 5/18c-6503 — Insurance

Sec. 18c-6503. Insurance. The provisions of Article IX of Subchapter 4 of this Chapter regarding insurance for motor carriers of property shall apply to motor carriers of passengers subject to the jurisdiction of the Commission under this Subchapter as if all references in Article IX were to motor carriers of passengers.

625 ILCS 5/18c-7101 — Jurisdiction Over Rail Carriers

Sec. 18c-7101. Jurisdiction Over Rail Carriers. The jurisdiction of the Commission under this Sub-chapter shall be exclusive and shall extend to all intrastate and interstate rail carrier operations within this State, except to the extent that its jurisdiction is preempted by valid provisions of the Staggers Rail Act of 1980 or other valid federal statute, regulation, or order.

625 ILCS 5/18c-7201 — Registration as a Rail Carrier

Sec. 18c-7201. Registration as a Rail Carrier.

(1) General Provisions. Except as provided in subsection

(2) of this Section, no person shall operate as a rail carrier, and no person shall begin or continue construction of any track or other facilities, other than the repair or replacement of existing plant, for use in operations as a rail carrier unless such person has registered with the Commission as a rail carrier.

(2) Exceptions. Each rail carrier operating within the State of Illinois on the effective date of this Chapter shall automatically be deemed, as of that date, to have registered as a rail carrier for purposes of this Section. Such constructive registration shall expire on the 180th day after the effective date of this amendatory Act of 1985.

625 ILCS 5/18c-7202 — Duties and Obligations of Rail Carriers

Sec. 18c-7202. Duties and Obligations of Rail Carriers. Each rail carrier shall provide adequate service to the public at reasonable rates and without discrimination.

625 ILCS 5/18c-7203

Sec. 18c-7203. (Repealed).

625 ILCS 5/18c-7301

Sec. 18c-7301. (Repealed).

625 ILCS 5/18c-7302

Sec. 18c-7302. (Repealed).

625 ILCS 5/18c-7401 — Safety requirements for track, facilities, and equipment

Sec. 18c-7401. Safety requirements for track, facilities, and equipment.

(1) General Requirements. Each rail carrier shall, consistent with rules, orders, and regulations of the Federal Railroad Administration, construct, maintain, and operate all of its equipment, track, and other property in this State in such a manner as to pose no undue risk to its employees or the person or property of any member of the public.

(2) Adoption of Federal Standards. The track safety standards and accident/incident standards promulgated by the Federal Railroad Administration shall be safety standards of the Commission. The Commission may, in addition, adopt by reference in its regulations other federal railroad safety standards, whether contained in federal statutes or in regulations adopted pursuant to such statutes.

(3) Railroad Crossings. No public road, highway, or street shall hereafter be constructed across the track of any rail carrier at grade, nor shall the track of any rail carrier be constructed across a public road, highway or street at grade, without having first secured the permission of the Commission; provided, that this Section shall not apply to the replacement of lawfully existing roads, highways, and tracks. No public pedestrian bridge or subway shall be constructed across the track of any rail carrier without having first secured the permission of the Commission. The Commission shall have the right to refuse its permission or to grant it upon such terms and conditions as it may prescribe. The Commission shall have power to determine and prescribe the manner, including the particular point of crossing, and the terms of installation, operation, maintenance, use, and protection of each such crossing. The Commission shall also have power, after a hearing, to require major alteration of or to abolish any crossing, heretofore or hereafter established, when in its opinion, the public safety requires such alteration or abolition, and, except in cities, villages, and incorporated towns of 1,000,000 or more inhabitants, to vacate and close that part of the highway on such crossing altered or abolished and cause barricades to be erected across such highway in such manner as to prevent the use of such crossing as a highway, when, in the opinion of the Commission, the public convenience served by the crossing in question is not such as to justify the further retention thereof; or to require a separation of grades, at railroad-highway grade crossings; or to require a separation of grades at any proposed crossing where a proposed public highway may cross the tracks of any rail carrier or carriers; and to prescribe, after a hearing of the parties, the terms upon which such separations shall be made and the proportion in which the expense of the alteration or abolition of such crossings or the separation of such grades, having regard to the benefits, if any, accruing to the rail carrier or any party in interest, shall be divided between the rail carrier or carriers affected, or between such carrier or carriers and the State, county, municipality or other public authority in interest. However, a public hearing by the Commission to abolish a crossing shall not be required when the public highway authority in interest vacates the highway. In such instance the rail carrier, following notification to the Commission and the highway authority, shall remove any grade crossing warning devices and the grade crossing surface. The Commission shall also have power by its order to require the reconstruction, minor alteration, minor relocation, or improvement of any crossing (including the necessary highway approaches thereto) of any railroad across any highway or public road, pedestrian bridge, or pedestrian subway, whether such crossing be at grade or by overhead structure or by subway, whenever the Commission finds after a hearing or without a hearing as otherwise provided in this paragraph that such reconstruction, alteration, relocation, or improvement is necessary to preserve or promote the safety or convenience of the public or of the employees or passengers of such rail carrier or carriers. By its original order or supplemental orders in such case, the Commission may direct such reconstruction, alteration, relocation, or improvement to be made in such manner and upon such terms and conditions as may be reasonable and necessary and may apportion the cost of such reconstruction, alteration, relocation, or improvement and the subsequent maintenance thereof, having regard to the benefits, if any, accruing to the railroad or any party in interest, between the rail carrier or carriers and public utilities affected, or between such carrier or carriers and public utilities and the State, county, municipality or other public authority in interest. The cost to be so apportioned shall include the cost of changes or alterations in the equipment of public utilities affected as well as the cost of the relocation, diversion or establishment of any public highway, made necessary by such reconstruction,

alteration, relocation, or improvement of said crossing. A hearing shall not be required in those instances when the Commission enters an order confirming a written stipulation in which the Commission, the public highway authority or other public authority in interest, the rail carrier or carriers affected, and in instances involving the use of the Grade Crossing Protection Fund, the Illinois Department of Transportation, agree on the reconstruction, alteration, relocation, or improvement and the subsequent maintenance thereof and the division of costs of such changes of any grade crossing (including the necessary highway approaches thereto) of any railroad across any highway, pedestrian bridge, or pedestrian subway. The Commission shall also have power to enter into stipulated agreements with a rail carrier or rail carriers or public authorities to fund, provide, install, and maintain safety treatments to deter trespassing on railroad property in accordance with paragraph

(1) of Section 18c-7503 at locations approved by such rail carrier or rail carriers following a diagnostic evaluation between the Commission and the rail carrier or rail carriers, including any public authority in interest or the Federal Railroad Administration, and to order the allocation of the cost of those treatments and their installation and maintenance from the Grade Crossing Protection Fund. Safety treatments approved under this paragraph by the Commission shall be deemed adequate and appropriate. Every rail carrier operating in the State of Illinois shall construct and maintain every highway crossing over its tracks within the State so that the roadway at the intersection shall be as flush with the rails as superelevated curves will allow, and, unless otherwise ordered by the Commission, shall construct and maintain the approaches thereto at a grade of not more than 5% within the right of way for a distance of not less than 6 feet on each side of the centerline of such tracks; provided, that the grades at the approaches may be maintained in excess of 5% only when authorized by the Commission. Every rail carrier operating within this State shall remove from its right of way at all railroad-highway grade crossings within the State, such brush, shrubbery, and trees as is reasonably practical for a distance of not less than 500 feet in either direction from each grade crossing. The Commission shall have power, upon its own motion, or upon complaint, and after having made proper investigation, to require the installation of adequate and appropriate luminous reflective warning signs, luminous flashing signals, crossing gates illuminated at night, or other protective devices in order to promote and safeguard the health and safety of the public. Luminous flashing signal or crossing gate devices installed at grade crossings, which have been approved by the Commission, shall be deemed adequate and appropriate. The Commission shall have authority to determine the number, type, and location of such signs, signals, gates, or other protective devices which, however, shall conform as near as may be with generally recognized national standards, and the Commission shall have authority to prescribe the division of the cost of the installation and subsequent maintenance of such signs, signals, gates, or other protective devices between the rail carrier or carriers, the public highway authority or other public authority in interest, and in instances involving the use of the Grade Crossing Protection Fund, the Illinois Department of Transportation. Except where train crews provide flagging of the crossing to road users, yield signs shall be installed at all highway intersections with every grade crossing in this State that is not equipped with automatic warning devices, such as luminous flashing signals or crossing gate devices. A stop sign may be used in lieu of the yield sign when an engineering study conducted in cooperation with the highway authority and the Illinois Department of Transportation has determined that a stop sign is warranted. If the Commission has ordered the installation of luminous flashing signal or crossing gate devices at a grade crossing not equipped with active warning devices, the Commission shall order the installation of temporary stop signs at the highway intersection with the grade crossing unless an engineering study has determined that a stop sign is not appropriate. If a stop sign is not appropriate, the Commission may order the installation of other appropriate supplemental signing as determined by an engineering study. The temporary signs shall remain in place until the luminous flashing signal or crossing gate devices have been installed. The rail carrier is responsible for the installation and subsequent maintenance of any required signs. The permanent signs shall be in place by July 1, 2011. No railroad may change or modify the warning device system at a railroad-highway grade crossing, including warning systems interconnected with highway traffic control signals, without having first received the approval of the Commission. The Commission shall have the further power, upon application, upon its own motion, or upon complaint and after having made proper investigation, to require the interconnection of grade crossing warning devices with traffic control signals at highway intersections located at or near railroad crossings within the distances described by the State Manual on Uniform Traffic Control Devices adopted pursuant to Section 11-301 of this Code. In addition, State and local authorities may not install, remove, modernize, or otherwise modify traffic control signals at a highway intersection that is interconnected or proposed to be interconnected with grade crossing warning devices when the change affects the number, type, or location of traffic control devices on the track approach leg or legs of the intersection or the timing of the railroad preemption sequence of operation until the Commission has approved the installation, removal, modernization, or modification. Commission approval shall be limited to consideration

of issues directly affecting the public safety at the railroad-highway grade crossing. The electrical circuit devices, alternate warning devices, and preemption sequences shall conform as nearly as possible, considering the particular characteristics of the crossing and intersection area, to the State manual adopted by the Illinois Department of Transportation pursuant to Section 11-301 of this Code and such federal standards as are made applicable by subsection

(2) of this Section. In order to carry out this authority, the Commission shall have the authority to determine the number, type, and location of traffic control devices on the track approach leg or legs of the intersection and the timing of the railroad preemption sequence of operation. The Commission shall prescribe the division of costs for installation and maintenance of all devices required by this paragraph between the railroad or railroads and the highway authority in interest and in instances involving the use of the Grade Crossing Protection Fund or a State highway, the Illinois Department of Transportation. Any person who unlawfully or maliciously removes, throws down, damages or defaces any sign, signal, gate, or other protective device, located at or near any public grade crossing, shall be guilty of a petty offense and fined not less than \$50 nor more than \$200 for each offense. In addition to fines levied under the provisions of this Section a person adjudged guilty hereunder may also be directed to make restitution for the costs of repair or replacement, or both, necessitated by his misconduct. It is the public policy of the State of Illinois to enhance public safety by establishing safe grade crossings. In order to implement this policy, the Illinois Commerce Commission is directed to conduct public hearings and to adopt specific criteria by July 1, 1994, that shall be adhered to by the Illinois Commerce Commission in determining if a grade crossing should be opened or abolished. The following factors shall be considered by the Illinois Commerce Commission in developing the specific criteria for opening and abolishing grade crossings:

- (a) timetable speed of passenger trains;
- (b) distance to an alternate crossing;
- (c) accident history for the last 5 years;
- (d) number of vehicular traffic and posted speed limits;
- (e) number of freight trains and their timetable speeds;
- (f) the type of warning device present at the grade crossing;
- (g) alignments of the roadway and railroad, and the angle of intersection of those alignments;
- (h) use of the grade crossing by trucks carrying hazardous materials, vehicles carrying passengers for hire, and school buses; and
- (i) use of the grade crossing by emergency vehicles. The Illinois Commerce Commission, upon petition to open or abolish a grade crossing, shall enter an order opening or abolishing the crossing if it meets the specific criteria adopted by the Commission. Except as otherwise provided in this subsection (3), in no instance shall a grade crossing be permanently closed without public hearing first being held and notice of such hearing being published in an area newspaper of local general circulation.

(4) Freight Trains; Radio Communications. The Commission shall after hearing and order require that every main line railroad freight train operating on main tracks outside of yard limits within this State shall be equipped with a radio communication system. The Commission after notice and hearing may grant exemptions from the requirements of this Section as to secondary and branch lines.

(5) Railroad Bridges and Trestles; Walkway and Handrail. In cases in which the Commission finds the same to be practical and necessary for safety of railroad employees, bridges and trestles, over and upon which railroad trains are operated, shall include as a part thereof, a safe and suitable walkway and handrail on one side only of such bridge or trestle, and such handrail shall be located at the outer edge of the walkway and shall provide a clearance of not less than 8 feet, 6 inches, from the center line of the nearest track, measured at right angles thereto.

(6) Packages Containing Articles for First Aid to Injured on Trains.

(a) All rail carriers shall provide a first aid kit that contains, at a minimum, those articles prescribed by the Commission, on each train or engine, for first aid to persons who may be injured in the course of the operation of such trains.

(b) A vehicle, excluding a taxi cab used in an emergency situation, operated by a contract carrier transporting railroad employees in the course of their employment shall be equipped with a readily available first aid kit that contains, as a minimum, the same articles that are required on each train or engine.

(7) Abandoned Bridges, Crossings, and Other Rail Plant. The Commission shall have authority, after notice and hearing, to order:

- (a) the removal of any abandoned railroad tracks from roads, streets or other thoroughfares in this State; and
- (b) the removal of abandoned overhead railroad structures crossing highways, waterways, or railroads. The Commission may equitably apportion the cost of such actions between the rail carrier or carriers, public utilities, and the State, county, municipality, township, road district, or other public authority in interest.
- (8) Railroad-Highway Bridge Clearance. A vertical clearance of not less than 23 feet above the top of rail shall be provided for all new or reconstructed highway bridges constructed over a railroad track. The Commission may permit a lesser clearance if it determines that the 23-foot clearance standard cannot be justified based on engineering, operational, and economic conditions.
- (9) Right of Access To Railroad Property.
- (a) A community antenna television company franchised by a municipality or county pursuant to the Illinois Municipal Code or the Counties Code, respectively, shall not enter upon any real estate or rights-of-way in the possession or control of a railroad subject to the jurisdiction of the Illinois Commerce Commission unless the community antenna television company first complies with the applicable provisions of subparagraph
- (f) of Section 11-42-11.1 of the Illinois Municipal Code or subparagraph
- (f) of Section 5-1096 of the Counties Code.
- (b) Notwithstanding any provision of law to the contrary, this subsection
- (9) applies to all entries of railroad rights-of-way involving a railroad subject to the jurisdiction of the Illinois Commerce Commission by a community antenna television company and shall govern in the event of any conflict with any other provision of law.
- (c) This subsection
- (9) applies to any entry upon any real estate or right-of-way in the possession or control of a railroad subject to the jurisdiction of the Illinois Commerce Commission for the purpose of or in connection with the construction, or installation of a community antenna television company's system or facilities commenced or renewed on or after August 22, 2017 (the effective date of Public Act 100-251).
- (d) Nothing in Public Act 100-251 shall be construed to prevent a railroad from negotiating other terms and conditions or the resolution of any dispute in relation to an entry upon or right of access as set forth in this subsection (9).
- (e) For purposes of this subsection (9): "Broadband service", "cable operator", and "holder" have the meanings given to those terms under Section 21-201 of the Public Utilities Act. "Community antenna television company" includes, in the case of real estate or rights-of-way in possession of or in control of a railroad, a holder, cable operator, or broadband service provider.
- (f) Beginning on August 22, 2017 (the effective date of Public Act 100-251), the Transportation Division of the Illinois Commerce Commission shall include in its annual Crossing Safety Improvement Program report a brief description of the number of cases decided by the Illinois Commerce Commission and the number of cases that remain pending before the Illinois Commerce Commission under this subsection
- (9) for the period covered by the report. (Text of Section after amendment by P.A. 104-457) Sec. 18c-7401. Safety requirements for track, facilities, and equipment.
- (1) General Requirements. Each rail carrier shall, consistent with rules, orders, and regulations of the Federal Railroad Administration, construct, maintain, and operate all of its equipment, track, and other property in this State in such a manner as to pose no undue risk to its employees or the person or property of any member of the public.
- (2) Adoption of Federal Standards. The track safety standards and accident/incident standards promulgated by the Federal Railroad Administration shall be safety standards of the Commission. The Commission may, in addition, adopt by reference in its regulations other federal railroad safety standards, whether contained in federal statutes or in regulations adopted pursuant to such statutes.
- (3) Railroad Crossings. No public road, highway, or street shall hereafter be constructed across the track of any rail carrier at grade, nor shall the track of any rail carrier be constructed across a public road, highway or street at grade, without having first secured the permission of the Commission; provided, that this Section shall not apply to the replacement of lawfully existing roads, highways, and tracks. No public pedestrian bridge or subway shall be constructed across the track of any rail carrier without having first secured the permission of the Commission. The Commission shall have the right to

refuse its permission or to grant it upon such terms and conditions as it may prescribe. The Commission shall have power to determine and prescribe the manner, including the particular point of crossing, and the terms of installation, operation, maintenance, use, and protection of each such crossing. The Commission shall also have power, after a hearing, to require major alteration of or to abolish any crossing, heretofore or hereafter established, when in its opinion, the public safety requires such alteration or abolition, and, except in cities, villages, and incorporated towns of 1,000,000 or more inhabitants, to vacate and close that part of the highway on such crossing altered or abolished and cause barricades to be erected across such highway in such manner as to prevent the use of such crossing as a highway, when, in the opinion of the Commission, the public convenience served by the crossing in question is not such as to justify the further retention thereof; or to require a separation of grades, at railroad-highway grade crossings; or to require a separation of grades at any proposed crossing where a proposed public highway may cross the tracks of any rail carrier or carriers; and to prescribe, after a hearing of the parties, the terms upon which such separations shall be made and the proportion in which the expense of the alteration or abolition of such crossings or the separation of such grades, having regard to the benefits, if any, accruing to the rail carrier or any party in interest, shall be divided between the rail carrier or carriers affected, or between such carrier or carriers and the State, county, municipality or other public authority in interest. However, a public hearing by the Commission to abolish a crossing shall not be required when the public highway authority in interest vacates the highway. In such instance the rail carrier, following notification to the Commission and the highway authority, shall remove any grade crossing warning devices and the grade crossing surface. The Commission shall also have power by its order to require the reconstruction, minor alteration, minor relocation, or improvement of any crossing (including the necessary highway approaches thereto) of any railroad across any highway or public road, pedestrian bridge, or pedestrian subway, whether such crossing be at grade or by overhead structure or by subway, whenever the Commission finds after a hearing or without a hearing as otherwise provided in this paragraph that such reconstruction, alteration, relocation, or improvement is necessary to preserve or promote the safety or convenience of the public or of the employees or passengers of such rail carrier or carriers. By its original order or supplemental orders in such case, the Commission may direct such reconstruction, alteration, relocation, or improvement to be made in such manner and upon such terms and conditions as may be reasonable and necessary and may apportion the cost of such reconstruction, alteration, relocation, or improvement and the subsequent maintenance thereof, having regard to the benefits, if any, accruing to the railroad or any party in interest, between the rail carrier or carriers and public utilities affected, or between such carrier or carriers and public utilities and the State, county, municipality or other public authority in interest. The cost to be so apportioned shall include the cost of changes or alterations in the equipment of public utilities affected as well as the cost of the relocation, diversion or establishment of any public highway, made necessary by such reconstruction, alteration, relocation, or improvement of said crossing. A hearing shall not be required in those instances when the Commission enters an order confirming a written stipulation in which the Commission, the public highway authority or other public authority in interest, the rail carrier or carriers affected, and in instances involving the use of the Grade Crossing Protection Fund, the Illinois Department of Transportation, agree on the reconstruction, alteration, relocation, or improvement and the subsequent maintenance thereof and the division of costs of such changes of any grade crossing (including the necessary highway approaches thereto) of any railroad across any highway, pedestrian bridge, or pedestrian subway. The Commission shall also have power to enter into stipulated agreements with a rail carrier or rail carriers or public authorities to fund, provide, install, and maintain safety treatments to deter trespassing on railroad property in accordance with paragraph

(1) of Section 18c-7503 at locations approved by such rail carrier or rail carriers following a diagnostic evaluation between the Commission and the rail carrier or rail carriers, including any public authority in interest or the Federal Railroad Administration, and to order the allocation of the cost of those treatments and their installation and maintenance from the Grade Crossing Protection Fund. Safety treatments approved under this paragraph by the Commission shall be deemed adequate and appropriate. Every rail carrier operating in the State of Illinois shall construct and maintain every highway crossing over its tracks within the State so that the roadway at the intersection shall be as flush with the rails as superelevated curves will allow, and, unless otherwise ordered by the Commission, shall construct and maintain the approaches thereto at a grade of not more than 5% within the right-of-way for a distance of not less the 6 feet on each side of the centerline of such tracks; provided, that the grades at the approaches may be maintained in excess of 5% only when authorized by the Commission. Every rail carrier operating within this State shall remove from its right-of-way at all railroad-highway grade crossings within the State, such brush, shrubbery, and trees as is reasonably practical for a distance of not less than 500 feet in either direction from each grade crossing. The Commission shall have power, upon its own motion, or upon complaint, and after having made proper investigation, to require the installation of adequate and

appropriate luminous reflective warning signs, luminous flashing signals, crossing gates illuminated at night, or other protective devices in order to promote and safeguard the health and safety of the public. Luminous flashing signal or crossing gate devices installed at grade crossings, which have been approved by the Commission, shall be deemed adequate and appropriate. The Commission shall have authority to determine the number, type, and location of such signs, signals, gates, or other protective devices which, however, shall conform as near as may be with generally recognized national standards, and the Commission shall have authority to prescribe the division of the cost of the installation and subsequent maintenance of such signs, signals, gates, or other protective devices between the rail carrier or carriers, the public highway authority or other public authority in interest, and in instances involving the use of the Grade Crossing Protection Fund, the Illinois Department of Transportation. Except where train crews provide flagging of the crossing to road users, yield signs shall be installed at all highway intersections with every grade crossing in this State that is not equipped with automatic warning devices, such as luminous flashing signals or crossing gate devices. A stop sign may be used in lieu of the yield sign when an engineering study conducted in cooperation with the highway authority and the Illinois Department of Transportation has determined that a stop sign is warranted. If the Commission has ordered the installation of luminous flashing signal or crossing gate devices at a grade crossing not equipped with active warning devices, the Commission shall order the installation of temporary stop signs at the highway intersection with the grade crossing unless an engineering study has determined that a stop sign is not appropriate. If a stop sign is not appropriate, the Commission may order the installation of other appropriate supplemental signing as determined by an engineering study. The temporary signs shall remain in place until the luminous flashing signal or crossing gate devices have been installed. The rail carrier is responsible for the installation and subsequent maintenance of any required signs. The permanent signs shall be in place by July 1, 2011. No railroad may change or modify the warning device system at a railroad-highway grade crossing, including warning systems interconnected with highway traffic control signals, without having first received the approval of the Commission. The Commission shall have the further power, upon application, upon its own motion, or upon complaint and after having made proper investigation, to require the interconnection of grade crossing warning devices with traffic control signals at highway intersections located at or near railroad crossings within the distances described by the State Manual on Uniform Traffic Control Devices adopted pursuant to Section 11-301 of this Code. In addition, State and local authorities may not install, remove, modernize, or otherwise modify traffic control signals at a highway intersection that is interconnected or proposed to be interconnected with grade crossing warning devices when the change affects the number, type, or location of traffic control devices on the track approach leg or legs of the intersection or the timing of the railroad preemption sequence of operation until the Commission has approved the installation, removal, modernization, or modification. Commission approval shall be limited to consideration of issues directly affecting the public safety at the railroad-highway grade crossing. The electrical circuit devices, alternate warning devices, and preemption sequences shall conform as nearly as possible, considering the particular characteristics of the crossing and intersection area, to the State manual adopted by the Illinois Department of Transportation pursuant to Section 11-301 of this Code and such federal standards as are made applicable by subsection (2) of this Section. In order to carry out this authority, the Commission shall have the authority to determine the number, type, and location of traffic control devices on the track approach leg or legs of the intersection and the timing of the railroad preemption sequence of operation. The Commission shall prescribe the division of costs for installation and maintenance of all devices required by this paragraph between the railroad or railroads and the highway authority in interest and in instances involving the use of the Grade Crossing Protection Fund or a State highway, the Illinois Department of Transportation. Any person who unlawfully or maliciously removes, throws down, damages or defaces any sign, signal, gate, or other protective device, located at or near any public grade crossing, shall be guilty of a petty offense and fined not less than \$50 nor more than \$200 for each offense. In addition to fines levied under the provisions of this Section a person adjudged guilty hereunder may also be directed to make restitution for the costs of repair or replacement, or both, necessitated by his misconduct. It is the public policy of the State of Illinois to enhance public safety by establishing safe grade crossings. In order to implement this policy, the Illinois Commerce Commission is directed to conduct public hearings and to adopt specific criteria by July 1, 1994, that shall be adhered to by the Illinois Commerce Commission in determining if a grade crossing should be opened or abolished. The following factors shall be considered by the Illinois Commerce Commission in developing the specific criteria for opening and abolishing grade crossings:

- (a) timetable speed of passenger trains;
- (b) distance to an alternate crossing;
- (c) accident history for the last 5 years;

- (d) number of vehicular traffic and posted speed limits;
 - (e) number of freight trains and their timetable speeds;
 - (f) the type of warning device present at the grade crossing;
 - (g) alignments of the roadway and railroad, and the angle of intersection of those alignments;
 - (h) use of the grade crossing by trucks carrying hazardous materials, vehicles carrying passengers for hire, and school buses; and
 - (i) use of the grade crossing by emergency vehicles. The Illinois Commerce Commission, upon petition to open or abolish a grade crossing, shall enter an order opening or abolishing the crossing if it meets the specific criteria adopted by the Commission. Except as otherwise provided in this subsection (3), in no instance shall a grade crossing be permanently closed without public hearing first being held and notice of such hearing being published in an area newspaper of local general circulation.
- (4) Freight Trains; Radio Communications. The Commission shall after hearing and order require that every main line railroad freight train operating on main tracks outside of yard limits within this State shall be equipped with a radio communication system. The Commission after notice and hearing may grant exemptions from the requirements of this Section as to secondary and branch lines.
- (5) Railroad Bridges and Trestles; Walkway and Handrail. In cases in which the Commission finds the same to be practical and necessary for safety of railroad employees, bridges and trestles, over and upon which railroad trains are operated, shall include as a part thereof, a safe and suitable walkway and handrail on one side only of such bridge or trestle, and such handrail shall be located at the outer edge of the walkway and shall provide a clearance of not less than 8 feet, 6 inches, from the center line of the nearest track, measured at right angles thereto.
- (6) Packages Containing Articles for First Aid to Injured on Trains.
- (a) All rail carriers shall provide a first aid kit that contains, at a minimum, those articles prescribed by the Commission, on each train or engine, for first aid to persons who may be injured in the course of the operation of such trains.
 - (b) A vehicle, excluding a taxi cab used in an emergency situation, operated by a contract carrier transporting railroad employees in the course of their employment shall be equipped with a readily available first aid kit that contains, as a minimum, the same articles that are required on each train or engine.
- (7) Abandoned Bridges, Crossings, and Other Rail Plant. The Commission shall have authority, after notice and hearing, to order:
- (a) the removal of any abandoned railroad tracks from roads, streets or other thoroughfares in this State; and
 - (b) the removal of abandoned overhead railroad structures crossing highways, waterways, or railroads. The Commission may equitably apportion the cost of such actions between the rail carrier or carriers, public utilities, and the State, county, municipality, township, road district, or other public authority in interest.
- (8) Railroad-Highway Bridge Clearance. A vertical clearance of not less than 23 feet above the top of rail shall be provided for all new or reconstructed highway bridges constructed over a railroad track. The Commission may permit a lesser clearance if it determines that the 23-foot clearance standard cannot be justified based on engineering, operational, and economic conditions.
- (9) Right of Access To Railroad Property.
- (a) A community antenna television company franchised by a municipality or county pursuant to the Illinois Municipal Code or the Counties Code, respectively, shall not enter upon any real estate or rights-of-way in the possession or control of a railroad subject to the jurisdiction of the Illinois Commerce Commission unless the community antenna television company first complies with the applicable provisions of subparagraph
 - (f) of Section 11-42-11.1 of the Illinois Municipal Code or subparagraph
 - (f) of Section 5-1096 of the Counties Code.
 - (b) Notwithstanding any provision of law to the contrary, this subsection
 - (9) applies to all entries of railroad rights-of-way involving a railroad subject to the jurisdiction of the Illinois Commerce Commission by a community antenna television company and shall govern in the event of any conflict with any other provision of law.

(c) This subsection

(9) applies to any entry upon any real estate or right-of-way in the possession or control of a railroad subject to the jurisdiction of the Illinois Commerce Commission for the purpose of or in connection with the construction, or installation of a community antenna television company's system or facilities commenced or renewed on or after August 22, 2017 (the effective date of Public Act 100-251).

(d) Nothing in Public Act 100-251 shall be construed to prevent a railroad from negotiating other terms and conditions or the resolution of any dispute in relation to an entry upon or right of access as set forth in this subsection (9).

(e) For purposes of this subsection (9): "Broadband service", "cable operator", and "holder" have the meanings given to those terms under Section 21-201 of the Public Utilities Act. "Community antenna television company" includes, in the case of real estate or rights-of-way in possession of or in control of a railroad, a holder, cable operator, or broadband service provider.

(f) Beginning on August 22, 2017 (the effective date of Public Act 100-251), the Transportation Division of the Illinois Commerce Commission shall include in its annual Crossing Safety Improvement Program report a brief description of the number of cases decided by the Illinois Commerce Commission and the number of cases that remain pending before the Illinois Commerce Commission under this subsection

(9) for the period covered by the report.

(10) The Commuter Rail Division of the Northern Illinois Transit Authority shall be treated as a rail carrier subject to the Illinois Commerce Commission's safety requirements for track, facilities, and equipment in accordance with Section 18c-7401 and eligible to receive money from the Grade Crossing Protection Fund or any fund of the State or other source available for purposes of promoting safety and separation of at-grade railroad crossings or highway improvements.

625 ILCS 5/18c-7401.1 — Rules for safe railroad worker walkways

Sec. 18c-7401.1. Rules for safe railroad worker walkways. Within 90 days after the effective date of this amendatory Act of the 93rd General Assembly, the Commission shall adopt rules regarding safe walkways for railroad workers in areas where work is regularly performed on the ground. The rules must include, at a minimum, a requirement that any walkway

(i) have a reasonably uniform surface, (ii) be maintained in a safe condition, and (iii) be reasonably free of obstacles, debris, and other hazards.

625 ILCS 5/18c-7402 — Safety requirements for railroad operations

Sec. 18c-7402. Safety requirements for railroad operations.

(1) Obstruction of crossings.

(a) Obstruction of emergency vehicles. Every railroad shall be operated in such a manner as to minimize obstruction of emergency vehicles at crossings. Where such obstruction occurs and the train crew is aware of the obstruction, the train crew shall immediately take any action, consistent with safe operating procedure, necessary to remove the obstruction. In the Chicago and St. Louis switching districts, every railroad dispatcher or other person responsible for the movement of railroad equipment in a specific area who receives notification that railroad equipment is obstructing the movement of an emergency vehicle at any crossing within such area shall immediately notify the train crew through use of existing communication facilities. Upon notification, the train crew shall take immediate action in accordance with this paragraph.

(b) Obstruction of highway at grade crossing prohibited. It is unlawful for a rail carrier to permit any train, railroad car or engine to obstruct public travel at a railroad-highway grade crossing for a period in excess of 10 minutes, except where such train or railroad car is continuously moving or cannot be moved by reason of circumstances over which the rail carrier has no reasonable control. In a county with a population of greater than 1,000,000, as determined by the most recent federal census, during the hours of 7:00 a.m. through 9:00 a.m. and 4:00 p.m. through 6:00 p.m. it is unlawful for a rail carrier to permit any single train or railroad car to obstruct public travel at a railroad-highway grade crossing in excess of a total of 10 minutes during a 30 minute period, except where the train or railroad car cannot be moved by reason or circumstances over which the rail carrier has no reasonable control. Under no circumstances will a moving train be stopped for the purposes of issuing a citation related to this Section. However, no employee acting under the rules or orders of the rail carrier or its supervisory personnel may be prosecuted for a violation of this subsection (b).

(c) Punishment for obstruction of grade crossing. Any rail carrier violating paragraph

(b) of this subsection shall be guilty of a petty offense and fined not less than \$200 nor more than \$500 if the duration of the obstruction is in excess of 10 minutes but no longer than 15 minutes. If the duration of the obstruction exceeds 15 minutes the violation shall be a business offense and the following fines shall be imposed: if the duration of the obstruction is in excess of 15 minutes but no longer than 20 minutes, the fine shall be \$500; if the duration of the obstruction is in excess of 20 minutes but no longer than 25 minutes, the fine shall be \$700; if the duration of the obstruction is in excess of 25 minutes, but no longer than 30 minutes, the fine shall be \$900; if the duration of the obstruction is in excess of 30 minutes but no longer than 35 minutes, the fine shall be \$1,000; if the duration of the obstruction is in excess of 35 minutes, the fine shall be \$1,000 plus an additional \$500 for each 5 minutes of obstruction in excess of 25 minutes of obstruction.

(2) Other operational requirements.

(a) Bell and whistle-crossings. Every rail carrier shall cause a bell, and a whistle or horn to be placed and kept on each locomotive, and shall cause the same to be rung or sounded by the engineer or fireman, at the distance of at least 1,320 feet, from the place where the railroad crosses or intersects any public highway, and shall be kept ringing or sounding until the highway is reached; provided that at crossings where the Commission shall by order direct, only after a hearing has been held to determine the public is reasonably and sufficiently protected, the rail carrier may be excused from giving warning provided by this paragraph. (a-5) The requirements of paragraph

(a) of this subsection

(2) regarding ringing a bell and sounding a whistle or horn do not apply at a railroad crossing that has a permanently installed automated audible warning device authorized by the Commission under Section 18c-7402.1 that sounds automatically when an approaching train is at least 1,320 feet from the crossing and that keeps sounding until the lead locomotive has crossed the highway. The engineer or fireman may ring the bell or sound the whistle or horn at a railroad crossing that has a permanently installed audible warning device.

(b) Speed limits. Each rail carrier shall operate its trains in compliance with speed limits set by the Commission. The Commission may set train speed limits only where such limits are necessitated by extraordinary circumstances affecting the public safety, and shall maintain such train speed limits in effect only for such time as the extraordinary circumstances prevail. The Commission and the Department of Transportation shall conduct a study of the relation between train speeds and railroad-highway grade crossing safety. The Commission shall report the findings of the study to the General Assembly no later than January 5, 1997.

(c) Special speed limit; pilot project. The Commission and the Board of the Commuter Rail Division of the Regional Transportation Authority shall conduct a pilot project in the Village of Fox River Grove, the site of the fatal school bus crash at a railroad crossing on October 25, 1995, in order to improve railroad crossing safety. For this project, the Commission is directed to set the maximum train speed limit for Regional Transportation Authority trains at 50 miles per hour at intersections on that portion of the intrastate rail line located in the Village of Fox River Grove. If the Regional Transportation Authority deliberately fails to comply with this maximum speed limit, then any entity, governmental or otherwise, that provides capital or operational funds to the Regional Transportation Authority shall appropriately reduce or eliminate that funding. The Commission shall report to the Governor and the General Assembly on the results of this pilot project in January 1999, January 2000, and January 2001. The Commission shall also submit a final report on the pilot project to the Governor and the General Assembly in January 2001. The provisions of this subsection (c), other than this sentence, are inoperative after February 1, 2001.

(d) Freight train crew size. No rail carrier shall operate or cause to operate a train or light engine used in connection with the movement of freight unless it has an operating crew consisting of at least 2 individuals. The minimum freight train crew size indicated in this subsection

(d) shall remain in effect until a federal law or rule encompassing the subject matter has been adopted. The Commission, with respect to freight train crew member size under this subsection (d), has the power to conduct evidentiary hearings, make findings, and issue and enforce orders, including sanctions under Section 18c-1704 of this Chapter. As used in this subsection (d), "train or light engine" does not include trains operated by a hostler service or utility employees.

(3) Report and investigation of rail accidents.

(a) Reports. Every rail carrier shall report to the Commission, by the speediest means possible, whether telephone, telegraph, or otherwise, every accident involving its equipment, track, or other property which resulted in loss of life to any person. In addition, such carriers shall file a written report with the Commission. Reports submitted under this paragraph

shall be strictly confidential, shall be specifically prohibited from disclosure, and shall not be admissible in any administrative or judicial proceeding relating to the accidents reported.

(b) Investigations. The Commission may investigate all railroad accidents reported to it or of which it acquires knowledge independent of reports made by rail carriers, and shall have the power, consistent with standards and procedures established under the Federal Railroad Safety Act, as amended, to enter such temporary orders as will minimize the risk of future accidents pending notice, hearing, and final action by the Commission. (Text of Section from P.A. 104-457, Article 5, Section 5-920) Sec. 18c-7402. Safety requirements for railroad operations.

(1) Obstruction of crossings.

(a) Obstruction of emergency vehicles. Every railroad shall be operated in such a manner as to minimize obstruction of emergency vehicles at crossings. Where such obstruction occurs and the train crew is aware of the obstruction, the train crew shall immediately take any action, consistent with safe operating procedure, necessary to remove the obstruction. In the Chicago and St. Louis switching districts, every railroad dispatcher or other person responsible for the movement of railroad equipment in a specific area who receives notification that railroad equipment is obstructing the movement of an emergency vehicle at any crossing within such area shall immediately notify the train crew through use of existing communication facilities. Upon notification, the train crew shall take immediate action in accordance with this paragraph.

(b) Obstruction of highway at grade crossing prohibited. It is unlawful for a rail carrier to permit any train, railroad car or engine to obstruct public travel at a railroad-highway grade crossing for a period in excess of 10 minutes, except where such train or railroad car is continuously moving or cannot be moved by reason of circumstances over which the rail carrier has no reasonable control. In a county with a population of greater than 1,000,000, as determined by the most recent federal census, during the hours of 7:00 a.m. through 9:00 a.m. and 4:00 p.m. through 6:00 p.m. it is unlawful for a rail carrier to permit any single train or railroad car to obstruct public travel at a railroad-highway grade crossing in excess of a total of 10 minutes during a 30 minute period, except where the train or railroad car cannot be moved by reason or circumstances over which the rail carrier has no reasonable control. Under no circumstances will a moving train be stopped for the purposes of issuing a citation related to this Section. However, no employee acting under the rules or orders of the rail carrier or its supervisory personnel may be prosecuted for a violation of this subsection (b).

(c) Punishment for obstruction of grade crossing. Any rail carrier violating paragraph

(b) of this subsection shall be guilty of a petty offense and fined not less than \$200 nor more than \$500 if the duration of the obstruction is in excess of 10 minutes but no longer than 15 minutes. If the duration of the obstruction exceeds 15 minutes the violation shall be a business offense and the following fines shall be imposed: if the duration of the obstruction is in excess of 15 minutes but no longer than 20 minutes, the fine shall be \$500; if the duration of the obstruction is in excess of 20 minutes but no longer than 25 minutes, the fine shall be \$700; if the duration of the obstruction is in excess of 25 minutes, but no longer than 30 minutes, the fine shall be \$900; if the duration of the obstruction is in excess of 30 minutes but no longer than 35 minutes, the fine shall be \$1,000; if the duration of the obstruction is in excess of 35 minutes, the fine shall be \$1,000 plus an additional \$500 for each 5 minutes of obstruction in excess of 25 minutes of obstruction.

(2) Other operational requirements.

(a) Bell and whistle-crossings. Every rail carrier and the Commuter Rail Division of the Northern Illinois Transit Authority shall cause a bell, and a whistle or horn to be placed and kept on each locomotive, and shall cause the same to be rung or sounded by the engineer or fireman, at the distance of at least 1,320 feet, from the place where the railroad crosses or intersects any public highway, and shall be kept ringing or sounding until the highway is reached; provided that at crossings where the Commission shall by order direct, only after a hearing has been held to determine the public is reasonably and sufficiently protected, the rail carrier may be excused from giving warning provided by this paragraph.

(a-5) The requirements of paragraph

(a) of this subsection

(2) regarding ringing a bell and sounding a whistle or horn do not apply at a railroad crossing that has a permanently installed automated audible warning device authorized by the Commission under Section 18c-7402.1 that sounds automatically when an approaching train is at least 1,320 feet from the crossing and that keeps sounding until the lead locomotive has crossed the highway. The engineer or fireman may ring the bell or sound the whistle or horn at a railroad crossing that has a permanently installed audible warning device.

(b) Speed limits. Each rail carrier shall operate its trains in compliance with speed limits set by the Commission. The Commission may set train speed limits only where such limits are necessitated by extraordinary circumstances affecting the public safety, and shall maintain such train speed limits in effect only for such time as the extraordinary circumstances prevail. The Commission and the Department of Transportation shall conduct a study of the relation between train speeds and railroad-highway grade crossing safety. The Commission shall report the findings of the study to the General Assembly no later than January 5, 1997.

(c) Special speed limit; pilot project. The Commission and the Board of the Commuter Rail Division of the Northern Illinois Transit Authority shall conduct a pilot project in the Village of Fox River Grove, the site of the fatal school bus crash at a railroad crossing on October 25, 1995, in order to improve railroad crossing safety. For this project, the Commission is directed to set the maximum train speed limit for Northern Illinois Transit Authority trains at 50 miles per hour at intersections on that portion of the intrastate rail line located in the Village of Fox River Grove. If the Northern Illinois Transit Authority deliberately fails to comply with this maximum speed limit, then any entity, governmental or otherwise, that provides capital or operational funds to the Northern Illinois Transit Authority shall appropriately reduce or eliminate that funding. The Commission shall report to the Governor and the General Assembly on the results of this pilot project in January 1999, January 2000, and January 2001. The Commission shall also submit a final report on the pilot project to the Governor and the General Assembly in January 2001. The provisions of this subsection (c), other than this sentence, are inoperative after February 1, 2001.

(d) Freight train crew size. No rail carrier shall operate or cause to operate a train or light engine used in connection with the movement of freight unless it has an operating crew consisting of at least 2 individuals. The minimum freight train crew size indicated in this subsection

(d) shall remain in effect until a federal law or rule encompassing the subject matter has been adopted. The Commission, with respect to freight train crew member size under this subsection (d), has the power to conduct evidentiary hearings, make findings, and issue and enforce orders, including sanctions under Section 18c-1704 of this Chapter. As used in this subsection (d), "train or light engine" does not include trains operated by a hostler service or utility employees.

(3) Report and investigation of rail accidents.

(a) Reports. Every rail carrier and the Commuter Rail Division of the Northern Illinois Transit Authority shall report to the Commission, by the speediest means possible, whether telephone, telegraph, or otherwise, every accident involving its equipment, track, or other property which resulted in loss of life to any person. In addition, such carriers shall file a written report with the Commission. Reports submitted under this paragraph shall be strictly confidential, shall be specifically prohibited from disclosure, and shall not be admissible in any administrative or judicial proceeding relating to the accidents reported.

(b) Investigations. The Commission may investigate all railroad accidents reported to it or of which it acquires knowledge independent of reports made by rail carriers or the Commuter Rail Division of the Northern Illinois Transit Authority, and shall have the power, consistent with standards and procedures established under the Federal Railroad Safety Act, as amended, to enter such temporary orders as will minimize the risk of future accidents pending notice, hearing, and final action by the Commission. (Text of Section from P.A. 104-457, Article 15, Section 15-200) Sec. 18c-7402. Safety requirements for railroad operations.

(1) Obstruction of crossings.

(a) Obstruction of emergency vehicles. Every railroad shall be operated in such a manner as to minimize obstruction of emergency vehicles at crossings. Where such obstruction occurs and the train crew is aware of the obstruction, the train crew shall immediately take any action, consistent with safe operating procedure, necessary to remove the obstruction. In the Chicago and St. Louis switching districts, every railroad dispatcher or other person responsible for the movement of railroad equipment in a specific area who receives notification that railroad equipment is obstructing the movement of an emergency vehicle at any crossing within such area shall immediately notify the train crew through use of existing communication facilities. Upon notification, the train crew shall take immediate action in accordance with this paragraph.

(b) Obstruction of highway at grade crossing prohibited. It is unlawful for a rail carrier to permit any train, railroad car or engine to obstruct public travel at a railroad-highway grade crossing for a period in excess of 10 minutes, except where such train or railroad car is continuously moving or cannot be moved by reason of circumstances over which the rail carrier has no reasonable control. In a county with a population of greater than 1,000,000, as determined by the most recent federal census, during the hours of 7:00 a.m. through 9:00 a.m. and 4:00 p.m. through 6:00 p.m. it is unlawful for a

rail carrier to permit any single train or railroad car to obstruct public travel at a railroad-highway grade crossing in excess of a total of 10 minutes during a 30 minute period, except where the train or railroad car cannot be moved by reason or circumstances over which the rail carrier has no reasonable control. Under no circumstances will a moving train be stopped for the purposes of issuing a citation related to this Section. However, no employee acting under the rules or orders of the rail carrier or its supervisory personnel may be prosecuted for a violation of this subsection (b).

(c) Punishment for obstruction of grade crossing. Any rail carrier violating paragraph

(b) of this subsection shall be guilty of a petty offense and fined not less than \$200 nor more than \$500 if the duration of the obstruction is in excess of 10 minutes but no longer than 15 minutes. If the duration of the obstruction exceeds 15 minutes the violation shall be a business offense and the following fines shall be imposed: if the duration of the obstruction is in excess of 15 minutes but no longer than 20 minutes, the fine shall be \$500; if the duration of the obstruction is in excess of 20 minutes but no longer than 25 minutes, the fine shall be \$700; if the duration of the obstruction is in excess of 25 minutes, but no longer than 30 minutes, the fine shall be \$900; if the duration of the obstruction is in excess of 30 minutes but no longer than 35 minutes, the fine shall be \$1,000; if the duration of the obstruction is in excess of 35 minutes, the fine shall be \$1,000 plus an additional \$500 for each 5 minutes of obstruction in excess of 25 minutes of obstruction.

(2) Other operational requirements.

(a) Bell and whistle-crossings. Every rail carrier and the Commuter Rail Division of the Northern Illinois Transit Authority shall cause a bell, and a whistle or horn to be placed and kept on each locomotive, and shall cause the same to be rung or sounded by the engineer or fireman, at the distance of at least 1,320 feet, from the place where the railroad crosses or intersects any public highway, and shall be kept ringing or sounding until the highway is reached; provided that at crossings where the Commission shall by order direct, only after a hearing has been held to determine the public is reasonably and sufficiently protected, the rail carrier may be excused from giving warning provided by this paragraph.

(a-5) The requirements of paragraph

(a) of this subsection

(2) regarding ringing a bell and sounding a whistle or horn do not apply at a railroad crossing that has a permanently installed automated audible warning device authorized by the Commission under Section 18c-7402.1 that sounds automatically when an approaching train is at least 1,320 feet from the crossing and that keeps sounding until the lead locomotive has crossed the highway. The engineer or fireman may ring the bell or sound the whistle or horn at a railroad crossing that has a permanently installed audible warning device.

(b) Speed limits. Each rail carrier shall operate its trains in compliance with speed limits set by the Commission. The Commission may set train speed limits only where such limits are necessitated by extraordinary circumstances affecting the public safety, and shall maintain such train speed limits in effect only for such time as the extraordinary circumstances prevail. The Commission and the Department of Transportation shall conduct a study of the relation between train speeds and railroad-highway grade crossing safety. The Commission shall report the findings of the study to the General Assembly no later than January 5, 1997.

(c) Special speed limit; pilot project. The Commission and the Board of the Commuter Rail Division of the Northern Illinois Transit Authority shall conduct a pilot project in the Village of Fox River Grove, the site of the fatal school bus crash at a railroad crossing on October 25, 1995, in order to improve railroad crossing safety. For this project, the Commission is directed to set the maximum train speed limit for Northern Illinois Transit Authority trains at 50 miles per hour at intersections on that portion of the intrastate rail line located in the Village of Fox River Grove. If the Northern Illinois Transit Authority deliberately fails to comply with this maximum speed limit, then any entity, governmental or otherwise, that provides capital or operational funds to the Northern Illinois Transit Authority shall appropriately reduce or eliminate that funding. The Commission shall report to the Governor and the General Assembly on the results of this pilot project in January 1999, January 2000, and January 2001. The Commission shall also submit a final report on the pilot project to the Governor and the General Assembly in January 2001. The provisions of this subsection (c), other than this sentence, are inoperative after February 1, 2001.

(d) Freight train crew size. No rail carrier shall operate or cause to operate a train or light engine used in connection with the movement of freight unless it has an operating crew consisting of at least 2 individuals. The minimum freight train crew size indicated in this subsection

(d) shall remain in effect until a federal law or rule encompassing the subject matter has been adopted. The Commission, with respect to freight train crew member size under this subsection (d), has the power to conduct evidentiary hearings, make findings, and issue and enforce orders, including sanctions under Section 18c-1704 of this Chapter. As used in this subsection (d), "train or light engine" does not include trains operated by a hostler service or utility employees.

(3) Report and investigation of rail accidents.

(a) Reports. Every rail carrier shall report to the Commission, by the speediest means possible, whether telephone, telegraph, or otherwise, every accident involving its equipment, track, or other property which resulted in loss of life to any person. In addition, such carriers shall file a written report with the Commission. Reports submitted under this paragraph shall be strictly confidential, shall be specifically prohibited from disclosure, and shall not be admissible in any administrative or judicial proceeding relating to the accidents reported.

(b) Investigations. The Commission may investigate all railroad accidents reported to it or of which it acquires knowledge independent of reports made by rail carriers or the Commuter Rail Division of the Northern Illinois Transit Authority, and it shall have the power, consistent with standards and procedures established under the Federal Railroad Safety Act, as amended, to enter such temporary orders as will minimize the risk of future accidents pending notice, hearing, and final action by the Commission.

625 ILCS 5/18c-7402.1 — Pilot projects; automated audible warning devices

Sec. 18c-7402.1. Pilot projects; automated audible warning devices.

(a) The General Assembly finds and declares that, for the communities of the State that are traversed by railroads, there is a growing need to mitigate train horn noise without compromising the safety of the public. Therefore, after applications are filed and approved by the Commission, the Commission shall authorize pilot projects in the counties of Cook, DuPage, Lake, and Will to test the utility and safety of stationary automated audible warning devices as an alternative to trains having to sound their horns as they approach highway-rail crossings.

(b) In light of the pending proposed ruling by the Federal Railroad Administration on the use of locomotive horns at all highway-rail crossings across the nation, it is in the best interest of the State for the Commission to expedite the pilot projects in order to contribute data to the federal rulemaking process regarding the possible inclusion of stationary automated warning devices in the counties of Cook, DuPage, Lake, and Will as a safety measure option to the proposed federal rule.

(c) The Commission shall adopt rules for implementing the pilot projects in the counties of Cook, DuPage, Lake, and Will.

625 ILCS 5/18c-7402.2 — Reports involving railroad fatalities

Sec. 18c-7402.2. Reports involving railroad fatalities. Personally identifying information, as defined in Section 1-159.2, of train crew members contained in reports involving railroad fatalities and contained in communications between police officers and train crew members involved in those occurrences shall be redacted from any public reports and shall be maintained by the police departments and any persons in subsequent possession thereof listed below in a manner that ensures the confidentiality of the train crew's personally identifying information. Unredacted copies of such reports and communications containing personally identifying information shall be accessible at all reasonable times:

(1) to the host or employing railroad;

(2) by court order, and to others specifically authorized by court order to obtain the information if the access is necessary in the performance of their duties; and

(3) to law enforcement officers, State's Attorneys, Assistant State's Attorneys, and Illinois Commerce Commission staff if the access is necessary in the performance of their duties.

625 ILCS 5/18c-7402.5

Sec. 18c-7402.5. (Repealed).

625 ILCS 5/18c-7403 — Enforcement and Waiver of Safety Requirements

Sec. 18c-7403. Enforcement and Waiver of Safety Requirements.

(1) Enforcement. Except with regard to grade crossing obstructions under Section 18c-7402 of this Chapter and trespass on railroad rights of way and yards under Section 18c-7503 of this Chapter, jurisdiction to initiate actions to enforce provisions of this Chapter is vested exclusively in the Commission. Where a valid federal statute, regulation, or order sets

forth procedures or sanctions for violation of safety standards, and such procedures or sanctions are preemptive of state law, the Commission shall exercise its enforcement jurisdiction under this Article in accordance therewith. Otherwise, the provisions of this Chapter regarding enforcement procedures and sanctions shall apply.

(2) Waiver. The Commission may waive any of the safety requirements under this Article if continued adherence to the requirement or requirements is not required for the safety of railroad employees or the public.

625 ILCS 5/18c-7404 — Transportation of Hazardous Materials by Rail Carriers

Sec. 18c-7404. Transportation of Hazardous Materials by Rail Carriers.

(1) Commission to Regulate Hazardous Materials Transportation by Rail Carrier.

(a) Powers of the Commission. The Commission is authorized to regulate the transportation of hazardous materials by rail carrier by:

(i) Adopting by reference the hazardous materials regulations of the Office of Hazardous Materials Transportation and the Federal Railroad Administration of the United States Department of Transportation, as amended; (ii) Conducting investigations, issuing subpoenas, taking depositions, requiring the production of relevant documents, records and property, and conducting hearings in aid of such investigations; (iii) Conducting a continuing review of all aspects of hazardous materials transportation by rail carrier to determine and recommend actions necessary to insure safe transportation of such materials; (iv) Undertaking, directly or indirectly, research, development, demonstration and training activities;

(v) Cooperating with other State agencies and enter into interagency agreements; and (vi) Entering upon, inspecting and examining the records and properties relating to the transportation of hazardous materials by rail, including all portions of any facility used in the loading, unloading, and actual movement of such materials, or in the storage of such materials incidental to actual movement by rail; (vii) Stopping and inspecting trains, at reasonable times and locations and in a reasonable manner, or taking any other action necessary to administer or enforce the provisions of this Section.

(b) Scope of Section. The provisions of this Section apply generally to the transportation of hazardous materials by rail carrier within the State of Illinois, but do not apply to:

(i) Natural gas pipelines; (ii) Transportation of firearms or ammunition for personal use or in commerce; or (iii) Transportation exempted by the Commission where the exemption granted by the Commission is: (A) Coextensive with an exemption granted by the Office of Hazardous Materials and the Federal Railroad Administration; or (B) Otherwise exempt under statutes or regulations governing similar transportation in interstate commerce.

(c) Rail Carriers to Comply with Commission Regulations. No person shall transport hazardous materials by rail carrier except in compliance with this Section, Commission regulations and orders.

(2) Enforcement.

(a) Criminal Penalties. Any person who willfully violates the provisions of this Section, Commission regulations or orders shall have committed a class 3 felony and be subject to criminal penalties in an amount not to exceed \$25,000.

(b) Civil Penalties. Any person who knowingly violates the provisions of this Section, Commission regulations or orders shall also be subject to civil penalties in an amount not to exceed \$10,000.

(c) Injunctive Relief. The Commission may petition any circuit court with venue and jurisdiction to enforce this Chapter to enjoin actions which it has reason to believe may pose an imminent hazard, and to issue such other orders as will eliminate or ameliorate the imminent hazard. As used in this Section, "imminent hazard" means a substantial likelihood that death, serious illness, or severe personal injury will occur prior to the time during which an administrative proceeding to abate the danger could normally be completed.

(3) Commission to Adopt Regulations. The Commission may adopt regulations governing the transportation of hazardous materials by rail carrier where:

(a) The risk created by such transportation is susceptible to control by regulation;

(b) State regulation would be more effective in controlling the risk than federal regulation; and

(c) The regulations adopted by the Commission are not inconsistent with federal regulations.

625 ILCS 5/18c-7405 — Accident counseling

Sec. 18c-7405. Accident counseling.

(a) Every Class I and Class II rail carrier, according to federal regulations, operating in this State must establish a counseling or trauma program and provide or make available counseling or other critical incident stress debriefing services to each member of an operating crew directly involved in an accident that results in loss of life or serious bodily injury on its railway or right-of-way.

(b) Each Class I and Class II rail carrier, according to federal regulations, operating in this State must file its counseling or trauma program with the processing section of the Transportation Division of the Illinois Commerce Commission, whose sole responsibility under this Section shall be to receive the program and make it available for public inspection. Each rail carrier subject to this subsection

(b) must review and update its counseling or trauma program filing every 3 years, at the request of the Commission. Programs may be filed by mail or electronic mail. Electronic filings shall be submitted to an email address designated by the Commission.

625 ILCS 5/18c-7406 — Closure of at-grade crossings; bicycle and pedestrian trails

Sec. 18c-7406. Closure of at-grade crossings; bicycle and pedestrian trails. When considering the closure of an at-grade railroad crossing to public use, the Commission shall consider the status of the crossing as an element of a bicycle and pedestrian trail funded under the federal Transportation Equity Act for the 21st Century (TEA-21) and its successor Acts.

625 ILCS 5/18c-7501 — Eminent Domain

Sec. 18c-7501. Eminent Domain. If any rail carrier shall be unable to agree with the owner for the purchase of any real estate required for the purposes of its incorporation, or the transaction of its business, or for its depots, station buildings, machine and repair shops, or for right of way or any other lawful purpose connected with or necessary to the building, operating or running of such rail carrier, such may acquire such title in the manner that may be now or hereafter provided for by the law of eminent domain. A rail carrier may exercise quick take powers of eminent domain as provided in Article 20 of the Eminent Domain Act, when all of the following conditions are met:

- (1) the complaint for condemnation is filed within one year of the effective date of this amendatory Act of 1988;
- (2) the purpose of the condemnation proceeding is to acquire land for the construction of an industrial harbor railroad port; and
- (3) the total amount of land to be acquired for that purpose is less than 75 acres and is adjacent to the Illinois River.

625 ILCS 5/18c-7502 — Malicious removal of or damage to railroad property or freight

Sec. 18c-7502. Malicious removal of or damage to railroad property or freight.

(a) Malicious removal of or damage to railroad property or freight. A person is guilty of an offense if he or she is found to have:

- (i) removed, taken, stolen, changed, added to, taken from, or in any manner changed, defaced, or interfered with any of the parts or attachments of any locomotive or car, or any plant or property used in or in connection with the operation of any railroad carrier, locomotive, car, or train, or shoots, throws, or drops any object onto or at any train, locomotive, or car;
- (ii) willfully and with intent to permanently deprive the owner thereof, taken or removed railroad freight from any freight car, including a boxcar, container, or flatbed; (iii) bought or received any of the railroad freight described in item (ii), having reason to know that such freight was stolen; or (iv) willfully placed upon an active railroad track or railroad right of way any object or objects that would adversely affect safe railroad operations.

(b) Penalties.

(1) If the railroad property damage does not exceed \$500 and no bodily injury occurs to another as a result of a violation of this Section, the person shall be guilty of a Class A misdemeanor. Upon being found in violation of item

(i) of subsection (a), the person shall, in addition to such other sanctions as may be deemed appropriate by the court, be subject to pay the railroad carrier involved the cost to repair any railroad property damaged, and to perform community service for not less than 30 hours or more than 120 hours. If community service is not available in the jurisdiction where the offense was committed, that person shall be subject to pay a fine of not less than \$150 or more than \$1,000, or imprisonment for not less than 5 days or more than 1 year, or both. If railroad property damage exceeds \$500 or bodily injury occurs to another as a result of a violation of this Section, the person shall be guilty of a Class 4 felony. Upon being found in violation of item

(i) of subsection (a), the person shall, in addition to such other sanctions as may be deemed appropriate by the court, be subject to pay the railroad carrier involved for the cost to repair any railroad property damaged, and shall be fined not less than \$1,000, nor more than \$25,000, or imprisonment for not less than 1 year, or more than 3 years, or both. If serious bodily injury or death occurs to another as a result of a violation of item

(i) of subsection (a), the person shall be guilty of a Class 2 felony and shall, in addition to such sanctions as may be deemed appropriate by the court, be subject to pay the railroad carrier involved the cost to repair any railroad property damaged, and shall be fined not less than \$5,000 nor more than \$25,000, or imprisonment for not less than 3 years nor more than 7 years, or both. If any such action is malicious and is the cause of wrecking any train, locomotive, or car in this State whereby the life of any person is lost, the person found guilty thereof shall be liable for first degree murder and the person shall be subject to pay the railroad carrier involved the cost to repair any railroad property damaged.

(2) Upon being found in violation of item (ii), (iii), or (iv) the person shall be guilty of a Class 4 felony. In addition to such other sanctions as may be deemed appropriate by the court, the person shall be subject to pay the railroad carrier involved for the cost to repair any railroad property damaged, and shall be fined not less than \$1,000, nor more than \$25,000, or imprisoned for not less than 1 year nor more than 3 years.

(3) Local authorities shall impose fines as established in this subsection

(b) for persons found in violation of this Section or any similar local ordinance.

(c) Definitions. As used in this Section: "Bodily injury" means:

(i) a cut, abrasion, bruise, bump, or disfigurement; (ii) physical pain; (iii) illness; (iv) impairment of the function of a bodily member, organ, or mental faculty; or

(v) any other injury to the body, no matter how temporary. "Railroad" means any form of nonhighway ground transportation that runs on rails or electromagnetic guideways, including:

(i) commuter or other short-haul railroad passenger service in a metropolitan or urban area; and (ii) high-speed ground transportation systems that connect metropolitan areas, but does not include rapid transit operations in an urban area that are not connected to the general railroad system of transportation. "Railroad carrier" means a person providing railroad transportation. "Railroad property" means all tangible property owned, leased, or operated by a railroad carrier including a right of way, track, bridge, yard, shop, station, tunnel, viaduct, trestle, depot, warehouse, terminal, or any other structure, appurtenance, or equipment owned, leased, or used in the operation of any railroad carrier including trains, locomotives, engines, railroad cars, work equipment, rolling stock, or safety devices. "Railroad property" does not include a railroad carrier's administrative buildings or offices, office equipment, or intangible property such as software or other information. "Right of way" means the track or roadbed owned, leased, or operated by a rail carrier that is located on either side of its tracks and that is readily recognizable to a reasonable person as being railroad property or is reasonably identified as such by fencing or appropriate signs. "Yard" means a system of parallel tracks, crossovers, and switches where railroad cars are switched and made up into trains, and where railroad cars, locomotives, and other rolling stock is kept when not in use or when awaiting repair. "Serious bodily injury" means bodily injury that involves:

(i) a substantial risk of death; (ii) extreme physical pain; (iii) protracted and obvious disfigurement; or (iv) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

625 ILCS 5/18c-7503 — Trespassing on railroad property; terminal security

Sec. 18c-7503. Trespassing on railroad property; terminal security.

(1) Trespassing on railroad property prohibited.

(a) General prohibition. Except as otherwise provided in paragraph

(b) of this subsection, no person may:

(i) walk, ride, drive or be upon or along the right of way or rail yard of a rail carrier within the State, at a place other than a public crossing; (ii) enter or be upon any railroad property; (iii) without lawful authority or the railroad carrier's consent, ride on the outside of a train or inside a passenger car, locomotive, or freight car, including a box car, flatbed, or container; (iv) willfully lead or contrive any animal to go upon the railroad's rights of way for any reason other than to pass over such rights of way at a marked public crossing; or

(v) throw or cause to be thrown on to the railroad's rights of way any waste paper, ashes, household waste, glass, metal, tires, refuse, or rubbish.

(b) Exceptions. This subsection shall not apply to:

(i) fare paying passengers on trains or employees of a rail carrier; (ii) railroad employees and an authorized representative of rail carrier employees, while performing required duties in accordance with reasonable rail carrier company guidelines; (iii) a person going upon the right of way or into the rail yard to save human life or to remove an object that a reasonable person would believe poses an imminent threat to human life or limb; (iv) a person being on the station grounds or in the depot of the rail carrier for the purpose of transacting business;

(v) a person, his family, or his employees or agents going across a farm crossing, as defined in this Chapter, for the purpose of crossing from one part to another part of a farm he owns or leases, where the farm lies on both sides of the right of way; (vi) a person having written permission from the rail carrier to go upon the right of way or into the rail yard; (vii) representatives of local, State, and federal governmental agencies in performance of their official duties; and (viii) a person having written permission from the rail carrier to go in or be upon railroad property.

(2) Penalties.

(a) Any person found in violation of item (i), (ii), (iii) or (iv) of paragraph
(a) of subsection

(1) shall be guilty of a Class C misdemeanor for a first offense. In addition to such other sanctions as may be deemed appropriate by the court, the person shall be subject to a mandatory fine of not less than \$150 or more than \$500, or to imprisonment for not less than 5 days nor more than 30 days, or both. For each subsequent offense, the person shall be guilty of a Class A misdemeanor. In addition to such sanctions as may be deemed appropriate by the court, the person shall be subject to a mandatory fine of not less than \$500 nor more than \$1,000, or to imprisonment for not less than 10 days or more than one year, or both.

(b) Any person found in violation of item

(v) of paragraph

(a) of subsection

(1) shall be guilty of an offense and in addition to such sanctions as may be deemed appropriate by the court shall be subject to a fine of not less than \$100 nor more than \$500, or community service of not less than 8 hours nor more than 50 hours, or both. If damage to any railroad property or bodily injury occurs to another as a result of a violation of item

(v) of paragraph

(a) of subsection (1), that person shall be charged with the offense of Malicious Removal of or Damage to Railroad Property or Freight pursuant to Section 18c-7502.

(c) Local authorities shall impose fines as established in paragraphs

(a) and

(b) of this subsection

(2) for persons found in violation of this Section or any similar local ordinance. (2.5) Terminal security. The owner of a terminal is expressly authorized, within the terminal property, to construct and operate berms, commercially constructed electric fences, and monitoring equipment as security measures for reducing the economic impact of theft, enhancing homeland security, and improving the protection of the general public welfare. The terminal owner shall properly operate and maintain these security measures. Any electric fence installed pursuant to this subsection shall:

(i) be marked with appropriate signs; (ii) be entirely surrounded at a distance of at least 36 inches by properly maintained non-electric perimeter fences at least 8 feet tall; (iii) operate at a level of current that is not lethal to a human being upon contact; (iv) be covered at all times by an insurance policy maintained by the operator of the terminal for liability from claims arising out of the operation of the fence in an amount not less than \$10,000,000 per occurrence; and

(v) be regularly monitored and inspected by a qualified electrician. The use of any of these security measures in accordance with this subsection is not a violation of this Sub-chapter.

(3) Definitions. For purposes of this Section: "Passenger" means a person who is traveling by train with lawful authority and who does not participate in the train's operation. The term "passenger" does not include stowaways. "Railroad" means any form of nonhighway ground transportation that runs on rails or electromagnetic guideways, including:

(i) commuter or other short-haul railroad passenger service in a metropolitan or urban area; and (ii) high-speed ground transportation systems that connect metropolitan areas; but does not include rapid transit operations in an urban area that

are not connected to the general railroad system of transportation. "Railroad carrier" means a person providing railroad transportation. "Railroad property" means all tangible property owned, leased, or operated by a railroad carrier including a right of way, track, bridge, yard, shop, station, tunnel, viaduct, trestle, depot, warehouse, terminal, or any other structure, appurtenance, or equipment owned, leased, or used in the operation of any railroad carrier including trains, locomotives, engines, railroad cars, work equipment, rolling stock, or safety devices. "Railroad property" does not include a railroad carrier's administrative buildings or offices, office equipment, or intangible property such as software or other information. "Right of way" means the track or roadbed owned, leased, or operated by a rail carrier which is located on either side of its tracks and which is readily recognizable to a reasonable person as being railroad property or is reasonably identified as such by fencing or appropriate signs. "Terminal" means a rail terminal facility, intermodal facility where at least one mode of transportation serviced by the facility is a railroad, or other railroad freight facility larger than 25 acres. "Yard" means a system of parallel tracks, crossovers, and switches where railroad cars are switched and made up into trains, and where railroad cars, locomotives, and other rolling stock is kept when not in use or when awaiting repair.

625 ILCS 5/18c-7504 — Construction of Fences, Farm Crossings, and Damages

Sec. 18c-7504. Construction of Fences, Farm Crossings, and Damages.

(1) Fencing. Every rail carrier shall, within 6 months after any part of its line is open for use, erect and thereafter maintain fences on both sides of its road or so much thereof as is open for use, suitable and sufficient to prevent cattle, horses, sheep, hogs or other livestock from getting on such railroad, provided that the other 3 sides of the property are enclosed, except at the crossings of public roads and highways, and within such portion of cities and incorporated towns and villages as are or may be hereafter laid out and platted into lots and blocks, with gates at the farm crossings of such railroad, which farm crossings shall be constructed by such rail carrier when and where the same may become necessary, for the use of the proprietors of the lands adjoining such railroad; and when such fences are not made as aforesaid, or when such fences are not kept in good repair, such rail carrier shall be liable for all damages which may be done by the agents, engines or cars of such rail carrier, to such cattle, horses, sheep, hogs or other livestock thereof, and reasonable attorney's fees in any court wherein suit is brought for such damages, or to which the same may be appealed; but where such fences have been duly made and kept in good repair, such rail carrier shall not be liable for any such damages, unless negligently or willfully done.

(2) Enforcement. If the rail carrier, after being notified, shall refuse to build or repair such fence, gates, or farm crossings, in accordance with the provisions of this, Section, the owner or occupant of the land required to be fenced shall be entitled to an order from any court of competent jurisdiction requiring the rail carrier to build or repair such fence, gates, or farm crossing and may recover interest at one percent per month of the cost of such building or repair, from the time the crossing or repair was requested, as damage in the circuit court, together with costs to be taxed by the court.

625 ILCS 5/18c-8101

Sec. 18c-8101. (Repealed).

625 ILCS 5/18c-8201

Sec. 18c-8201. (Repealed).

625 ILCS 5/18c-8301

Sec. 18c-8301. (Repealed).

625 ILCS 5/18c-8401

Sec. 18c-8401. (Repealed).

625 ILCS 5/18c-9101 — Remedies Cumulative

Sec. 18c-9101. Remedies Cumulative. Rights and remedies under this Chapter shall be cumulative of each other and of rights and remedies under other provisions of law, except as otherwise expressly provided herein. Exercise of one right or remedy under this Chapter shall not waive or bar exercise of any other, and imposition of one sanction under this Chapter shall not be a bar to imposition of any other sanction provided for in this Chapter.

625 ILCS 5/18c-9201 — Grandfather Clause

Sec. 18c-9201. Grandfather Clause. Except as otherwise expressly provided in this Chapter, valid regulations adopted, licenses, registrations, certifications and other authorizations issued or recognized, rates established or recognized, and forms promulgated or utilized under Acts or parts of Acts repealed by this Act shall have the same force and effect as if adopted, issued, established, or recognized under this Chapter.

625 ILCS 5/18d-101 — Short title

Sec. 18d-101. Short title. This Chapter may be cited as the Illinois Commercial Safety Towing Law.

625 ILCS 5/18d-105 — Definitions

Sec. 18d-105. Definitions. As used in this Chapter:

- (1) "Commercial vehicle safety relocater" or "safety relocater" means any person or entity engaged in the business of removing damaged or disabled vehicles from public or private property by means of towing or otherwise, and thereafter relocating and storing such vehicles.
- (2) "Commission" means the Illinois Commerce Commission.
- (3) "Beneficial owner" means an individual who either, directly or indirectly:
 - (a) exercises substantial control over a person or entity; or
 - (b) owns or controls at least 25% of the person's or entity's ownership interests.

625 ILCS 5/18d-110

Sec. 18d-110. The General Assembly finds and declares that commercial vehicle towing service in the State of Illinois fundamentally affects the public interest and public welfare. It is the intent of the General Assembly, in this amendatory Act of the 95th General Assembly, to promote the public interest and the public welfare by requiring similar basic consumer protections and fraud prevention measures that are required of other marketplace participants, including the disclosure of material terms and conditions of the service to consumers before consumers accept the terms and conditions. The General Assembly also intends that the provisions in this amendatory Act of the 95th General Assembly promote safety for all persons and vehicles that travel or otherwise use the public highways of this State. The General Assembly finds that it is in the public interest that persons whose vehicles are towed from the public highways know important basic information, such as where they can retrieve their vehicles and the cost to retrieve their vehicles, so that they can avoid vehicle deterioration and arrange for a prompt repair of the vehicles.

625 ILCS 5/18d-115 — Safety relocater registration required; application disclosures

Sec. 18d-115. Safety relocater registration required; application disclosures.

- (a) It is unlawful for any commercial vehicle safety relocater to operate in any county in which this Chapter is applicable without a valid, current safety relocater's registration certificate issued by the Commission.
- (b) The Commission shall issue safety relocater's registration certificates in accordance with administrative rules adopted by the Commission. The Commission shall require that in addition to such other information as the Commission may require by rule, any application for a safety relocater's registration be verified and disclose whether:
 - (1) the applicant has failed to satisfy any fine or penalty issued by the Commission;
 - (2) any officer, employee, or agent of the applicant has failed to satisfy any fine or penalty issued by the Commission;
 - (3) any person or entity other than the applicant with a beneficial owner in common with the applicant has failed to satisfy any fine or penalty issued by the Commission; or
 - (4) the applicant has failed to satisfy a judgment entered by a court of competent jurisdiction for violation of this Chapter or rules of the Commission adopted under this Chapter. If the Commission finds that any failure to satisfy a fine or penalty issued by the Commission or a judgment entered by a court of competent jurisdiction was, or should have been, disclosed by the applicant, the Commission may deny the application.
- (c) The Commission may inquire into the conduct of any commercial vehicle safety relocater, or the beneficial owner of a commercial vehicle safety relocater, to determine if the provisions of this Chapter and the rules of the Commission adopted pursuant to this Chapter are being observed.
- (d) If the Commission finds any failure to satisfy a fine or penalty issued by the Commission or a judgment entered by a court of competent jurisdiction, as set forth in subsection (b), it shall revoke the issued safety relocater's registration

unless the Commission finds, through clear and convincing evidence, good cause for the failure.

625 ILCS 5/18d-116 — Business and storage location requirements; proof of right to use premises

Sec. 18d-116. Business and storage location requirements; proof of right to use premises.

- (a) The office address that the commercial vehicle safety relocater lists on the application shall be the primary business location of the firm where its records are maintained, as required by Section 18d-135.
- (b) The application shall also list by address all locations of secure areas for vehicle storage and redemption maintained by the commercial vehicle safety relocater.
- (c) A safety relocater shall own or have a right to use and occupy, under a written lease, all business locations and vehicle storage and redemption locations listed on an application.
- (d) The commercial vehicle safety relocater shall notify the Commission in writing of any change in or addition of a primary business location or location of secure areas for vehicle storage and redemption.
- (e) Listing a primary business location or vehicle storage and redemption location on an application or update form that the safety relocater does not have a right to use or occupy by virtue of ownership or a written lease shall be considered a materially false statement for purposes of Section 18d-119. Failure to list a primary business location or vehicle storage and redemption location on an application or update form shall be considered a material omission for purposes of Section 18d-119.
- (f) Each business and storage location shall conform to Section 18d-130.

625 ILCS 5/18d-117 — Exemption

Sec. 18d-117. Exemption.

- (a) A tower, as defined by Section 1-205.2 of this Code, legally residing in a county not subject to this Chapter pursuant to Section 18d-180 of this Chapter may operate in a county that is subject to this Chapter pursuant to Section 18d-180 for the limited purpose of removing a damaged or disabled vehicle upon the request of the owner or operator legally residing in a county not subject to this Chapter to remove the vehicle and tow the vehicle across county lines to the county where the tower and owner or operator resides.
- (b) A tower operating for the limited purpose in subsection
 - (a) is not subject to the provisions of this Chapter.
 - (c) Subsection
 - (a) does not apply to towers that legally reside in both counties.

625 ILCS 5/18d-118 — Liens against personal property in a towed vehicle

Sec. 18d-118. Liens against personal property in a towed vehicle.

- (a) All child restraint systems, as defined in Section 4 of the Child Passenger Protection Act, and other child booster seats; eyeglasses; food; medicine; or personal medical and health care devices, including hearing instruments; perishable property; any operator's licenses; any cash, credit cards, or checks or checkbooks; any wallet, purse, or other property containing any operator's license, social security card, or other identifying documents or materials, cash, credit cards, checks or checkbooks, or passbooks; higher education textbooks and study materials in a vehicle towed pursuant to this Chapter shall be exempt from a lien under the Labor and Storage Lien (Small Amount) Act and may be reclaimed by the vehicle owner or operator or the spouse, parent, child, or sibling of the vehicle owner or operator, as long as the related person provides the commercial vehicle safety relocater written authorization from the owner of the personal property.
- (b) Other personal property in a relocated vehicle, excluding cargo, is exempt from a lien under the Labor and Storage Lien (Small Amount) Act and may be claimed by the owner of such personal property, or by the spouse, child, parent, or sibling of the owner of such personal property, as long as the related person provides the commercial vehicle safety relocater written authorization from the owner of such personal property, and provided the vehicle owner or related person provides the commercial vehicle safety relocater with proof that the vehicle owner has an insurance policy sufficient to pay applicable recovery, towing, and storage charges. Notwithstanding other provisions of this Code, cargo shall be subject to the tower's lien. The regulation of liens on personal property and exceptions to those liens in the case of vehicles towed as a result of being involved in a crash are exclusive powers and functions of the State. A home rule unit

may not regulate liens on personal property and exceptions to those liens in the case of vehicles towed as a result of being involved in a crash. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

625 ILCS 5/18d-119 — Making false statement; power to deny application and revoke registration

Sec. 18d-119. Making false statement; power to deny application and revoke registration.

(a) The Commission may deny, suspend, or revoke a commercial vehicle safety relocater registration if the applicant or licensee is found to have made a materially false statement or a material omission in a filing with the Commission, if the applicant has applied as a subterfuge for another party in interest, or if the applicant's business is operated, managed, or otherwise controlled by a person who was not disclosed on the application.

(b) The Commission shall not issue a commercial vehicle safety relocater registration to an applicant who has been denied or revoked pursuant to subsection

(a) for a period of up to 3 years from the date the application was denied or registration was revoked.

625 ILCS 5/18d-120 — Disclosure to vehicle owner or operator before towing of damaged or disabled vehicle commences

Sec. 18d-120. Disclosure to vehicle owner or operator before towing of damaged or disabled vehicle commences.

(a) A commercial vehicle safety relocater shall not commence the towing of a damaged or disabled vehicle without specific authorization from the vehicle owner or operator after the disclosures set forth in this Section.

(b) Every commercial vehicle safety relocater shall, before towing a damaged or disabled vehicle, give to each vehicle owner or operator a written disclosure providing:

(1) The formal business name of the commercial vehicle safety relocater, as registered with the Illinois Secretary of State, and its business address and telephone number.

(2) The address of the location to which the vehicle shall be relocated.

(3) The cost of all relocation, storage, and any other fees, without limitation, that the commercial vehicle safety relocater will charge for its services.

(4) An itemized description of the vehicle owner or operator's rights under this Code, as follows: "As a customer, you also have the following rights under Illinois law:

(1) This written disclosure must be provided to you before your vehicle is towed, providing the business name, business address, address where the vehicle will be towed, and a reliable telephone number;

(2) Before towing, you must be advised of the price of all services;

(3) Upon your demand, a final invoice itemizing all charges, as well as any damage to the vehicle upon its receipt and return to you, must be provided;

(4) Upon your demand, your vehicle must be returned during business hours, upon your prompt payment of all reasonable fees;

(5) You have the right to pay all charges in cash or by major credit card;

(6) Upon your demand, you must be provided with proof of the existence of mandatory insurance insuring against all risks associated with the transportation and storage of your vehicle."

(c) The commercial vehicle safety relocater shall provide a copy of the completed disclosure required by this Section to the vehicle owner or operator, before towing the damaged or disabled vehicle, and shall maintain an identical copy of the completed disclosure in its records for a minimum of 5 years after the transaction concludes.

(d) If the vehicle owner or operator is incapacitated, incompetent, or otherwise unable to knowingly accept receipt of the disclosure described in this Section, the commercial vehicle safety relocater shall provide a completed copy of the disclosure to local law enforcement and, if known, the vehicle owner or operator's automobile insurance company.

(e) If the commercial vehicle safety relocater fails to comply with the requirements of this Section, the commercial vehicle safety relocater shall be prohibited from seeking any compensation whatsoever from the vehicle owner or operator, including but not limited to any towing, storage, or other incidental fees. Furthermore, if the commercial vehicle safety relocater or operator fails to comply with the requirements of this Section, any contracts entered into by the commercial

vehicle safety relocater and the vehicle owner or operator shall be deemed null, void, and unenforceable.

(f) The authorization and disclosures required under this Section are not required if a tow was authorized by a law enforcement agency or officer, as evidenced by a tow sheet issued by the law enforcement agency or officer. If no tow sheet was issued by the authorizing law enforcement agency or officer, then the evidence may be presented through records of the safety relocater showing the date and time of authorization, the department and star or badge number of the officer from whom authorization was received, and the incident report number assigned by the law enforcement agency or officer.

625 ILCS 5/18d-121 — Vehicle relocation

Sec. 18d-121. Vehicle relocation.

(a) All vehicles subject to this Chapter shall be relocated to a storage and redemption lot registered with the Commission unless the owner or operator requests another location in writing. This subsection shall not apply to vehicles relocated pursuant to authorization from a law enforcement agency or official.

(b) Vehicles subject to this Chapter shall be released only after payment of applicable recovery, towing, and storage charges, as long as the charges were disclosed in compliance with Section 18d-120 or are exempt from disclosure under subsection

(f) of Section 18d-120.

625 ILCS 5/18d-125 — Disclosures to vehicle owners or operators; invoices

Sec. 18d-125. Disclosures to vehicle owners or operators; invoices.

(a) Upon demand of the vehicle owner or operator, the commercial vehicle safety relocater shall provide an itemized final invoice that fairly and accurately documents the charges owed by the vehicle owner or operator for relocation of damaged or disabled vehicles. The final estimate or invoice shall accurately record in writing all of the items set forth in this Section.

(b) The final invoice shall show the formal business name of the commercial vehicle safety relocater, as registered with the Illinois Secretary of State, its business address and telephone number, the date of the invoice, the odometer reading at the time the final invoice was prepared, the name of the vehicle owner or operator, and the description of the motor vehicle, including the motor vehicle identification number. In addition, the invoice shall describe any modifications made to the vehicle by the commercial vehicle safety relocater, any observable damage to the vehicle upon its initial receipt by the commercial vehicle safety relocater, and any observable damage to the vehicle at the time of its release to the vehicle owner or operator. The invoice shall itemize any additional charges and include those charges in the total presented to the vehicle owner or operator.

(c) A legible copy of the invoice shall be given to the vehicle owner or operator, and a legible copy shall be retained by the commercial vehicle safety relocater for a period of 5 years from the date of release of the vehicle. The copy may be retained in electronic format. Records may be stored at a separate location.

(d) Disclosure forms required in accordance with this Section 18d-120 must be approved by the Commission.

625 ILCS 5/18d-130 — Disclosures to vehicle owners or operators; required signs

Sec. 18d-130. Disclosures to vehicle owners or operators; required signs. Every commercial vehicle safety relocater's storage facility that relocates or stores damaged or disabled vehicles shall post, in a prominent place on the business premises, one or more signs, readily visible to customers, in the following form: YOUR CUSTOMER RIGHTS. YOU ARE ENTITLED BY LAW TO: 1. BEFORE TOWING, A WRITTEN DISCLOSURE STATING THE NAME OF THE TOWING AND STORAGE SERVICE, ITS BUSINESS ADDRESS AND TELEPHONE NUMBER, AND THE ADDRESS WHERE THE VEHICLE WAS TO BE TOWED. 2. BEFORE TOWING, THE PRICE OF ALL CHARGES FOR THE TOWING AND STORAGE OF YOUR VEHICLE. 3. UPON YOUR DEMAND FOR THE RETURN OF YOUR VEHICLE, A FINAL INVOICE ITEMIZING ALL CHARGES FOR TOWING, STORAGE, OR ANY OTHER SERVICES PROVIDED, AS WELL AS ANY DAMAGE IDENTIFIED TO THE VEHICLE AT THE TIME IT WAS TAKEN BY THE TOWING AND STORAGE FACILITY, AS WELL AS ANY DAMAGE TO THE VEHICLE IDENTIFIED UPON ITS RELEASE TO YOU. 4. THE RETURN OF YOUR VEHICLE, UPON YOUR DEMAND FOR ITS RETURN DURING BUSINESS HOURS AND YOUR PROMPT PAYMENT OF ALL REASONABLE FEES. 5. PAY ALL CHARGES IN CASH OR BY MAJOR CREDIT CARD. 6. UPON YOUR DEMAND, PROOF OF THE EXISTENCE OF INSURANCE, WHICH THE COMMERCIAL VEHICLE SAFETY RELOCATOR MUST MAINTAIN TO INSURE AGAINST RISK OF DAMAGE TO YOUR VEHICLE IN TRANSIT AND

WHILE IN STORAGE. IF THE COMMERCIAL VEHICLE SAFETY RELOCATOR HAS COMPLIED WITH THE ABOVE RIGHTS, YOU ARE REQUIRED, BEFORE TAKING THE VEHICLE FROM THE PREMISES, TO PAY FOR THE SERVICES PROVIDED BY THE COMMERCIAL VEHICLE RELOCATOR. The first line of each sign shall be in letters not less than 1.5 inches in height, and the remaining lines shall be in letters not less than one-half inch in height.

625 ILCS 5/18d-135 — Record keeping

Sec. 18d-135. Record keeping. Every commercial vehicle safety relocater engaged in relocation or storage of damaged or disabled vehicles shall maintain copies of

(i) all disclosures provided to vehicle owners or operators as required under this Chapter and (ii) all invoices provided to vehicle owners or operators as required under this Chapter. The copies may be maintained in an electronic format, shall be kept for 5 years, and shall be available for inspection by the Illinois Commerce Commission. Failure to provide requested documentation to the Illinois Commerce Commission within 3 business days of a request received from the Illinois Commerce Commission shall subject the commercial vehicle safety relocater to penalties imposed by the Illinois Commerce Commission. Penalties may include suspension of registration certificate and monetary fines up to \$1,000 for each violation.

625 ILCS 5/18d-140

Sec. 18d-140. Any vehicle used in connection with any commercial vehicle safety relocation service must have painted or firmly affixed to the vehicle on both sides of the vehicle in a color or colors vividly contrasting to the color of the vehicle the name, address, and telephone number of the safety relocater. The Commission shall prescribe reasonable rules and regulations pertaining to insignia to be painted or firmly affixed to vehicles.

625 ILCS 5/18d-145

Sec. 18d-145. Any vehicle used in connection with any commercial vehicle safety relocation service must carry in the power unit of the vehicle a certified copy of the currently effective safety relocater's registration certificate. Copies may be photographed, photocopied, or reproduced or printed by any other legible and durable process. Any person guilty of not causing to be displayed a copy of the safety relocater's registration certificate may in any hearing concerning the violation be excused from the payment of the penalty hereinafter provided upon a showing that the registration certificate was issued by the Commission, but was subsequently lost or destroyed.

625 ILCS 5/18d-150 — Waiver or limitation of liability prohibited

Sec. 18d-150. Waiver or limitation of liability prohibited.

(a) Commercial vehicle safety relocators engaged in the relocation or storage of damaged or disabled vehicles shall be prohibited from including a clause in contracts for the relocation or storage of vehicles purporting to waive or limit the commercial vehicle safety relocater's liability under this Code, in tort or contract, or under any other cognizable cause of action available to the vehicle owner or operator.

(b) Commercial vehicle safety relocators are prohibited from requiring the vehicle owner or operator to sign or agree to any document purporting to waive or limit the commercial vehicle safety relocater's liability under this Code, in tort or contract, or under any other cognizable cause of action available to the vehicle owner or operator.

(c) Any contract, release, or other document purporting to waive or limit the commercial vehicle safety relocater's liability under this Code, in tort or contract, or under any other cognizable cause of action available to the vehicle owner or operator, shall be deemed null, void, and unenforceable.

625 ILCS 5/18d-153 — Misrepresentation of affiliation

Sec. 18d-153. Misrepresentation of affiliation. It shall be unlawful for any tow operator to misrepresent an affiliation with the State, a unit of local government, an insurance company, a private club, or any other entity, or falsely claim to be included on a law enforcement agency's tow rotation list maintained under Section 4-203.5 of this Code, for the purpose of securing a business transaction with a vehicle owner or operator.

625 ILCS 5/18d-155

Sec. 18d-155.

- (a) The Commission may demand documentation or investigate business practices by a commercial vehicle safety relocater to determine compliance with this Chapter and rules adopted by the Commission pursuant to this Chapter.
- (b) Failure to comply with any Section of this Chapter, or any rules adopted by the Commission pursuant to this Chapter, as determined by the Commission shall subject a commercial vehicle safety relocater to penalties imposed by the Commission. Penalties may include suspension or revocation of registration certificate and monetary fines and civil penalties up to \$1,000 for each violation. Each day of a continuing violation of subsection
- (a) of this Section shall be a separate violation.
- (c) In addition to a person or entity deemed to be a commercial vehicle safety relocater pursuant to Section 18d-105, any officer of a corporation, manager of a limited liability company, partner of a partnership, or employee or agent of any such entity who knowingly permits a commercial vehicle safety relocater to violate provisions of this Chapter or rules adopted by the Commission pursuant to this Chapter shall be subject to penalties as provided in this Section.
- (d) Every commercial vehicle safety relocater must designate and maintain a registered agent for service of process. The registered agent must have a physical address within the State where the registered agent can receive legal documents and official notices. This address must be a physical location, not a post office box, and must be open and staffed during regular business hours.

625 ILCS 5/18d-157 — Vehicle impoundment

Sec. 18d-157. Vehicle impoundment.

- (a) The Commission police may seize and impound a tow truck by authorizing the towing and storage of the tow truck where the officer has probable cause to believe that:
- (1) the tow truck is being used, or was used, to remove a damaged or disabled vehicle from public or private property while the owner or operator of the tow truck does not hold a valid, current safety relocater's registration certificate issued by the Commission; or
 - (2) the registered owner of the tow truck owes past due fines, civil penalties, or fees to the Commission.
- (b) At the time the vehicle is towed, the officer ordering the tow shall provide to the person in control of the tow truck a copy of the vehicle impoundment report. The Commission shall mail a notice of impoundment to all registered owners and lienholders within 2 business days after the date the vehicle was impounded if the vehicle is registered in this State. If the vehicle is registered in a jurisdiction other than this State, the Commission shall request owner and lienholder information from the appropriate agency within 2 business days after the date the vehicle was impounded and shall mail a notice of impoundment to all registered owners and lienholders within 2 business days after receiving the information. Notices shall be mailed by certified mail, return receipt requested, to the addresses on file with the Secretary of State, or in the case of a foreign-registered vehicle, to the addresses on file with the State where the vehicle is registered. At minimum, the notice of impoundment shall contain:
- (1) in bold typeface, a heading with the words "Notice of Impoundment";
 - (2) a description of the impounded tow truck;
 - (3) the reason for impoundment;
 - (4) the location where the impounded tow truck is being stored;
 - (5) the potential fines, civil penalties, and fees that must be satisfied to reclaim the tow truck;
 - (6) procedures to request a hearing before the Commission; and
 - (7) a notice that if the tow truck remains unclaimed, it may be sold or disposed of in accordance with applicable law.
- (c) Before a vehicle impounded under this Section may be released, the owner or lienholder must obtain a release from the Commission and pay all storage and towing fees to the towing service. To obtain a release from the Commission, the owner or lienholder shall furnish to the Commission proof of ownership, such as title, vehicle registration, or bill of sale, or right to possession of the vehicle and valid identification, and:
- (1) pay the \$1,000 administrative fine plus any fines for concurrent violations, and pay all other fines, civil penalties, and fees owed to the Commission. Such payment shall constitute an admission of liability and a waiver of the right to a hearing;

(2) post a bond in the amount of the \$1,000 administrative fine plus any fines for concurrent violations, which bond shall be held by the Commission; pay all other unpaid fines, civil penalties, and fees owed to the Commission; and request a hearing to contest the impoundment; or

(3) request a hearing. A release shall not be issued under this subparagraph until ordered by the Commission after the conclusion of the hearing and any fines, civil penalties or fees ordered have been paid. Fines and civil penalties and posting of bond may be paid by certified or cashier's check or money order.

(d) A request for hearing shall, unless otherwise provided for by the Commission, be mailed to the Commission within 15 calendar days after the mailing date of the notice of impoundment. The Commission shall conduct a hearing within 10 business days after receipt of a request for hearing. The Commission shall determine, by a preponderance of the evidence, whether the vehicle should be released without payment of the administrative fine and any fines for concurrent violations. The failure of the owner of record to appear at the hearing or to request a continuance in a timely manner shall be deemed a waiver of the right to a hearing, and a default order in favor of the Commission may be entered. If, after the hearing, the Commission determines that the vehicle should be released without payment of the administrative fine and any fines for concurrent violations, any bond posted shall be refunded. If, after the hearing, the Commission determines that the vehicle should not be released without payment of the administrative fine and any fines for concurrent violations, the bond shall be forfeited to the Commission in the amount of the fines, civil penalties, and fees owed, and any surplus shall be refunded. Fines, civil penalties, and fees imposed pursuant to this Chapter shall constitute a debt owed to the Commission, which may be enforced in any manner provided for by law. Any cash bond posted pursuant to this Section shall be applied to the fines, civil penalties, and fees owed.

(e) Except as otherwise provided in this Section, a vehicle shall continue to be impounded until:

(1) the vehicle has been reclaimed pursuant to subsection (d); or

(2) the vehicle or equipment is deemed unclaimed.

(f) Any vehicle not reclaimed within 10 working days after the expiration of the time during which the owner of record may seek judicial review of the Commission's action, or within 10 working days after a final judgment in favor of the Commission, may be disposed of as an unclaimed vehicle in accordance with Sections 4-208 and 4-209.

625 ILCS 5/18d-158 — Failure to satisfy fines or penalties; referral to Secretary of State

Sec. 18d-158. Failure to satisfy fines or penalties; referral to Secretary of State.

(a) In addition to any other remedies provided by law, the Commission may report any person with unpaid fees, fines, or penalties issued by the Commission to the Secretary of State for suspension of the person's tow truck registrations.

(b) Prior to referral under this Section, the Commission shall issue a final demand for payment which shall clearly state that failure to pay the outstanding fines or penalties by the date provided in the demand will result in a referral to the Secretary of State for the suspension of that person's tow truck registrations in accordance with Section 3-704.4.

625 ILCS 5/18d-160 — Unlawful practice

Sec. 18d-160. Unlawful practice. Any commercial vehicle safety relocater engaged in the relocation or storage of damaged or disabled vehicles who fails to comply with Sections 18d-115, 18d-120, 18d-125, 18d-130, 18d-135, 18d-150, or 18d-153 of this Code commits an unlawful practice within the meaning of the Consumer Fraud and Deceptive Business Practices Act.

625 ILCS 5/18d-165 — Charges payable in cash or by major credit card

Sec. 18d-165. Charges payable in cash or by major credit card. Any towing or storage charges accrued by the vehicle owner or operator shall be payable by the use of any major credit card, in addition to being payable in cash.

625 ILCS 5/18d-170 — Mandatory insurance coverage

Sec. 18d-170. Mandatory insurance coverage.

(a) A commercial vehicle safety relocater shall provide insurance coverage for all risks associated with the transportation of vehicles towed under this Chapter, as well as for areas where vehicles towed under this Chapter are impounded or otherwise stored, and shall adequately cover loss by fire, theft, or other risks.

(b) Upon the demand of the vehicle owner or operator, a commercial vehicle safety relocater shall promptly supply proof of the existence of this insurance.

(c) Any person who fails to comply with the conditions and restrictions of this subsection shall be fined not less than \$100 nor more than \$500.

625 ILCS 5/18d-175 — Disposition of funds

Sec. 18d-175. Disposition of funds. All fees and fines collected by the Commission under this Chapter shall be paid into the Transportation Regulatory Fund in the State treasury. The money in that fund shall be used to defray the expenses of the administration of this Chapter.

625 ILCS 5/18d-180

Sec. 18d-180. The provisions of this Chapter apply to all the activities of safety relocators in any jurisdiction to which Chapter 18a of this Code applies in accordance with Section 18a-700.

625 ILCS 5/18d-185 — Consumer complaints against safety relocators

Sec. 18d-185. Consumer complaints against safety relocators. The Commission shall post a notice of the administrative citations issued to a safety relocater and the disposition of the administrative citation on its website.

625 ILCS 5/20-101 — Moneys derived from registration, operation and use of automobiles and from fuel taxes - Use

Sec. 20-101. Moneys derived from registration, operation and use of automobiles and from fuel taxes - Use. From and after the effective date of this Act, except as provided in Section 3-815.1 of this Code, no public moneys derived from fees, excises or license taxes relating to registration, operation and use of vehicles on public highways or to fuels used for the propulsion of such vehicles, shall be appropriated or expended other than for costs of administering the laws imposing such fees, excises and license taxes, statutory refunds and adjustments allowed thereunder, administrative costs of the Department of Transportation, payment of debts and liabilities incurred in construction and reconstruction of public highways and bridges, acquisition of rights-of-way for, and the cost of construction, reconstruction, maintenance, repair and operation of public highways and bridges under the direction and supervision of the State, political subdivision or municipality collecting such moneys, and the costs for patrolling and policing the public highways (by the State, political subdivision or municipality collecting such money) for enforcement of traffic laws; provided, that such moneys may be used for the retirement of and interest on bonds heretofore issued for purposes other than the construction of public highways or bridges but not to a greater extent, nor a greater length of time, than is provided in acts heretofore adopted and now in force. Further the separation of grades of such highways with railroads and costs associated with protection of at-grade highway and railroad crossings shall also be permissible.

625 ILCS 5/20-201 — Effect of headings

Sec. 20-201. Effect of headings. Chapter, Article and Section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any Chapter, Article or Section hereof.

625 ILCS 5/20-201.1 — Gender

Sec. 20-201.1. Gender. When used in this Code, words importing the masculine may be applied to females and vice versa.

625 ILCS 5/20-201.2 — Number

Sec. 20-201.2. Number. When used in this Code, words importing the singular may extend and be applied to several persons or things, and words importing the plural number may include singular.

625 ILCS 5/20-201.3 — Tense

Sec. 20-201.3. Tense. When used in this Code, words importing the present tense may include the future and vice versa.

625 ILCS 5/20-202 — Act not retroactive

Sec. 20-202. Act not retroactive. This Act shall not have a retroactive effect and shall not apply to any traffic crash, to a cause of action arising out of a traffic crash or judgment arising therefrom, or to any violation of the laws of this State, occurring prior to the effective date of this Act.

625 ILCS 5/20-203 — Constitutionality

Sec. 20-203. Constitutionality. If any part or parts of this Act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act. The legislature hereby declares that it would have passed the remaining parts of this Act if it had known that such part or parts thereof would be declared unconstitutional.

625 ILCS 5/20-204

Sec. 20-204. A county or the corporate authorities of a municipality may adopt all or any portion of this Illinois Vehicle Code by reference.

625 ILCS 5/20-205 — Use of current documents

Sec. 20-205. Use of current documents. A State agency may exhaust any copies of a form or document using "accident", in relation to automobile accidents, motor vehicle accidents, and traffic accidents before printing copies of a new version of the form or document that uses "crash" pursuant to the changes made by this amendatory Act of the 102nd General Assembly.

625 ILCS 5/20-301 — Repeal

Sec. 20-301. Repeal. The following acts are repealed:

- (a) The "Illinois Vehicle Law", approved July 11, 1957, as amended.
- (b) "AN ACT in relation to motor vehicles and to repeal a certain act therein named", approved June 30, 1919, as amended.
- (c) "AN ACT in relation to the issuance of insurance policies in connection with certain transactions involving motor vehicles, and providing a penalty for the violation thereof", approved July 7, 1955, as amended.
- (d) "AN ACT providing for the use of public money derived from fees, excises, and license taxes relating to registration, operation and use of vehicles on public highways, and fuels used for the propulsion of such vehicles", approved July 21, 1947, as amended.
- (e) The "Uniform Act Regulating Traffic on Highways", approved July 9, 1935, as amended.
- (f) "AN ACT in relation to the prevention of the use of public highways by vehicles exceeding prescribed weight limits", approved August 6, 1949, as amended.
- (g) "AN ACT relating to the operation of ambulances", approved July 25, 1963.
- (h) "AN ACT to prevent the overloading of motor vehicles used in transporting children", approved July 22, 1959, as amended.
- (i) "AN ACT in relation to the sale of certain tires for use on motor vehicles", approved July 9, 1955, as amended.
- (j) The "Illinois Motor Carrier of Property Act", approved July 7, 1953, as amended.
- (k) "AN ACT to create a Motor Vehicle Laws Commission, to define its powers and duties, and to make an appropriation therefor", approved June 21, 1951, as amended.
- (l) "AN ACT to authorize the Department of Public Safety to furnish copies of traffic accident reports and be paid a fee therefor", approved April 17, 1967.
- (m) "AN ACT relating to the powers and duties of the Governor in connection with the Federal Highway Safety Act of 1966", approved August 18, 1967.
- (n) "AN ACT enacting and entering into the Driver Licenses Compact", approved August 19, 1963, as amended.
- (o) "AN ACT to adopt the Vehicle Equipment Safety Compact and to provide for the administration thereof", approved August 19, 1963.

625 ILCS 40/ Snowmobile Registration and Safety Act.

625 ILCS 40/1-1 — Title and declaration of intent

Sec. 1-1. Title and declaration of intent. This Act shall be known and may be cited as the "Snowmobile Registration and Safety Act". It is the policy of this State to promote safety for persons and property in and connected with the use, operation and equipment of snowmobiles and to promote uniformity of laws relating thereto.

625 ILCS 40/1-2 — Definitions

Sec. 1-2. Definitions. As used in this Act, the terms specified in the Sections following this Section and preceding Section 1-3 have the meanings ascribed to them in those Sections unless the context clearly requires a different meaning.

625 ILCS 40/1-2.01 — "Cowling" means the forward portions of a snowmobile surrounding the motor and clutch assembly

Sec. 1-2.01. "Cowling" means the forward portions of a snowmobile surrounding the motor and clutch assembly.

625 ILCS 40/1-2.02

Sec. 1-2.02. "Dealer" means any person who engages in the business of manufacturing, selling, or dealing in, on consignment or otherwise, any number of new snowmobiles, or 5 or more used snowmobiles of any make during the year, including any watercraft or off-highway vehicle dealer or a person licensed as a new or used vehicle dealer who also sells or deals in, on consignment or otherwise, any number of snowmobiles as defined by this Act.

625 ILCS 40/1-2.03

Sec. 1-2.03. "Dangerous drug" means any drug defined as a depressant or stimulant substance in the "Illinois Controlled Substances Act" and cannabis as defined in the "Cannabis Control Act".

625 ILCS 40/1-2.04 — "Department" means the Department of Natural Resources

Sec. 1-2.04. "Department" means the Department of Natural Resources.

625 ILCS 40/1-2.05

Sec. 1-2.05.

(a) "Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(b) "State highway" means State highways as defined in the Illinois Highway Code.

(c) "Interstate highway" means any highway which now is, or shall hereafter be a part of the national system of interstate and defense highways within this State.

(d) "Controlled access highway" means every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

(e) "Tollroad" means all highways under the jurisdiction of the Illinois State Toll Highway Authority.

625 ILCS 40/1-2.06 — "Intoxicating Beverage" means any beverage enumerated in the "Liquor Control Act of 1934"

Sec. 1-2.06. "Intoxicating Beverage" means any beverage enumerated in the "Liquor Control Act of 1934".

625 ILCS 40/1-2.07

Sec. 1-2.07. "Local authority" means every county, municipal, and other local board or body having authority to adopt local police regulations under the Constitution and laws of this State.

625 ILCS 40/1-2.08 — "Narcotic drug" means any substance defined as a narcotic drug in the "Illinois Controlled Substances Act"

Sec. 1-2.08. "Narcotic drug" means any substance defined as a narcotic drug in the "Illinois Controlled Substances Act".

625 ILCS 40/1-2.09

Sec. 1-2.09. "Operate" means to ride in or on, other than as a passenger, use or control the operation of a snowmobile in any manner, whether or not the snowmobile is under way.

625 ILCS 40/1-2.10 — "Operator" means every person who operates or is in actual physical control of a snowmobile

Sec. 1-2.10. "Operator" means every person who operates or is in actual physical control of a snowmobile.

625 ILCS 40/1-2.11 — "Owner" means a person, other than a lien holder, having title to a snowmobile

Sec. 1-2.11. "Owner" means a person, other than a lien holder, having title to a snowmobile. The term includes a person entitled to the use or possession of a snowmobile subject to an interest in another person, reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security.

625 ILCS 40/1-2.12 — "Person" means an individual, partnership, firm, corporation, association, or other entity

Sec. 1-2.12. "Person" means an individual, partnership, firm, corporation, association, or other entity.

625 ILCS 40/1-2.13 — "Register" means the act of assigning a registration number to a snowmobile

Sec. 1-2.13. "Register" means the act of assigning a registration number to a snowmobile.

625 ILCS 40/1-2.14

Sec. 1-2.14. "Roadway" means that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes 2 or more separate roadways the term "roadway" as used in this Act refers to any such roadway separately but not to all such roadways collectively.

625 ILCS 40/1-2.15

Sec. 1-2.15. "Snowmobile" means a self-propelled device designed for travel on snow or ice or natural terrain steered by skis or runners, and supported in part by skis, belts, or cleats.

625 ILCS 40/1-3 — Application and jurisdiction

Sec. 1-3. Application and jurisdiction. The Department shall, for purposes of this Act, have the power, duty, and authority to administer and enforce all statutes, rules and regulations, except as otherwise provided by statute, relating to the operation and use of snowmobiles within the State.

625 ILCS 40/2-1 — Enforcement

Sec. 2-1. Enforcement. It is the duty of all Conservation Police Officers and all sheriffs, deputy sheriffs, and other police officers to arrest any person detected in violation of any of the provisions of this Act. It is further the duty of all such officers to make prompt investigation of any violation of the provisions of this Act reported by any other person, and to cause a complaint to be filed before the circuit court if there seems just ground for such complaint and evidence procurable to support the same.

625 ILCS 40/2-2 — Inspection; seizure; impoundment

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

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

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

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

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

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

impoundment, or may be released prior to the end of the impoundment period, however, if:

(1) the snowmobile was not owned by the person under arrest, and the lawful owner requesting release of the snowmobile possesses proof of ownership, and would not, as determined by the arresting law enforcement agency:

(i) indicate a lack of ability to operate a snowmobile in a safe manner, or (ii) otherwise, by operating the snowmobile, be in violation of this Act; or

(2) the snowmobile is owned by the person under arrest, and the person under arrest gives permission to another person to operate the snowmobile, and the other person would not, as determined by the arresting law enforcement agency:

(i) indicate a lack of ability to operate a snowmobile in a safe manner, or (ii) otherwise, by operating the snowmobile, be in violation of this Act.

625 ILCS 40/2-3 — Prosecutions

Sec. 2-3. Prosecutions. All prosecutions under this Act shall be brought in the name and by the authority of the People of the State of Illinois before the circuit court having jurisdiction under the law relative to the enforcement of the provisions hereof. It is the duty of all State's Attorneys to enforce this Act in their respective counties and to prosecute all persons charged with violating the provisions hereof.

625 ILCS 40/2-4 — Resistance to Officers

Sec. 2-4. Resistance to Officers. It is unlawful for any person to resist or obstruct any officer or employee of the Department in the discharge of his duties under this Act.

625 ILCS 40/2-5 — False Representation

Sec. 2-5. False Representation. It is unlawful for any person to represent himself falsely to be an officer or employee of the Department or to assume to act as such without having been duly appointed and employed as such.

625 ILCS 40/3-1 — Operation of Unnumbered Snowmobiles

Sec. 3-1. Operation of Unnumbered Snowmobiles.

(a) Except as hereinafter provided, no person who is a resident of this State shall, after the effective date of this Act, operate any snowmobile within this State unless such snowmobile has been registered and numbered in accordance with the provisions of this Article, and unless the certificate of number awarded to such snowmobile is in full force and effect. A person who is not a resident of this State and who operates a snowmobile within this State may register that snowmobile in this State, but in the event that he or she does not, and he or she is not otherwise exempt under subsection

(c) of Section 3-12 of this Article, he or she must obtain and display a trail use sticker in accordance with Section 3-12 of this Article.

(b) A person convicted of violating this Section is guilty of a petty offense.

625 ILCS 40/3-2 — Identification Number Application

Sec. 3-2. Identification Number Application. The owner of each snowmobile requiring numbering by this State shall file an application for number with the Department on forms approved by it. The application shall be signed by the owner of the snowmobile and shall be accompanied by a fee of \$30. When a snowmobile dealer sells a snowmobile the dealer shall, at the time of sale, require the buyer to complete an application for the registration certificate, collect the required fee and mail the application and fee to the Department no later than 15 days after the date of sale. Combination application-receipt forms shall be provided by the Department and the dealer shall furnish the buyer with the completed receipt showing that application for registration has been made. This completed receipt shall be in the possession of the user of the snowmobile until the registration certificate is received. No snowmobile dealer may charge an additional fee to the buyer for performing this service required under this subsection. However, no purchaser exempted under Section 3-11 of this Act shall be charged any fee or be subject to the other requirements of this Section. The application form shall so state in clear language the requirements of this Section and the penalty for violation near the place on the application form provided for indicating the intention to register in another jurisdiction. Each dealer shall maintain, for one year, a record in a form prescribed by the Department for each snowmobile sold. These records shall be open to inspection by the Department. Upon receipt of the application in approved form the Department shall enter the same upon the records of its office and issue to the applicant a certificate of number stating the number awarded to the snowmobile and the name and address of the owner. For the registration years beginning on or after January 1, 2017, the application shall be

signed by the owner of the snowmobile and shall be accompanied by a fee of \$45.

625 ILCS 40/3-3 — Identification Number Display

Sec. 3-3. Identification Number Display. The Department shall issue to the snowmobile owner two registration expiration decals with the number awarded to that snowmobile imprinted upon the decals. The owner shall apply these decals on each side of the cowling of such snowmobile. The certificate of number shall be pocket size and shall be available at all times for inspection on the snowmobile for which issued, whenever such snowmobile is in operation.

625 ILCS 40/3-4 — Destruction, Sale, Transfer or Abandonment

Sec. 3-4. Destruction, Sale, Transfer or Abandonment. The owner of any snowmobile shall within 15 days notify the Department if such snowmobile is destroyed or abandoned, or is sold or transferred either wholly or in part to another person or persons. In all such cases, the notice shall be accompanied by a surrender of the certificate of number. When the surrender of the certificate is by reason of the snowmobile being destroyed or abandoned, the Department shall cancel the certificate and enter such fact in its records. The Department shall be notified in writing of any change of address. Should the owner desire a new certificate of number, showing the new address, he shall surrender his old certificate and notify the Department of the new address, remitting one dollar to cover the issuance of a new certificate of number. If the surrender is by reason of a sale or transfer either wholly or in part to another person or persons, the owner surrendering the certificate shall state to the Department, under oath, the name of the purchaser or transferee.

625 ILCS 40/3-5 — Transfer of Identification Number

Sec. 3-5. Transfer of Identification Number. The purchaser of a snowmobile shall, within 15 days after acquiring same, make application to the Department for the transfer to him of the certificate of number issued to the snowmobile, giving his name, his address and the number of the snowmobile. The purchaser shall apply for a transfer-renewal for a fee of \$30 for approximately 3 years. All transfers will bear September 30 expiration dates in the calendar year of expiration. Upon receipt of the application and fee, the Department shall transfer the certificate of number issued to the snowmobile to the new owner. Unless the application is made and fee paid within 30 days, the snowmobile shall be deemed to be without certificate of number and it shall be unlawful for any person to operate the snowmobile until the certificate is issued. For the registration years beginning on or after January 1, 2017, the purchaser shall apply for a transfer-renewal for a fee of \$45 for approximately 3 years.

625 ILCS 40/3-6 — Loss of certificate

Sec. 3-6. Loss of certificate. Should a certificate of number or registration expiration decal become lost, destroyed, or mutilated beyond legibility, the owner of the snowmobile shall make application to the Department for the replacement of the certificate or decal, giving his name, address, and the number of his snowmobile and shall at the same time pay to the Department a fee of \$5.

625 ILCS 40/3-7 — Department Records

Sec. 3-7. Department Records.) All records of the Department made or kept under this Article shall be public records.

625 ILCS 40/3-8 — Certificate of Number

Sec. 3-8. Certificate of Number. Every certificate of number awarded under this Act shall continue in full force and effect for approximately 3 years unless sooner terminated or discontinued in accordance with this Act. All new certificates issued will bear September 30 expiration dates in the calendar year 3 years after the issuing date. Provided however, that the Department may, for purposes of implementing this Section, adopt rules for phasing in the issuance of new certificates and provide for 1, 2 or 3 year expiration dates and pro-rated payments or charges for each registration. All certificates shall be renewed for 3 years from the nearest September 30 for a fee of \$30. All certificates will be considered invalid after October 15 of the year of expiration. All certificates expiring in a given year shall be renewed between April 1 and September 30 of that year, in order to allow sufficient time for processing. The Department shall issue "registration expiration decals" with all new certificates of number, all certificates of number transferred and renewed, and all certificates of number renewed. The decals issued for each year shall be of a different and distinct color from the decals of each year currently displayed. The decals shall be affixed to each side of the cowling of the snowmobile in the manner prescribed by the rules and regulations of the Department. The Department shall fix a day and month of the year on which certificates of number due to expire shall lapse and no longer be of any force and effect unless renewed pursuant to this Act. No number or registration expiration decal, except a sticker or number which may be required by a political

subdivision, municipality, or state, other than the registration expiration decal issued to a snowmobile or granted reciprocity pursuant to this Act, shall be painted, attached, or otherwise displayed on either side of the cowling of such snowmobile. A dealer engaged in the manufacture, sale, or leasing of snowmobiles required to be numbered hereunder, upon application to the Department upon forms prescribed by it, may obtain certificates of number for use in the testing or demonstrating of such snowmobiles upon payment of \$30 for each registration. Certificates of number so issued may be used by the applicant in the testing or demonstrating of snowmobiles by temporary placement of the registration expiration decals assigned by such certificates on the snowmobile so tested or demonstrated. For the registration years beginning on or after January 1, 2017, every certificate of number awarded under this Section shall be accompanied by a fee of \$45.

625 ILCS 40/3-9 — Registration List

Sec. 3-9. Registration List. A snowmobile registration list may be furnished for official use at no charge only to such federal, state, county and municipal enforcement agencies as may require such data. A snowmobile registration list may be furnished, at the cost of reproduction, to statewide not-for-profit Illinois snowmobile organizations for use only with educational programs.

625 ILCS 40/3-10 — Penalty

Sec. 3-10. Penalty. No person shall at any time falsely alter or change in any manner the certificate of number issued under the provisions hereof, or falsify any record required by this Act, or counterfeit any form of license provided for by this Act.

625 ILCS 40/3-11 — Exception from numbering provisions of this Act

Sec. 3-11. Exception from numbering provisions of this Act.) A snowmobile shall not be required to be numbered under this Act if it is: A. Owned and used by the United States, another state, or a political subdivision thereof, but such snowmobiles shall display the name of the owner on the cowling thereof. B. (Blank). C. Owned and operated on lands owned by the owner or operator or on lands to which he has a contractual right other than as a member of a club or association, provided the snowmobile is not operated elsewhere within the state. D. Used only on international or national competition circuits in events for which written permission has been obtained by the sponsoring or sanctioning body from the governmental unit having jurisdiction over the location of any event held in this State. E. Owned by persons domiciled in Illinois but used entirely in another jurisdiction when such owner has complied with the provisions of Section 3-2 of this Act. F. Designed for use by small children primarily as a toy and used only on private property and not on any public use trail.

625 ILCS 40/3-12 — Trail use stickers

Sec. 3-12. Trail use stickers.

(a) Except as provided in subsection

(c) of this Section, a person who is not a resident of this State shall not operate a snowmobile in this State unless a numbered trail use sticker issued under this Section is displayed on the snowmobile.

(b) The fee for a trail use sticker issued for a snowmobile under subsection

(a) of this Section is \$25 per registration year. A trail use sticker issued for such a snowmobile may be issued only by the Department and persons appointed by the Department and expires on June 30 of each registration year.

(c) A snowmobile that is registered and numbered in accordance with the provisions of this Article or that is exempt from registration under Section 3-11 of this Article is exempt from having a trail use sticker displayed under subsection

(a) of this Section.

(d) The Department may appoint any person who is not an employee of the Department as the Department's agent to issue trail use stickers and collect the fees for the stickers.

(e) The Department shall establish by rule procedures for issuing trail use stickers, and the Department may promulgate rules regulating the activities of persons who are authorized to be agents under this Section.

625 ILCS 40/3-13 — Mandatory liability insurance

Sec. 3-13. Mandatory liability insurance.

(a) Other than a person operating a snowmobile on their own property that is not a posted snowmobile trail, and other than a person operating a snowmobile on property other than a posted snowmobile trail in which the owner of the property has given his or her written or oral consent to the person to operate a snowmobile on the property, no person shall operate, register, or maintain registration of, and no owner shall permit another person to operate, register or maintain registration of, a snowmobile in this State unless the snowmobile is covered by a liability insurance policy. The insurance policy shall be issued in amounts no less than the minimum amounts set for bodily injury or death and for destruction of property under Section 7-203 of the Illinois Vehicle Code, and shall be issued in accordance with the requirements of Sections 143a and 143a-2 of the Illinois Insurance Code, as amended. No insurer other than an insurer authorized to do business in this State shall issue a policy pursuant to this Section 3-13. Nothing herein shall deprive an insurer of any policy defense available at common law.

(b) Proof of insurance as required by this Section shall be produced and displayed by the owner or operator of the snowmobile upon request to any law enforcement officer or to any person who has suffered or claims to have suffered either personal injury or property damage as a result of the operation of the snowmobile by the owner or operator.

(c) Except as provided in subsection (d), any operator of a snowmobile subject to registration and numbering under this Act who is convicted of violating subsection

(a) of this Section is guilty of a petty offense and shall be required to pay a fine in excess of \$500, but not more than \$1,000. However, no person charged with violating this Section shall be convicted if such person produces in court satisfactory evidence that at the time of the arrest the snowmobile was covered by a liability insurance policy in accordance with subsection

(a) of this Section. The chief judge of each circuit may designate an officer of the court to review the documentation demonstrating that at the time of arrest the snowmobile was covered by a liability insurance policy in accordance with subsection

(a) of this Section.

(d) A person who

(i) has not previously been convicted of or received a disposition of court supervision for violating subsection

(a) of this Section and (ii) produces at his or her court appearance satisfactory evidence that the snowmobile is covered, as of the date of the court appearance, by a liability insurance policy in accordance with Section 7-601 of the Illinois Vehicle Code shall, for a violation of this Section, pay a fine of \$100 and receive a disposition of court supervision. The person must, on the date that the period of court supervision is scheduled to terminate, produce satisfactory evidence that the snowmobile was covered by the required liability insurance policy during the entire period of court supervision. An officer of the court designated under subsection

(c) may also review liability insurance documentation under this subsection

(d) to determine if the snowmobile is, as of the date of the court appearance, covered by a liability insurance policy in accordance with Section 7-601 of the Illinois Vehicle Code. The officer of the court shall also determine, on the date the period of court supervision is scheduled to terminate, whether the snowmobile was covered by the required policy during the entire period of court supervision.

625 ILCS 40/4-1 — Equipment

Sec. 4-1. Equipment. All snowmobiles operating within the State of Illinois shall be equipped with: A. At least one white head-lamp having a minimum candlepower of sufficient intensity to exhibit a white light plainly visible from a distance of at least 500 feet ahead during hours of darkness under normal atmospheric conditions. If a snowmobile is equipped with a single beam lamp, such lamp shall be so aimed that when the vehicle is loaded none of the high intensity portion of the light, at a distance of 25 feet in front of the vehicle, projects higher than the level of the center of the lamp from which it originates. B. At least one red tail lamp having a minimum candlepower of sufficient intensity to exhibit a red light plainly visible from a distance of five hundred feet to the rear during hours of darkness under normal atmospheric conditions. C. A brake system in good mechanical condition. D. Reflective material of a minimum area of 16 square inches mounted on each side of the cowling. Identifying numbers may be included in computing the required 16 square inch area. E. Adequate sound suppression equipment. No snowmobile manufactured after June 1, 1972, shall be sold or offered for sale, unless it is equipped with sound suppression devices that limit total machine noise in accordance with noise pollution standards established pursuant to the Environmental Protection Act.

625 ILCS 40/4-2 — Inspection and Testing

Sec. 4-2. Inspection and Testing. The Department may adopt rules and regulations with respect to the inspection of snowmobiles and the testing of machine noise.

625 ILCS 40/4-3 — Sale Prohibited

Sec. 4-3. Sale Prohibited. No person shall have for sale, sell, or offer for sale in this State any snowmobile which fails to comply with Section 4-1, or which does not comply with the specifications for such equipment required by the rules and regulations of the Department after the effective date of such rules and regulations.

625 ILCS 40/4-4 — Racing Machines

Sec. 4-4. Racing Machines. Snowmobiles used only on international or national competition circuits in events for which written permission has been obtained by the sponsoring or sanctioning body from the governmental unit having jurisdiction over the location of any event held in this State are exempt from the provisions of this Article.

625 ILCS 40/5-1 — Operation Generally

Sec. 5-1. Operation Generally. It is unlawful for any person to drive or operate any snowmobile in the following ways: A. At a rate of speed too fast for conditions and the fact that the speed of the snowmobile does not exceed the applicable maximum speed limit allowed does not relieve the driver from the duty to decrease speed as may be necessary to avoid colliding with any person or vehicle or object within legal requirements and the duty of all persons to use due care. B. In a careless, reckless, or negligent manner. C. (Blank) D. At any time without at least one lighted headlamp and one lighted tail lamp on the snowmobile. E. Within any nature preserve. F. On the tracks or right of way of an operating railroad. G. In any tree nursery or planting in a manner which damages or destroys growing stock, or creates a substantial risk thereto. H. On private property, without the written or verbal consent of the owner or lessee thereof. Any person operating a snowmobile upon lands of another shall stop and identify himself upon the request of the landowner or his duly authorized representative, and, if requested to do so by the landowner shall promptly remove the snowmobile from the premises. I. Notwithstanding any other law to the contrary, an owner, lessee, or occupant of premises owes no duty of care to keep the premises safe for entry or use by others for snowmobiling, or to give warning of any condition, use, structure or activity on such premises. This subsection does not apply where permission to snowmobile is given for a valuable consideration other than to this State, any political subdivision or municipality thereof, or any landowner who is paid with funds from the Snowmobile Trail Establishment Fund. In the case of land leased to the State or a subdivision thereof, any consideration received is not valuable consideration within the meaning of this section. Nothing in this section limits in any way liability which otherwise exists for willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity. J. Notwithstanding any other law to the contrary, an owner, lessee or occupant of premises who gives permission to another to snowmobile upon such premises does not thereby extend any assurance that the premises are safe for such purpose, or assume responsibility for or incur liability for any injury to person or property caused by any act or omission of persons to whom the permission to snowmobile is granted. This subsection shall not apply where permission to snowmobile is given for a valuable consideration other than to this State, any political subdivision or municipality thereof, or any landowner who is paid with funds from the Snowmobile Trail Establishment Fund. In the case of land leased to the State or a subdivision thereof, any consideration received is not valuable consideration within the meaning of this section. Nothing in this section limits in any way liability which otherwise exists for willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity. K. On the frozen surface of public waters of this State within 100 feet of a person, including a skater not in or upon a snowmobile; within 100 feet of a person engaged in fishing, except at the minimum speed required to maintain forward movement of the snowmobile; on an area which has been cleared of snow for skating purposes unless the area is necessary for access to the frozen waters of this State. L. Within 100 feet of a dwelling between midnight and 6 a.m. at a speed greater than the minimum required to maintain forward movement of the snowmobile. This provision would not apply on private property where verbal or written consent of the owner or lessee has been granted to snowmobile upon such private property or frozen waters of this State. M. Notwithstanding any other law to the contrary, any owner, lessee or occupant of premises or any person or association who, with the permission of the owner of the premises, places, maintains or displays a sign, signal, marking or device to give warning of any unsafe condition on the premises for snowmobiling shall not be liable for any personal injuries allegedly caused by his or her acts or omissions in providing such warning unless the alleged misconduct was willful or malicious. This subsection shall not apply where the owner, occupant or lessee of the premises grants express permission for snowmobiling in exchange for valuable consideration. However, this subsection will apply where such consideration is given to such owner, occupant or

lessee by the State or one of its political subdivisions. N. Notwithstanding any other law or Section of this Act to the contrary, the State and any political subdivision or municipality thereof owes no duty of care to keep the premises safe for entry or use by others for snowmobiling or to guard against or give warnings of any condition, use, structure or activity on property in which the State and any political subdivision or municipality thereof has any interest.

625 ILCS 40/5-2 — Operation on Highways

Sec. 5-2. Operation on Highways. It is unlawful for any person to drive or operate any snowmobile on a highway in this State except as follows: A. On highways other than tollways, interstate highways and fully or limited access-controlled highways snowmobiles may make a direct crossing provided:

(1) the crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing; and

(2) the snowmobile is brought to a complete stop before crossing a roadway; and

(3) the operator yields the right of way to all oncoming traffic which constitutes a hazard. B. On highways other than tollways, interstate highways and fully or limited access-controlled highways snowmobiles may be operated not less than 10 feet from the roadway and in the same direction as traffic. On such highways, other than State highways, the corporate authorities of a city, village or incorporated town may adopt ordinances providing for variance from the 10-foot separation requirement of this subsection, including ordinances permitting the operation of snowmobiles upon the roadways of such highways, other than State highways, within city, village or town limits. In addition, the corporate authorities of any unit of local government with jurisdiction over such highways may adopt ordinances authorizing the operation of snowmobiles within 10 feet of the roadway to avoid obstructions or hazardous terrain. Other than for State highways, corporate authorities of a city, village or incorporated town may adopt ordinances providing for trails, including the designation of the roadways of highways referred to in this paragraph as snowmobile trails, and regulating snowmobile operation within city, village or town limits. C. On highways other than tollways, interstate highways and fully or limited access-controlled highways snowmobiles may be operated on roadways when it is necessary to cross a bridge or culvert or when it is impracticable to gain immediate access to an area adjacent to a highway where a snowmobile is to be operated. D. Corporate authorities of a city, village or incorporated town may by ordinance designate 1 or more specific public highways or streets within their jurisdiction as egress and ingress routes for the use of snowmobiles. In the event that such public highways or streets are under the jurisdiction of the State of Illinois, express written consent of the Illinois Department of Transportation shall be required. Corporate authorities acting under the authority of this paragraph D shall erect and maintain signs giving proper notice thereof. E. Snowmobiles may be lawfully driven or operated upon those highways where posted with signs giving proper notice and erected and maintained by the township road commissioner. A township or township road commissioner shall not be liable for any personal injuries caused as a result of the operation of a snowmobile on such highways. For purposes of this paragraph E, "highways" are defined as township roads pursuant to Section 2-205 of the Illinois Highway Code.

625 ILCS 40/5-3 — Youthful Operators

Sec. 5-3. Youthful Operators. A. No person under 10 years of age may operate a snowmobile, other than machines designed for use by small children primarily as a toy and used only on private property and not on any public use trail. B. Persons at least 10 and less than 12 years of age may operate a snowmobile only if they are either accompanied on the snowmobile by a parent or guardian or a person at least 18 years of age designated by a parent or guardian. C. Persons at least 12 and less than 16 years of age may operate a snowmobile only if they are either accompanied on the snowmobile by a parent or guardian or a person at least 16 years of age designated by a parent or guardian, or such operator is in possession of a certificate issued by the Department authorizing the holder to operate snowmobiles. D. Any person who operates a snowmobile on a highway as provided in Section 5-2 shall

(1) possess a valid motor vehicle driver's license; or

(2) possess a safety certificate as provided for in this Section. Any such person less than 16 years of age shall also be under the immediate supervision of a parent or guardian or a person at least 18 years of age designated by the parent or guardian. E. Violations of this Section done with the knowledge of a parent or guardian shall be deemed a violation by the parent or guardian and punishable under Article X of this Act. F. The department shall establish a program of instruction on snowmobile laws, regulations, safety and related subjects. It is unlawful for any person under 16 years of age to operate a snowmobile on a public highway in this State. The program shall be conducted by instructors certified by the department. The department may procure liability insurance coverage for certified instructors for work within the scope of

their duties under this section. Persons satisfactorily completing this program shall receive certification from the department. The department may charge each person who enrolls in the course an instruction fee of \$2.50. If a fee is authorized by the department, the department shall authorize instructors conducting such courses meeting standards established by it to retain \$1 of the fee to defray expenses incurred locally to operate the program. The remaining \$1.50 of the fee shall be retained by the department to defray a part of its expenses incurred to operate the safety and accident reporting program. A person over the age of 12 years but under the age of 16 years who holds a valid certificate issued by another state or province of the Dominion of Canada need not obtain a certificate from the department if the course content of the program in such other state or province substantially meets that established by the department under this section. A certificate issued by the Department, or by another State or a province of the Dominion of Canada, shall not constitute a valid motor vehicle operator's license for the purpose of this Section.

625 ILCS 40/5-4 — Operation on Ice

Sec. 5-4. Operation on Ice. Snowmobiles may be operated on the frozen waters of this State subject to the provisions of Section 5-1 and the rules and regulations of the Department.

625 ILCS 40/5-5 — Special Events

Sec. 5-5. Special Events. Nothing contained in this Article shall be construed to prohibit any local authority of this State from designating a special snowmobile event. In such case the provisions of this article shall not apply to areas or highways under the jurisdiction of that local authority.

625 ILCS 40/5-6 — Other Prohibition

Sec. 5-6. Other Prohibition. A. No person, except persons permitted by law, shall operate or ride any snowmobile with any firearm in his possession unless it is unloaded and enclosed in a carrying case, or any bow unless it is unstrung in a carrying case. B. No person shall operate any snowmobile emitting pollutants in accordance with standards established pursuant to the Environmental Protection Act. C. No person shall deposit from a snowmobile on the snow, ice, or ground surface, trash, glass, garbage, insoluble material, or other offensive matter. D. No person shall use a snowmobile to take, pursue or intentionally harass or disturb wildlife as defined in Section 1.2t of the Wildlife Code, except such restriction shall not apply to any person acting to protect livestock from predatory animals.

625 ILCS 40/5-7

Sec. 5-7. Operating a snowmobile while under the influence of alcohol or other drug or drugs, intoxicating compound or compounds, or a combination of them; criminal penalties; suspension of operating privileges.

(a) A person may not operate or be in actual physical control of a snowmobile within this State while: 1. The alcohol concentration in that person's blood, other bodily substance, or breath is a concentration at which driving a motor vehicle is prohibited under subdivision

(1) of subsection

(a) of Section 11-501 of the Illinois Vehicle Code; 2. The person is under the influence of alcohol; 3. The person is under the influence of any other drug or combination of drugs to a degree that renders that person incapable of safely operating a snowmobile; 3.1. The person is under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of safely operating a snowmobile; 4. The person is under the combined influence of alcohol and any other drug or drugs or intoxicating compound or compounds to a degree that renders that person incapable of safely operating a snowmobile; 4.3. The person who is not a CDL holder has a tetrahydrocannabinol concentration in the person's whole blood or other bodily substance at which driving a motor vehicle is prohibited under subdivision

(7) of subsection

(a) of Section 11-501 of the Illinois Vehicle Code; 4.5. The person who is a CDL holder has any amount of a drug, substance, or compound in the person's breath, blood, other bodily substance, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act; or 5. There is any amount of a drug, substance, or compound in that person's breath, blood, other bodily substance, or urine resulting from the unlawful use or consumption of a controlled substance listed in the Illinois Controlled Substances Act, methamphetamine as listed in the Methamphetamine Control and Community Protection Act, or intoxicating compound listed in the use of Intoxicating Compounds Act.

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

(c) Every person convicted of violating this Section or a similar provision of a local ordinance is guilty of a Class A misdemeanor, except as otherwise provided in this Section. (c-1) As used in this Section, "first time offender" means any person who has not had a previous conviction or been assigned supervision for violating this Section or a similar provision of a local ordinance, or any person who has not had a suspension imposed under subsection

(e) of Section 5-7.1. (c-2) For purposes of this Section, the following are equivalent to a conviction:

(1) an unvacated revocation of pretrial release; or

(2) the failure of a defendant to appear for trial.

(d) Every person convicted of violating this Section is guilty of a Class 4 felony if: 1. The person has a previous conviction under this Section; 2. The offense results in personal injury where a person other than the operator suffers great bodily harm or permanent disability or disfigurement, when the violation was a proximate cause of the injuries. A person guilty of a Class 4 felony under this paragraph 2, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years; or 3. The offense occurred during a period in which the person's privileges to operate a snowmobile are revoked or suspended, and the revocation or suspension was for a violation of this Section or was imposed under Section 5-7.1.

(e) Every person convicted of violating this Section is guilty of a Class 2 felony if the offense results in the death of a person. A person guilty of a Class 2 felony under this subsection (e), if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 3 years and not more than 14 years. (e-1) Every person convicted of violating this Section or a similar provision of a local ordinance who had a child under the age of 16 on board the snowmobile at the time of offense shall be subject to a mandatory minimum fine of \$500 and shall be subject to a mandatory minimum of 5 days of community service in a program benefiting children. The assignment under this subsection shall not be subject to suspension nor shall the person be eligible for probation in order to reduce the assignment. (e-2) Every person found guilty of violating this Section, whose operation of a snowmobile while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided in subsection

(i) of Section 11-501.01 of the Illinois Vehicle Code. (e-3) In addition to any other penalties and liabilities, a person who is found guilty of violating this Section, including any person placed on court supervision, shall be fined \$100, payable to the circuit clerk, who shall distribute the money to the law enforcement agency that made the arrest or as provided in subsection

(c) of Section 10-5 of the Criminal and Traffic Assessment Act if the arresting agency is a State agency, unless more than one agency is responsible for the arrest, in which case the amount shall be remitted to each unit of government equally. Any moneys received by a law enforcement agency under this subsection (e-3) shall be used to purchase law enforcement equipment or to provide law enforcement training that will assist in the prevention of alcohol related criminal violence throughout the State. Law enforcement equipment shall include, but is not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers.

(f) In addition to any criminal penalties imposed, the Department of Natural Resources shall suspend the snowmobile operation privileges of a person convicted or found guilty of a misdemeanor under this Section for a period of one year, except that first-time offenders are exempt from this mandatory one-year suspension.

(g) In addition to any criminal penalties imposed, the Department of Natural Resources shall suspend for a period of 5 years the snowmobile operation privileges of any person convicted or found guilty of a felony under this Section.

625 ILCS 40/5-7.1 — Implied consent

Sec. 5-7.1. Implied consent.

(a) A person who operates or is in actual physical control of a snowmobile in this State is deemed to have given consent to a chemical test or tests of blood, breath, other bodily substance, or urine for the purpose of determining the content of alcohol, other drug or drugs, intoxicating compound or compounds, or a combination of them in that person's blood or other bodily substance, if arrested for a violation of Section 5-7. The chemical test or tests shall be administered at the direction of the arresting officer. The law enforcement agency employing the officer shall designate which tests shall be

administered. Up to 2 additional tests of urine or other bodily substance may be administered even after a blood or breath test or both has been administered. (a-1) For the purposes of this Section, an Illinois law enforcement officer of this State who is investigating the person for any offense defined in Section 5-7 may travel into an adjoining state, where the person has been transported for medical care to complete an investigation and to request that the person submit to the test or tests set forth in this Section. The requirements of this Section that the person be arrested are inapplicable, but the officer shall issue the person a uniform citation for an offense as defined in Section 5-7 or a similar provision of a local ordinance prior to requesting that the person submit to the test or tests. The issuance of the uniform citation shall not constitute an arrest, but shall be for the purpose of notifying the person that he or she is subject to the provisions of this Section and of the officer's belief of the existence of probable cause to arrest. Upon returning to this State, the officer shall file the uniform citation with the circuit clerk of the county where the offense was committed and shall seek the issuance of an arrest warrant or a summons for the person. (a-2) Notwithstanding any ability to refuse under this Act to submit to these tests or any ability to revoke the implied consent to these tests, if a law enforcement officer has probable cause to believe that a snowmobile operated by or under actual physical control of a person under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination of them has caused the death or personal injury to another, that person shall submit, upon the request of a law enforcement officer, to a chemical test or tests of his or her blood, breath, other bodily substance, or urine for the purpose of determining the alcohol content or the presence of any other drug or combination of both. For the purposes of this Section, a personal injury includes severe bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene for immediate professional attention in either a doctor's office or a medical facility.

(b) A person who is dead, unconscious, or who is otherwise in a condition rendering that person incapable of refusal, is deemed not to have withdrawn the consent provided in subsection (a), and the test or tests may be administered.

(c) A person requested to submit to a test as provided in this Section shall be verbally advised by the law enforcement officer requesting the test that a refusal to submit to the test will result in suspension of that person's privilege to operate a snowmobile for a minimum of 2 years.

(d) Following this warning, if a person under arrest refuses upon the request of a law enforcement officer to submit to a test designated by the officer, no tests may be given, but the law enforcement officer shall file with the clerk of the circuit court for the county in which the arrest was made, and with the Department of Natural Resources, a sworn statement naming the person refusing to take and complete the chemical test or tests requested under the provisions of this Section. The sworn statement shall identify the arrested person, the person's current residence address and shall specify that a refusal by that person to take the chemical test or tests was made. The sworn statement shall include a statement that the officer had reasonable cause to believe the person was operating or was in actual physical control of the snowmobile within this State while under the influence of alcohol, other drug or drugs, an intoxicating compound or compound, or a combination of them and that a chemical test or tests were requested as an incident to and following the lawful arrest for an offense as defined in Section 5-7 or a similar provision of a local ordinance, and that the person, after being arrested for an offense arising out of acts alleged to have been committed while operating a snowmobile, refused to submit to and complete a chemical test or tests as requested by the law enforcement officer.

(e) The law enforcement officer submitting the sworn statement shall serve immediate written notice upon the person refusing the chemical test or tests that the person's privilege to operate a snowmobile within this State will be suspended for a period of 2 years unless, within 28 days from the date of the notice, the person requests in writing a hearing on the suspension. If the person desires a hearing, the person shall file a complaint in the circuit court in the county where that person was arrested within 28 days from the date of the notice. The hearing shall proceed in the court in the same manner as other civil proceedings. The hearing shall cover only the following issues:

(1) whether the person was placed under arrest for an offense as defined in Section 5-7 or a similar provision of a local ordinance as evidenced by the issuance of a uniform citation;

(2) whether the arresting officer had reasonable grounds to believe that the person was operating a snowmobile while under the influence of alcohol, other drug or drugs, an intoxicating compound or compounds, or a combination of them; and

(3) whether that person refused to submit to and complete the chemical test or tests upon the request of the law enforcement officer. Whether the person was informed that the person's privilege to operate a snowmobile would be suspended if that person refused to submit to the chemical test or tests may not be an issue in the hearing. If the person fails to request a hearing in writing within 28 days of the date of the notice, or if a hearing is held and the court finds

against the person on the issues before the court, the clerk shall immediately notify the Department of Natural Resources, and the Department shall suspend the snowmobile operation privileges of that person for at least 2 years.

(f) (Blank). (f-1) If the person is a CDL holder and submits to a test that discloses an alcohol concentration of 0.08 or more, or any amount of a drug, substance, or intoxicating compound in the person's breath, blood, other bodily substance, or urine resulting from the unlawful use of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, methamphetamine as listed in the Methamphetamine Control and Community Protection Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act, the law enforcement officer shall immediately submit a sworn report to the circuit clerk of venue and the Department of Natural Resources, certifying that the test or tests was or were requested under subsection (a-1) of this Section and the person submitted to testing that disclosed an alcohol concentration of 0.08 or more, or any amount of a drug, substance, or intoxicating compound in the person's breath, blood, other bodily substance, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, methamphetamine as listed in the Methamphetamine Control and Community Protection Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act. If the person is not a CDL holder and submits to a test that discloses an alcohol concentration of 0.08 or more, a tetrahydrocannabinol concentration in the person's whole blood or other bodily substance as defined in paragraph 6 of subsection

(a) of Section 11-501.2 of the Illinois Vehicle Code, or any amount of a drug, substance, or intoxicating compound in the person's blood, other bodily substance, or urine resulting from the unlawful use or consumption of a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, the law enforcement officer shall immediately submit a sworn report to the circuit clerk of venue and the Department of Natural Resources, certifying that the test or tests was or were requested under subsection (a-1) and the person submitted to testing that disclosed an alcohol concentration of 0.08 or more, a tetrahydrocannabinol concentration in the person's whole blood or other bodily substance as defined in paragraph 6 of subsection

(a) of Section 11-501.2 of the Illinois Vehicle Code, or any amount of a drug, substance, or intoxicating compound in such person's blood, other bodily substance, or urine, resulting from the unlawful use or consumption of a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act. In cases involving a person who is a CDL holder where the blood alcohol concentration of 0.08 or greater or any amount of drug, substance, or compound resulting from the unlawful use of cannabis, a controlled substance, methamphetamine, or an intoxicating compound is established by a subsequent analysis of blood, other bodily substance, or urine collected at the time of arrest, the arresting officer or arresting agency shall immediately submit a sworn report to the circuit clerk of venue and the Department of Natural Resources upon receipt of the test results. In cases involving a person who is not a CDL holder where the blood alcohol concentration of 0.08 or greater, a tetrahydrocannabinol concentration in the person's whole blood or other bodily substance as defined in paragraph 6 of subsection

(a) of Section 11-501.2 of the Illinois Vehicle Code, or any amount of drug, substance, or compound resulting from the unlawful use of a controlled substance, methamphetamine, or an intoxicating compound is established by a subsequent analysis of blood, other bodily substance, or urine collected at the time of arrest, the arresting officer or arresting agency shall immediately submit a sworn report to the circuit clerk of venue and the Department of Natural Resources upon receipt of the test results.

(g) A person must submit to each chemical test offered by the law enforcement officer in order to comply with implied consent provisions of this Section.

(h) The provision of Section 11-501.2 of the Illinois Vehicle Code concerning the certification and use of chemical tests applies to the use of those tests under this Section.

625 ILCS 40/5-7.2 — Chemical and other tests

Sec. 5-7.2. Chemical and other tests.

(a) Upon the trial of a civil or criminal action or proceeding arising out of acts alleged to have been committed while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or a combination of them, the concentration of alcohol, drug, or compound in the person's blood, other bodily substance, or breath at the time alleged as shown by analysis of the person's blood, urine, breath, or other bodily substance gives rise to the presumptions specified

in subdivisions 1, 2, and 3 of subsection

(b) and subsection (b-5) of Section 11-501.2 of the Illinois Vehicle Code.

(b) The provisions of subsection

(a) shall not be construed as limiting the introduction of any other relevant evidence bearing upon the question whether the person was under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or a combination of them.

(c) If a person under arrest refuses to submit to a chemical test under the provisions of Section 5-7.1, evidence of refusal is admissible in a civil or criminal action or proceeding arising out of acts alleged to have been committed while the person under the influence of alcohol, other drug or drugs, an intoxicating compound or compounds, or a combination of them was operating a snowmobile.

625 ILCS 40/5-7.3 — Supervision of operator; notification; 6 hour operating limitation

Sec. 5-7.3. Supervision of operator; notification; 6 hour operating limitation.

(a) The owner of a snowmobile or person given supervisory authority over a snowmobile, may not knowingly permit a snowmobile to be operated by a person under the influence of alcohol, other drug or drugs, an intoxicating compound or compounds, or a combination of them.

(b) Whenever a person is convicted or found guilty of a violation of Section 5-7, including any person placed on court supervision, the court shall notify the Office of Law Enforcement of the Department of Natural Resources with the records essential for the performance of the Department's duties to monitor and enforce an order of suspension or revocation concerning the person's privilege to operate a snowmobile.

(c) A person who has been arrested and charged with violating Section 5-7 may not operate a snowmobile within this State for a period of 24 hours after that person's arrest.

625 ILCS 40/5-7.4

Sec. 5-7.4. Admissibility of chemical tests of blood, other bodily substance, or urine conducted in the regular course of providing emergency medical treatment.

(a) Notwithstanding any other provision of law, the results of blood, other bodily substance, or urine tests performed for the purpose of determining the content of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination of them in an individual's blood, other bodily substance, or urine conducted upon persons receiving medical treatment in a hospital emergency room, are admissible in evidence as a business record exception to the hearsay rule only in prosecutions for a violation of Section 5-7 of this Act or a similar provision of a local ordinance or in prosecutions for reckless homicide brought under the Criminal Code of 1961 or the Criminal Code of 2012. The results of the tests are admissible only when each of the following criteria are met: 1. the chemical tests performed upon an individual's blood, other bodily substance, or urine were ordered in the regular course of providing emergency treatment and not at the request of law enforcement authorities; and 2. the chemical tests performed upon an individual's blood, other bodily substance, or urine were performed by the laboratory routinely used by the hospital. Results of chemical tests performed upon an individual's blood, other bodily substance, or urine are admissible into evidence regardless of the time that the records were prepared.

(b) The confidentiality provisions of law pertaining to medical records and medical treatment are not applicable with regard to chemical tests performed upon a person's blood, other bodily substance, or urine under the provisions of this Section in prosecutions as specified in subsection

(a) of this Section. No person shall be liable for civil damages as a result of the evidentiary use of the results of chemical testing of the individual's blood, other bodily substance, or urine under this Section or as a result of that person's testimony made available under this Section.

625 ILCS 40/5-7.5 — Preliminary breath screening test

Sec. 5-7.5. Preliminary breath screening test. If a law enforcement officer has reasonable suspicion to believe that a person is violating or has violated Section 5-7 or a similar provision of a local ordinance, the officer, before an arrest, may request the person to provide a sample of his or her breath for a preliminary breath screening test using a portable device approved by the Department of State Police. The results of this preliminary breath screening test may be used by the law enforcement officer for the purpose of assisting with the determination of whether to require a chemical test, as authorized

under Sections 5-7.1 and 5-7.2 and the appropriate type of test to request. Any chemical test authorized under Sections 5-7.1 and 5-7.2 may be requested by the officer regardless of the result of the preliminary breath screening test if probable cause for an arrest exists. The result of a preliminary breath screening test may be used by the defendant as evidence in an administrative or court proceeding involving a violation of Section 5-7.

625 ILCS 40/5-7.6

Sec. 5-7.6. Reporting of test results of blood, other bodily substance, or urine conducted in the regular course of providing emergency medical treatment.

(a) Notwithstanding any other provision of law, the results of blood, other bodily substance, or urine tests performed for the purpose of determining the content of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination of them in an individual's blood, other bodily substance, or urine, conducted upon persons receiving medical treatment in a hospital emergency room for injuries resulting from a snowmobile accident, shall be disclosed to the Department of Natural Resources, or local law enforcement agencies of jurisdiction, upon request. The blood, other bodily substance, or urine tests are admissible in evidence as a business record exception to the hearsay rule only in prosecutions for violations of Section 5-7 of this Code or a similar provision of a local ordinance, or in prosecutions for reckless homicide brought under the Criminal Code of 1961 or the Criminal Code of 2012.

(b) The confidentiality provisions of the law pertaining to medical records and medical treatment shall not be applicable with regard to tests performed upon an individual's blood, other bodily substance, or urine under the provisions of subsection

(a) of this Section. No person shall be liable for civil damages or professional discipline as a result of disclosure or reporting of the tests or the evidentiary use of an individual's blood, other bodily substance, or urine test results under this Section or Section 5-7.4 or as a result of that person's testimony made available under this Section or Section 5-7.4, except for willful or wanton misconduct.

625 ILCS 40/6-1 — Collisions, accidents, and casualties; reports

Sec. 6-1. Collisions, accidents, and casualties; reports. A. The operator of a snowmobile involved in a collision, accident, or other casualty, shall render to other persons affected by this collision, accident, or other casualty such assistance as may be practicable and as may be necessary in order to save them from or minimize any danger caused by the collision, accident, or other casualty, and also shall give his name, address, and identification of his snowmobile to any person injured and to the owner of any property damaged in the collision, accident, or other casualty. B. In the case of collision, accident, or other casualty involving the operation of a snowmobile, the operator thereof, if the collision, accident, or other casualty results in death or injury to a person or damage to property in excess of \$750, shall file with the Department a full description of the collision, accident, or other casualty, including such information as the Department may, by regulation, require. Reports of such accidents must be filed with the Department on a Department Accident Report form within 5 days. C. Reports of accidents resulting in personal injury, wherein a person is incapacitated for a period exceeding 72 hours, must be filed with the Department on a Department Accident Report form within 5 days. Accidents which result in loss of life shall be reported to the Department on a Department form within 48 hours. D. All required accident reports and supplemental reports are without prejudice to the individual so reporting, and are for the confidential use of the Department, except that the Department may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident. No such report may be used as evidence in any trial, civil or criminal, arising out of an accident, except that the Department must furnish upon demand of any person who has or claims to have made such a report, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the Department, solely to prove a compliance or a failure to comply with the requirements that such a report be made to the Department.

625 ILCS 40/6-2 — Owner's and Operator's Responsibility

Sec. 6-2. Owner's and Operator's Responsibility. The owner and any operator of a snowmobile are jointly and severally liable for any injury or damage occasioned by the operation of such snowmobile.

625 ILCS 40/7-1 — Local Ordinances

Sec. 7-1. Local Ordinances. This Act and other applicable laws of this State govern the operation, equipment, numbering and all other matters relating thereto whenever any snowmobile is operated within this State; but this Act does not prevent

the adoption of any ordinance or local law by any political subdivision of the State relating to the operation and equipment of snowmobiles which is not inconsistent with this Act, amendments hereto or regulations issued hereunder. Such ordinances or local laws shall be operative only so long as they continue to be not inconsistent with this Act, amendments hereto or regulations issued hereunder. However, this Act is not a limit upon any home rule unit.

625 ILCS 40/8-1 — Rules and regulations, filing

Sec. 8-1. Rules and regulations, filing. The implementation and administration of the provisions of this Act shall be by rules and regulations adopted by the Department of Natural Resources. A copy of the rules and regulations adopted pursuant to this Act, and of any amendments thereto, shall be filed in the office of the Department and in the office of the Secretary of State. Rules and regulations shall be published by the Department in a convenient form.

625 ILCS 40/9-1 — Special fund

Sec. 9-1. Special fund. Except as provided in Section 9-2, all revenues received under this Act, including registration fees, fines, bond forfeitures or other income of whatever kind or nature shall be deposited in the State Treasury in "The State Boating Act Fund". Except for the additional moneys deposited under Section 805-550 of the Department of Natural Resources (Conservation) Law of the Civil Administrative Code of Illinois, appropriations of revenue received as a result of this Act from "The State Boating Act Fund" shall be made only to the Department for administering the registration of snowmobiles, snowmobile safety, snowmobile safety education and enforcement provisions of this Act or for any purpose related or connected thereto, including the construction, maintenance, and rehabilitation of snowmobile recreation areas or any other facilities for the use of snowmobiles, including plans and specifications, engineering surveys and supervision and land acquisition where necessary, and including the disbursement of funds to political subdivisions upon written application to and subsequent approval by the Department for construction, maintenance, and rehabilitation of snowmobile recreation areas or any other facilities for the use of snowmobiles, including plans and specifications, engineering surveys and supervision and land acquisition where necessary.

625 ILCS 40/9-2 — Special fund

Sec. 9-2. Special fund. There is created a special fund in the State Treasury to be known as the Snowmobile Trail Establishment Fund. Fifty percent of each new, transfer-renewal, renewal registration, and trail use sticker fee collected under Sections 3-2, 3-5, 3-8, and 3-12 of this Act shall be deposited in the fund. The fund shall be administered by the Department and shall be used for disbursement, upon written application to and subsequent approval by the Department, to nonprofit snowmobile clubs and organizations for construction, management, maintenance, and rehabilitation of snowmobile trails and areas for the use of snowmobiles, including plans and specifications, engineering surveys and supervision where necessary. The Department shall promulgate such rules or regulations as it deems necessary for the administration of the fund. It is the intent that the fees collected herein shall be used only for the Snowmobile Trail Establishment Fund.

625 ILCS 40/10-1 — Violations

Sec. 10-1. Violations.

- (a) Except as otherwise provided in this Act, a person who violates any of the provisions of this Act is guilty of a Class C misdemeanor.
- (b) A person who violates subsection (B) of Section 5-1 of this Act is guilty of a Class B misdemeanor.
- (c) A person who violates Section 2-4 or Section 5-7.3 of this Act is guilty of a Class A misdemeanor.

625 ILCS 40/10-2 — Denial of operating privilege

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

625 ILCS 40/10-3 — Unlawful operation of a snowmobile

Sec. 10-3. Unlawful operation of a snowmobile. A person may not operate a snowmobile during any period when his or her privilege to operate a snowmobile is suspended or revoked in this State, by another state, by a federal agency, or by a province of Canada. A person who operates a snowmobile during the period when he or she is denied the privilege to operate a snowmobile is guilty of a Class A misdemeanor.

625 ILCS 45/ Boat Registration and Safety Act.

625 ILCS 45/1-1 — Title and declaration of intent

Sec. 1-1. Title and declaration of intent. This Act shall be known and may be cited as the " Boat Registration and Safety Act. " It is the policy of this State to promote safety for persons and property in and connected with the use, operation and equipment of vessels and to promote uniformity of laws relating thereto.

625 ILCS 45/1-2 — Definitions

Sec. 1-2. Definitions. As used in this Act, unless the context clearly requires a different meaning: "Airboat" means a vessel that is typically flat-bottomed and propelled by an aircraft-type propeller powered by an engine. "Boating accident" means a collision, accident, or casualty involving a vessel in or upon, or entering into or exiting from, the water, including capsizing, collision with another vessel or object, sinking, personal injury, death, disappearance of a person from on board under circumstances that indicate the possibility of death or injury, or property damage to any vessel or dock. "Competent" means capable of assisting a water skier in case of injury or accident. "Consideration" means an economic benefit, inducement, right, or profit, including pecuniary payment accruing to an individual, person, or entity, but not including a voluntary sharing of the actual expense of the voyage, by monetary contribution or donation of fuel, food, beverage, or other supplies. "Dealer" means any person who engages in the business of manufacturing, selling, or dealing in, on consignment or otherwise, any number of new watercraft or 5 or more used watercraft of any make during the year, including any off-highway vehicle dealer or snowmobile dealer or a person licensed as a new or used vehicle dealer who also sells or deals in, on consignment or otherwise, any number of watercraft as defined in this Act. "Department" means the Department of Natural Resources. "Inland Rules" means the Inland Navigation Rules Act of 1980. "International regulations" means the International Regulations for Preventing Collisions at Sea, 1972, including annexes currently in force for the United States. "Leeward side" means the side of a vessel's sail that is facing away or sheltered from the wind. "Lifeboat" means a small boat kept on board a larger boat for use in an emergency. "Livery" means a person, corporation, company, business, or entity that advertises a livery watercraft for use by another, in exchange for any type of consideration and does not provide the renter or lessee with a captain, crew, or any staff or personnel to operate, oversee, maintain, or manage the watercraft. "Motorboat" or "power-driven vessel" means any vessel propelled by machinery whether such machinery is a principle source of propulsion. "Nonpowered watercraft" or "human-powered watercraft" means any canoe, kayak, kiteboard, paddleboard, ribbed inflatable, or any other watercraft propelled by oars, paddles, or poles but not powered by sail, canvas, human body part, or machinery of any sort. "Operate" means to use, navigate, employ, or otherwise be in actual physical control of a motorboat or vessel. "Operator" means a person who operates or is in actual physical control of a watercraft. "Owner" means a person, other than a secured party, having property rights or title to a watercraft. "Owner" includes a person entitled to the use or possession of a motorboat subject to an interest in another person, reserved or created by agreement and securing payment of performance of an obligation. "Owner" does not include a lessee under a lease not intended as security. "Passenger" means an individual carried on the vessel. "Passenger" does not mean:

(1) the owner or individual representative of the owner, or in the case of a chartered vessel, an individual charterer or individual representative of the charterer, but in no case shall this exemption found in this paragraph apply to more than one person that is physically present on a vessel at any one time;

(2) the master; or

(3) a member of the crew engaged in the business of the vessel who has not contributed consideration for carriage and who is paid for on board services. "Passenger for hire" means a passenger for whom consideration is contributed as a condition of carriage on the vessel. "Person" means any individual, firm, corporation, partnership, or association, and any agent, assignee, trustee, executor, receiver, or representative thereof. "Personal flotation device" or "PFD" means a device that is approved by the Commandant, U.S. Coast Guard, under Part 160 of Title 46 of the Code of Federal Regulations. "Personal injury" means any injury requiring treatment beyond first aid. "Personal watercraft" means a vessel propelled by a water jet pump or other machinery as its primary source of motive power and designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than within the confines of a hull. "Principally operated" means the vessel is or will be primarily operated within the jurisdiction of the State during a calendar year. "Recreational boat" means any vessel manufactured or used primarily for noncommercial use, or leased, rented, or chartered to another for noncommercial use. "Sailboat" or "sailing vessel" means any vessel under sail so long as the propelling machinery, if

fitted, is not being used. "Seaplane" means any aircraft designed to maneuver on the water. "Specialty prop-craft" means a vessel that is similar in appearance and operation to a personal watercraft but that is powered by an outboard or propeller driven motor. "Throwable PFD" has the meaning provided in 33 CFR 175.13. "Underway" applies to a vessel or watercraft at all times except when it is moored at a dock or anchorage area. "Use" applies to all vessels on the waters of this State, whether moored or underway. "Vessel" or "watercraft" means every device or boat used or capable of being used as a means of transportation on water, except a seaplane on the water, air mattress or similar device, and boats used for concession rides in artificial bodies of water designed and used exclusively for such concessions. "Waters of this State" means any water within the jurisdiction of this State. "Wearable U.S. Coast Guard approved personal flotation device", "wearable U.S. Coast Guard approved PFD", and "wearable PFD" have the meaning provided for "wearable PFD" in 33 CFR 175.13. "Windward side" means the side of a vessel's sail that has the wind blowing into the sail. "Wing in Ground" (WIG) vessel means a multimodal vessel which, in its main operational mode, flies in close proximity to the surface utilizing surface-effect action.

625 ILCS 45/1-3 — Application and jurisdiction

Sec. 1-3. Application and jurisdiction. The Department shall, for the purposes of this Act, have full and complete jurisdiction of all waters within the boundaries of the State of Illinois, subject only to the paramount authority of the Federal Government with reference to the navigation of such stream or streams and further subject to such powers as may be granted to political subdivisions of the State. Wherever the provisions of this Act conflict with the laws and regulations of the Federal Government, the laws and regulations of the Federal Government shall take precedence.

625 ILCS 45/1-4

Sec. 1-4. The Department is authorized to issue administrative rules for carrying out, administering and enforcing the provisions of this Act. The administrative rules shall be promulgated in accordance with The Illinois Administrative Procedure Act. Such rules, after becoming effective, shall be enforced in the same manner as are any other provisions of this Act and violators thereof are subject to the penalties set out in this Act.

625 ILCS 45/1-5

Sec. 1-5. The Department is authorized to cooperate with and to enter into reciprocal agreements with the appropriate departments of the federal government and other departments or agencies of other states for carrying out, administering, and enforcing the provisions of this Act.

625 ILCS 45/2-1 — Enforcement

Sec. 2-1. Enforcement.) It is the duty of all Conservation Police Officers and other employees of the Department designated by the Director to enforce this Act, and all sheriffs, deputy sheriffs and other police officers to arrest any person detected in violation of any of the provisions of this Act. It is further the duty of all such officers to make prompt investigation of any violation of the provisions of this Act reported by any other person, and to cause a complaint to be filed before the circuit court if there seems just ground for such complaint and evidence procurable to support the same.

625 ILCS 45/2-2 — Inspection; removal; impoundment

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

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

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

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

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

Act.

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

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

(1) the watercraft was not owned by the person under arrest, and the lawful owner requesting release possesses proof of ownership, and would not, as determined by the arresting law enforcement agency:

(i) indicate a lack of ability to operate a watercraft in a safe manner, or (ii) otherwise, by operating the watercraft, be in violation of this Act; or

(2) the watercraft is owned by the person under arrest, and the person under arrest gives permission to another person to operate the watercraft, and the other person would not, as determined by the arresting law enforcement agency:

(i) indicate a lack of ability to operate a watercraft in a safe manner, or (ii) otherwise, by operating the watercraft, be in violation of this Act.

625 ILCS 45/2-3 — Prosecutions

Sec. 2-3. Prosecutions. All prosecutions under the provisions of this Act shall be brought in the name and by the authority of the People of the State of Illinois before the circuit court having jurisdiction under the law relative to the enforcement of the provisions hereof. It is the duty of all State's Attorneys to enforce the provisions of this Act in their respective counties, and to prosecute all persons charged with violating the provisions hereof.

625 ILCS 45/2-4 — Resistance to officers

Sec. 2-4. Resistance to officers.

(a) It is unlawful for any person to resist or obstruct any officer or employee of the Department in the discharge of his duties under the provisions hereof.

(b) It is unlawful for the operator of a watercraft, having been given a signal by a conservation police officer, sheriff, deputy sheriff, or other police officer directing the operator of the watercraft to bring the watercraft to a stop, to willfully fail or refuse to obey the direction, to increase speed, to extinguish lights, or otherwise flee or attempt to elude the officer. The signal given by the officer may be by hand, voice, sign, siren, or blue or red light.

625 ILCS 45/2-5 — False representation

Sec. 2-5. False representation. It is unlawful for any person to represent himself falsely to be an officer or employee of the Department or to assume to act as such without having been duly appointed and employed as such.

625 ILCS 45/3-1 — Unlawful operation of unnumbered watercraft

Sec. 3-1. Unlawful operation of unnumbered watercraft. Every watercraft other than non-powered watercraft on waters within the jurisdiction of this State shall be numbered. No person may operate, use, or store or give permission for the operation, usage, or storage of any such watercraft on such waters unless it has on board while in operation: (A) A valid certificate of number is issued in accordance with this Act, or in accordance with applicable federal law, or in accordance with a federally approved numbering system of another State, and unless:

(1) the pocket-sized certificate of number awarded to such watercraft is in full force and effect; or

(2) the operator is in possession of a valid 60-day temporary permit under this Act. (B) The identifying number set forth in the certificate of number is displayed on each side of the bow of such watercraft. The certificate of number, lease, or rental agreement required by this Section shall be available at all times for inspection at the request of a federal, State, or local law enforcement officer on the watercraft for which it is issued. No person shall operate a watercraft under this Section unless the certificate of number, lease, or rental agreement required is carried on board in a manner that it can be handed to a requesting law enforcement officer for inspection. A holder of a certificate of number shall notify the

Department within 30 days if the holder's address no longer conforms to the address appearing on the certificate and shall furnish the Department with the holder's new address. The Department may provide for in its rules and regulations for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new address or for the alteration of an outstanding certificate to show the new address of the holder.

625 ILCS 45/3-1.5

Sec. 3-1.5. (Repealed).

625 ILCS 45/3-2 — Identification number application

Sec. 3-2. Identification number application. The owner of each watercraft requiring numbering by this State shall file an application for number with the Department on forms approved by it. The application shall be signed by the owner of the watercraft and shall be accompanied by a fee as follows: A. (Blank). B. Class 1 (all watercraft less than 16 feet in length, except non-powered watercraft.) up to \$28 C. Class 2 (all watercraft 16 feet or more but less than 26 feet in length except canoes, kayaks, and non-motorized paddle boats) . up to \$60 D. Class 3 (all watercraft 26 feet or more but less than 40 feet in length) \$150 E. Class 4 (all watercraft 40 feet in length or more) \$200 Upon receipt of the application in approved form, and when satisfied that no tax imposed pursuant to the "Municipal Use Tax Act" or the "County Use Tax Act" is owed, or that such tax has been paid, the Department shall enter the same upon the records of its office and issue to the applicant a certificate of number stating the number awarded to the watercraft and the name and address of the owner. The Department shall deposit 20% of all money collected from watercraft registrations into the Conservation Police Operations Assistance Fund. The monies deposited into the Conservation Police Operations Assistance Fund under this Section shall not be subject to administrative charges or chargebacks unless otherwise authorized by this Act.

625 ILCS 45/3-3 — Identification number display

Sec. 3-3. Identification number display. A. The owner shall paint on or attach to both sides of the bow (front) of a watercraft the identification number, which shall be of block characters at least 3 inches in height. The figures shall read from left to right, be of contrasting color to their background, and be maintained in a legible condition. No other number shall be displayed on the bow of the boat. In affixing the number to the boat, a space or a hyphen shall be provided between the IL and the number and another space or hyphen between the number and the letters which follow. On vessels of unconventional design or constructed so that it is impractical or impossible to display identification numbers in a prominent position on the forward half of their hulls or permanent substructures, numbers may be displayed in brackets or fixtures firmly attached to the vessel. Exact positioning of the numbers in brackets or protruding fixtures shall be discretionary with vessel owners, providing the numbers are placed on the forward half of the vessel and meet the standard requirements for legibility, size, style and contrast with the background. B. A watercraft already covered by a number in full force and effect which has been awarded to it pursuant to Federal law is exempt from number display as prescribed by this Section. C. All non-powered watercraft are exempt from number display as prescribed by this Section.

625 ILCS 45/3-4 — Destruction, sale, transfer or abandonment

Sec. 3-4. Destruction, sale, transfer or abandonment. The owner of any watercraft shall within 15 days notify the Department if the watercraft is destroyed or abandoned, or is sold or transferred either wholly or in part to another person or persons. In sale or transfer cases, the notice shall be accompanied by a surrender of the certificate of number. In destruction or abandonment cases, the notice shall be accompanied by a surrender of the certificate of title. When the surrender of the certificate is by reason of the watercraft being destroyed or abandoned, the Department shall cancel the certificate and enter such fact in its records. The Department shall be notified in writing of any change of address. Should the owner desire a new certificate of number, showing the new address, he shall surrender his old certificate and notify the Department of the new address, remitting \$1 to cover the issuance of a new certificate of number. If the surrender is by reason of a sale or transfer either wholly or in part to another person or persons, the owner surrendering the certificate shall state to the Department, under oath, the name of the purchaser or transferee. Non-powered watercraft are exempt from this Section.

625 ILCS 45/3-5 — Transfer of identification number

Sec. 3-5. Transfer of identification number. The purchaser of a watercraft shall, within 15 days after acquiring same, make application to the Department for transfer to him of the certificate of number issued to the watercraft giving his name,

address and the number of the boat. The purchaser shall apply for a transfer-renewal for a fee as prescribed under Section 3-2 of this Act for approximately 3 years. All transfers will bear September 30 expiration dates in the calendar year of expiration. Upon receipt of the application and fee, together with proof that any tax imposed under the Municipal Use Tax Act or County Use Tax Act has been paid or that no such tax is owed, the Department shall transfer the certificate of number issued to the watercraft to the new owner. Unless the application is made and fee paid, and proof of payment of municipal use tax or county use tax or nonliability therefor is made, within 30 days, the watercraft shall be deemed to be without certificate of number and it shall be unlawful for any person to operate the watercraft until the certificate is issued. Non-powered watercraft are exempt from this Section.

625 ILCS 45/3-6 — Conformity with United States Government

Sec. 3-6. Conformity with United States Government. In the event that an agency of the United States Government has in force an over-all system of identification numbering for watercraft within the United States, the numbering system employed pursuant to this Act by the Department shall be in conformity therewith.

625 ILCS 45/3-7 — Loss of certificate; certificate correction

Sec. 3-7. Loss of certificate; certificate correction. Should a certificate of number or registration expiration decal become lost, destroyed, or mutilated beyond legibility, or if information required by the Department to be included on the certificate has changed, the owner of the watercraft shall make application to the Department for the replacement of the certificate or decal or for a corrected certificate or decal, giving his name, address, and the number of his boat and shall at the time of application pay to the Department a fee of \$5.

625 ILCS 45/3-7.5

Sec. 3-7.5. (Repealed).

625 ILCS 45/3-8 — Department records

Sec. 3-8. Department records.) All records of the Department made or kept pursuant to this Article shall be public records.

625 ILCS 45/3-9 — Certificate of number

Sec. 3-9. Certificate of number. Every certificate of number awarded pursuant to this Act shall continue in full force and effect for approximately 3 years unless sooner terminated or discontinued in accordance with this Act. All new certificates issued will bear September 30 expiration dates in the calendar year 3 years after the issuing date. Provided however, that the Department may, for purposes of implementing this Section, adopt rules for phasing in the issuance of new certificates and provide for 1, 2 or 3 year expiration dates and pro-rated payments or charges for each registration. All certificates shall be renewed for 3 years from the nearest September 30 for a fee as prescribed in Section 3-2 of this Act. All certificates will be invalid after October 15 of the year of expiration. All certificates expiring in a given year shall be renewed between January 1 and September 30 of that year, in order to allow sufficient time for processing. The Department shall issue "registration expiration decals" with all new certificates of number, all certificates of number transferred and renewed and all certificates of number renewed. The decals issued for each year shall be of a different and distinct color from the decals of each other year currently displayed. The decals shall be affixed to each side of the bow of the watercraft, except for federally documented vessels, in the manner prescribed by the rules and regulations of the Department. Federally documented vessels shall have decals affixed to the watercraft on each side of the federally documented name of the vessel in the manner prescribed by the rules and regulations of the Department. The Department shall fix a day and month of the year on which certificates of number due to expire shall lapse and no longer be of any force and effect unless renewed pursuant to this Act. No number or registration expiration decal other than the number awarded or the registration expiration decal issued to a watercraft or granted reciprocity pursuant to this Act shall be painted, attached, or otherwise displayed on either side of the bow of such watercraft. A person engaged in the operation of a licensed boat livery shall pay a fee as prescribed under Section 3-2 of this Act for each watercraft used in the livery operation. A person engaged in the manufacture or sale of watercraft of a type otherwise required to be numbered hereunder, upon application to the Department upon forms prescribed by it, may obtain certificates of number for use in the testing or demonstrating of such watercraft upon payment of \$10 for each registration. Certificates of number so issued may be used by the applicant in the testing or demonstrating of watercraft by temporary placement of the numbers assigned by such certificates on the watercraft so tested or demonstrated. Non-powered watercraft are exempt from this Section.

625 ILCS 45/3-10 — Registration list

Sec. 3-10. Registration list. A boat registration list may be furnished for official use at no charge only to such federal, state, county and municipal enforcement agencies as may require such data.

625 ILCS 45/3-11 — Penalty

Sec. 3-11. Penalty. No person shall at any time:

- (a) falsely alter or change in any manner a certificate of number issued under the provisions hereof;
- (b) falsify any record required by this Act;
- (c) falsify information on any application to the Department that is required to be provided to the Department by this Act; or
- (d) counterfeit any form of license provided for by this Act.

625 ILCS 45/3-12 — Exemption from numbering provisions of this Act

Sec. 3-12. Exemption from numbering provisions of this Act. A watercraft shall not be required to be numbered under this Act if it is: A. A watercraft which has a valid marine document issued by the United States Coast Guard, provided the owner of any such vessel used upon the waters of this State for more than 60 days in any calendar year shall be required to comply with the registration requirements of Section 3-9 of this Act. B. Already covered by a number in full force and effect which has been awarded to it pursuant to Federal law or a Federally-approved numbering system of another State, if such boat will not be within this State for a period in excess of 60 consecutive days. C. A watercraft from a country other than the United States temporarily using the waters of this State. D. A watercraft whose owner is the United States, a State or a subdivision thereof, and used solely for official purposes and clearly identifiable. E. A vessel used exclusively as a ship's lifeboat. F. A watercraft belonging to a class of boats which has been exempted from numbering by the Department after such agency has found that an agency of the Federal Government has a numbering system applicable to the class of watercraft to which the watercraft in question belongs and would be exempt from numbering if it were subject to the Federal law. G. Watercraft while competing in any race approved by the Department under the provisions of Section 5-15 of this Act or if the watercraft is designed and intended solely for racing while engaged in navigation that is incidental to preparation of the watercraft for the race. Preparation of the watercraft for the race may be accomplished only after obtaining the written authorization of the Department. H. Non-powered, owned and operated on water completely impounded on land belonging to the owner of the watercraft. This Section does not apply to water controlled by a club or association. I. A non-powered watercraft.

625 ILCS 45/3-13 — Hull identification numbers

Sec. 3-13. Hull identification numbers. Any watercraft manufactured after the effective date of this amendatory Act shall have a hull identification number carved, burned, stamped, embossed, or otherwise permanently affixed to the outboard side of the transom or, if there is no transom, to the outermost starboard side at the end of the hull that bears the rudder or other steering mechanism, above the water line in such a way that alteration, removal, or replacement would be obvious and evident. Any individual who manufactures any watercraft, either for private or public use, shall apply to the Department of Natural Resources for issuance of a Hull Identification Number and shall affix such number to watercraft as required by the rules and regulations of the Department.

625 ILCS 45/3-14

Sec. 3-14. A. The Department may issue a historical watercraft identification plaque for a boat that is

- (1) at least 25 years of age and
- (2) powered by the boat's original type of power plant. Such a boat shall be known as a "heritage watercraft". B. An application for such a plaque shall be on a form prescribed by the Department and shall be accompanied by a \$25.00 fee. The heritage watercraft identification plaque shall be designed by the Department and shall be non-expiring. C. When prominently displayed on the boat, a heritage watercraft identification plaque shall entitle the boat owner to apply to participate in parades, shows, and special events. The heritage watercraft plaque does not in itself qualify a boat for recreational use.

625 ILCS 45/3A-1 — Certificate of title required

Sec. 3A-1. Certificate of title required.

(a) Every owner of a watercraft over 21 feet in length required to be numbered by this State and for which no certificate of title has been issued by the Department of Natural Resources shall make application to the Department of Natural Resources for a certificate of title either before or at the same time he next applies for issuance, transfer or renewal of a certificate of number. All watercraft already covered by a number in full force and effect which has been awarded to it pursuant to Federal law is exempt from titling requirements in this Act.

(b) The Department shall not issue, transfer or renew a certificate of number unless a certificate of title has been issued by the Department of Natural Resources or an application for a certificate of title has been delivered to the Department.

625 ILCS 45/3A-2 — Voluntary titling

Sec. 3A-2. Voluntary titling. The owner of any watercraft exempt from Section 3A-1(a) of this Act may apply to the Department of Natural Resources for a certificate of title by filing an application accompanied by the prescribed fee. Any owner exempt from this Act who obtains a certificate of title must also obtain a certificate of number as prescribed in Section 3-9 of this Act.

625 ILCS 45/3A-3 — Application for first certificate of title

Sec. 3A-3. Application for first certificate of title.

(a) The application for the first certificate of title in this State must be made by the owner to the Department of Natural Resources on the form prescribed and must contain: 1. The name, residence and mail address of the owner; 2. A description of the watercraft so far as the following data exists: Its make, model, year of manufacture, manufacturer's serial number or builder's hull number, length and principal material used in construction; 3. The date of purchase by applicant, the name and address of the person from whom the watercraft was acquired and the names and addresses of any lienholders in the order of their priority and the dates of their security agreements; and 4. Any further information the Department of Natural Resources reasonably requires to identify the watercraft and to enable the Department to determine whether the owner is entitled to a certificate of title and the existence or nonexistence of security interests in the watercraft.

(b) If the application refers to a watercraft purchased from a dealer, it must contain the name and address of any lienholder holding a security interest created or reserved at the time of the sale and the date of his security agreement and be signed by the dealer as well as the owner, and the dealer must within 15 days mail or deliver the application to the Department of Natural Resources.

(c) If the application refers to a watercraft last previously registered in another State or country, the application must contain or be accompanied by: 1. Any certificate of title issued by the other State or country; and 2. Any other information and documents the Department of Natural Resources reasonably requires to establish ownership and the existence or nonexistence of security interests.

625 ILCS 45/3A-4 — Examination of records

Sec. 3A-4. Examination of records. The Department of Natural Resources, upon receiving application for a first certificate of title, shall check the identifying description of the watercraft shown in the application against the records required to be maintained by Section 3A-5 of this Article and against the record of stolen and converted watercraft required to be maintained by Section 3A-6 of this Article.

625 ILCS 45/3A-5 — Certificate of title - Issuance - Records

Sec. 3A-5. Certificate of title - Issuance - Records.

(a) The Department of Natural Resources shall file each application received and, when satisfied as to its genuineness and regularity, and that no tax imposed by the Use Tax Act or the Watercraft Use Tax Law is owed as evidenced by the receipt for payment or determination of exemption from the Department of Revenue provided for in Section 3A-3 of this Article, and that the applicant is entitled to the issuance of a certificate of title, shall issue a certificate of title.

(b) The Department of Natural Resources shall maintain a record of all certificates of title issued under a distinctive title number assigned to the watercraft and, in the discretion of the Department, in any other method determined.

625 ILCS 45/3A-6 — Stolen and recovered watercraft

Sec. 3A-6. Stolen and recovered watercraft.

(a) Every sheriff, superintendent of police, chief of police or other police officer in command of any police department in any city, village or town of the State shall, by the fastest means of communications available to his or her law enforcement agency, immediately report to the Illinois State Police the theft or recovery of any stolen or converted watercraft within his or her district or jurisdiction. The report shall give the date of theft, description of the watercraft including color, manufacturer's trade name, manufacturer's series name, identification number and registration number, including the state in which the registration number was issued, together with the name, residence address, business address, and telephone number of the owner. The report shall be routed by the originating law enforcement agency through the Illinois State Police in a form and manner prescribed by the Illinois State Police.

(b) A registered owner or a lienholder may report the theft by conversion of a watercraft to the Illinois State Police or any other police department or sheriff's office. The report will be accepted as a report of theft and processed only if a formal complaint is on file and a warrant issued.

(c) The Illinois State Police shall keep a complete record of all reports filed under this Section. Upon receipt of the report, a careful search shall be made of the records of the Illinois State Police, and where it is found that a watercraft reported recovered was stolen in a county, city, village or town other than the county, city, village or town in which it is recovered, the recovering agency shall notify the reporting agency of the recovery in a form and manner prescribed by the Illinois State Police.

(d) Notification of the theft of a watercraft will be furnished to the Department of Natural Resources by the Illinois State Police. The Department of Natural Resources shall place the proper information in the title registration files and in the certificate of number files to indicate the theft of a watercraft. Notification of the recovery of a watercraft previously reported as a theft or a conversion will be furnished to the Department of Natural Resources by the Illinois State Police. The Department of Natural Resources shall remove the proper information from the certificate of number and title registration files that has previously indicated the theft of a watercraft. The Department of Natural Resources shall suspend the certificate of number of a watercraft upon receipt of a report that the watercraft was stolen.

(e) When the Department of Natural Resources receives an application for a certificate of title or an application for a certificate of number of a watercraft and it is determined from the records that the watercraft has been reported stolen, the Department of Natural Resources, Division of Law Enforcement, shall immediately notify the Illinois State Police and shall give the Illinois State Police the name and address of the person or firm titling or registering the watercraft, together with all other information contained in the application submitted by the person or firm.

625 ILCS 45/3A-7 — Contents and effect

Sec. 3A-7. Contents and effect.

(a) Each certificate of title issued by the Department of Natural Resources shall contain: 1. The date issued; 2. The name and address of the owner; 3. The names and addresses of any lienholders, in the order of priority as shown on the application or, if the application is based on a certificate of title, as shown on the certificate; 4. The title number assigned to the watercraft; 5. A description of the watercraft including, so far as the following data exists: its make, model, year of manufacture, registration number, and manufacturer's serial number or, if none, the builder's hull number, length, purchase date, and the principal material used in construction; 6. Any other data the Department of Natural Resources prescribes.

(b) The certificate of title shall contain forms for assignment and warranty of title by the owner, and for assignment and warranty of title by a dealer, and may contain forms for applications for a certificate of title by a transferee, the naming of a lienholder and the assignment or release of the security interest of a lienholder.

(c) A certificate of title issued by the Department of Natural Resources is prima facie evidence of the facts appearing on it.

(d) A certificate of title is not subject to garnishment, attachment, execution or other judicial process, but this subsection does not prevent a lawful levy upon the watercraft.

(e) Any certificate of title issued by the Department of Natural Resources is subject to a lien in favor of the State of Illinois for any fees or taxes required to be paid under this Act and as have not been paid, as provided for in this Act.

625 ILCS 45/3A-8 — Presumption of tenancy

Sec. 3A-8. Presumption of tenancy. When a certificate of title is made out to a husband and wife with the marital relationship shown on the certificate, it shall be presumed that the title is held as joint tenants with right of survivorship.

625 ILCS 45/3A-9 — Delivery

Sec. 3A-9. Delivery. The certificate of title shall be mailed to the first lienholder named in it or, if none, to the owner.

625 ILCS 45/3A-10 — Refusing certificate of title

Sec. 3A-10. Refusing certificate of title. The Department of Natural Resources shall refuse issuance of a certificate of title if any required fee is not paid or if he has reasonable grounds to believe that:

- (a) The applicant is not the owner of the watercraft;
- (b) The application contains a false or fraudulent statement; or
- (c) The applicant fails to furnish required information or documents or any additional information the Department of Natural Resources reasonably requires;
- (d) The applicant has not paid any fees or taxes due under this Act and have not been paid upon reasonable notice and demand.

625 ILCS 45/3A-11 — Lost, stolen or mutilated certificates

Sec. 3A-11. Lost, stolen or mutilated certificates.

- (a) If a certificate of title is lost, stolen, mutilated or destroyed or becomes illegible, the first lienholder or, if none, the owner or legal representative of the owner named in the certificate, as shown by the records of the Department of Natural Resources, shall promptly make application for and may obtain a duplicate upon furnishing information satisfactory to the Department of Natural Resources. The duplicate certificate of title shall contain the legend "This is a duplicate certificate and may be subject to the rights of a person under the original certificate." It shall be mailed to the first lienholder named in it or, if none, to the owner.
- (b) The Department of Natural Resources shall not issue a duplicate certificate of title to any person within 15 days after the issuance of an original certificate of title to such person.
- (c) A person recovering an original certificate of title for which a duplicate has been issued shall promptly surrender the original certificate to the Department of Natural Resources.

625 ILCS 45/3A-12 — Transfer

Sec. 3A-12. Transfer.

- (a) If an owner transfers his interest in a watercraft other than by the creation of a security interest, he shall, at the time of the delivery, execute an assignment and warranty of title to the transferee in the space provided therefor on the certificate or as the Department of Natural Resources prescribes and cause the certificate and assignment to be mailed or delivered to the transferee or to the Department of Natural Resources.
- (b) Except as provided in Section 3A-14 of this Article, the transferee shall, promptly and within 15 days after delivery to him of the watercraft and the assigned title, execute the application for a new certificate of title in the space provided therefor on the certificate or as the Department of Natural Resources prescribes, and cause the certificate and application to be mailed or delivered to the Department of Natural Resources.
- (c) Upon request of the owner or transferee, a lienholder in possession of the certificate of title shall, unless the transfer was a breach of his security agreement, either deliver the certificate to the transferee for delivery to the Department of Natural Resources or, upon receipt from the transferee of the owner's assignment, the transferee's application for a new certificate and the required fee, mail or deliver them to the Department of Natural Resources. The delivery of the certificate does not affect the rights of the lienholder under his security agreement.
- (d) If a security interest is reserved or created at the time of the transfer, the certificate of title shall be retained by or delivered to the person who becomes the lienholder, and the parties shall comply with the provisions of Section 3B-3 of Article IIIB.
- (e) Except as provided in Section 3A-14 of this Article and as between the parties, a transfer by an owner is not effective until the provisions of this Section and Section 3A-16 of this Article have been complied with; however, an owner who has delivered possession of the watercraft to the transferee and has complied with the provisions of this Section and Section 3A-16 of this Article requiring action by him as not liable as owner for any damages thereafter resulting from operation of the watercraft.

(f) The Department of Natural Resources may decline to process any application for a transfer of an interest in a watercraft if any fees or taxes due under this Act from the transferor or the transferee have not been paid upon reasonable notice and demand.

625 ILCS 45/3A-13 — Transfer to or from dealer - Manufacturer's or Importer's Certificate

Sec. 3A-13. Transfer to or from dealer - Manufacturer's or Importer's Certificate.

(a) No dealer shall purchase or acquire a new watercraft without obtaining from the seller thereof a manufacturer's or importer's certificate.

(b) No manufacturer, importer, dealer or other person shall sell or otherwise dispose of a new watercraft to a dealer for purposes of display and resale, without delivering to such dealer a manufacturer's or importer's certificate.

625 ILCS 45/3A-14 — Transfer to or from dealer - Records

Sec. 3A-14. Transfer to or from dealer - Records.

(a) If a dealer buys a watercraft and holds it for resale and procures the certificate of title from the owner or the lienholder within 10 days after delivery to him of the watercraft he need not send the certificate to the Department of Natural Resources but, upon transferring the watercraft to another person other than by the creation of a security interest, shall promptly and within 15 days execute the assignment and warranty of title by a dealer, showing the names and addresses of the transferee and of any lienholder holding a security interest created or reserved at the time of the resale and the date of his security agreement, in the spaces provided therefor on the certificate or as the Department of Natural Resources prescribes, and mail or deliver the certificate to the Department with the transferee's application for a new certificate.

(b) Every dealer shall maintain for 3 years a record in the form the Department of Natural Resources prescribes of every watercraft bought, sold or exchanged by him, or received by him for sale or exchange, which shall be open to inspection by a representative of the Department of Natural Resources or peace officer during reasonable business hours.

(c) The Department of Natural Resources may decline to process any application for a transfer of an interest in a watercraft if any fees or taxes due under this Act from the transferor or the transferee have not been paid upon reasonable notice and demand.

625 ILCS 45/3A-15 — Transfer by operation of law

Sec. 3A-15. Transfer by operation of law.

(a) If the interest of an owner in a watercraft passes to another other than by voluntary transfer, the transferee shall, except as provided in subsection (b), promptly mail or deliver within 15 days to the Department of Natural Resources the last certificate of title, if available, proof of the transfer, and his or her application for a new certificate in the form the Department prescribes. It shall be unlawful for any person having possession of a certificate of title for a watercraft by reason of his or her having a lien or encumbrance on such watercraft, to fail or refuse to deliver such certificate to the owner, upon the satisfaction or discharge of the lien or encumbrance, indicated upon such certificate of title.

(b) If the interest of an owner in a watercraft passes to another under the provisions of the Small Estates provisions of the Probate Act of 1975, as amended, the transferee shall promptly mail or deliver to the Department of Natural Resources, within 120 days, the last certificate of title, if available, the documentation required under the provisions of the Probate Act of 1975, as amended, and an application for certificate of title. The transfer may be to the transferee or to the nominee of the transferee.

(c) If the interest of an owner in a watercraft passes to another under other provisions of the Probate Act of 1975, as amended, and the transfer is made by an executor, administrator, or guardian for a person with a disability, such transferee shall promptly mail or deliver to the Department of Natural Resources, the last certificate of title, if available, and a certified copy of the letters testamentary, letters of administration or letters of guardianship, as the case may be, and an application for certificate of title. Such application shall be made before the estate is closed. The transfer may be to the transferee or to the nominee of the transferee.

(d) If the interest of an owner in joint tenancy passes to the other joint tenant with survivorship rights as provided by law, the transferee shall promptly mail or deliver to the Department of Natural Resources, the last certificate of title, if available, proof of death of the one joint tenant and survivorship of the surviving joint tenant, and an application for certificate of title. Such application shall be made within 120 days after the death of the joint tenant. The transfer may be to the transferee or

to the nominee of the transferee.

(e) If the interest of the owner is terminated or the watercraft is sold under a security agreement by a lienholder named in the certificate of title, the transferee shall promptly mail or deliver within 15 days to the Department of Natural Resources the last certificate of title, his or her application for a new certificate in the form the Department prescribes, and an affidavit made by or on behalf of the lienholder that the watercraft was repossessed and that the interest of the owner was lawfully terminated or sold pursuant to the terms of the security agreement. In all cases wherein a lienholder has found it necessary to repossess a watercraft and desires to obtain certificate of title for such watercraft in the name of such lienholder, the Department of Natural Resources shall not issue a certificate of title to such lienholder unless the person from whom such watercraft has been repossessed, is shown to be the last registered owner of such watercraft and such lienholder establishes to the satisfaction of the Department that he or she is entitled to such certificate of title.

(f) A person holding a certificate of title whose interest in the watercraft has been extinguished or transferred other than by voluntary transfer shall mail or deliver the certificate within 15 days upon request of the Department of Natural Resources. The delivery of the certificate pursuant to the request of the Department of Natural Resources does not affect the rights of the person surrendering the certificate, and the action of the Department in issuing a new certificate of title as provided herein is not conclusive upon the rights of an owner or lienholder named in the old certificate.

(g) The Department of Natural Resources may decline to process any application for a transfer of an interest hereunder if any fees or taxes due under this Act from the transferor or the transferee have not been paid upon reasonable notice and demand.

(h) The Department of Natural Resources shall not be held civilly or criminally liable to any person because any purported transferor may not have had the power or authority to make a transfer of any interest in any watercraft.

625 ILCS 45/3A-16 — Fees

Sec. 3A-16. Fees. Fees shall be paid according to the following schedule: Certificate of title \$10 Duplicate certificate of title 7 Corrected certificate of title 7 Search 7

625 ILCS 45/3A-17 — Transfer of watercraft

Sec. 3A-17. Transfer of watercraft. A transferor of a watercraft other than a dealer transferring a new watercraft, shall deliver to the transferee at the time of delivery of possession of the watercraft the properly assigned certificate of title.

625 ILCS 45/3A-18 — Transfer or surrender of certificate of title

Sec. 3A-18. Transfer or surrender of certificate of title.

(a) The Department of Natural Resources, upon receipt of a properly assigned certificate of title, with an application for a new certificate of title, the required fee and any other documents required by law, shall issue a new certificate of title in the name of the transferee as owner and mail it to the first lienholder named in it or, if none, to the owner.

(b) The Department of Natural Resources, upon receipt of an application for a new certificate of title by a transferee other than by voluntary transfer, with proof of the transfer, the required fee and any other documents required by law, shall issue a new certificate of title in the name of the transferee as owner. If the outstanding certificate of title is not delivered to him, the Department shall make demand therefor from the holder thereof.

(c) The Department of Natural Resources shall file and retain for 4 years every surrendered Illinois certificate of title, the file to be maintained so as to permit the tracing of title of the watercraft designated therein.

625 ILCS 45/3A-19 — Scrapping, junking or destroying a watercraft

Sec. 3A-19. Scrapping, junking or destroying a watercraft. An owner who scraps, junks or destroys a watercraft, or a person who purchases a watercraft as scrap or as a watercraft to be junked or destroyed shall immediately cause the certificate of title to be mailed or delivered to the Department of Natural Resources, and a certificate of title shall not again be issued for such watercraft. Upon receipt of the certificate of title, the Department shall cancel the certificate.

625 ILCS 45/3A-20 — Offenses relating to titling; misdemeanors

Sec. 3A-20. Offenses relating to titling; misdemeanors. Violation of any of the following provisions shall constitute a Class A misdemeanor:

- (a) No person shall operate in this State a watercraft for which a certificate of title is required without having such certificate of title.
- (b) No person shall sell, transfer or otherwise dispose of a watercraft without delivering to the purchaser or transferee a certificate of title, or a manufacturer's or importer's certificate, assigned to such purchaser or transferee as required by this Act.
- (c) No person shall fail to surrender to the Department of Natural Resources any certificate of title upon cancellation of the same by the Department for any valid reason set forth in this Act or regulations adopted pursuant thereto.

625 ILCS 45/3A-21 — Offenses relating to titling; felonies

Sec. 3A-21. Offenses relating to titling; felonies. Violation of any of the following provisions shall constitute a Class 2 felony:

- (a) No person shall alter, forge or counterfeit any certificate of title or a manufacturer's or importer's certificate to a watercraft.
- (b) No person shall alter or falsify any assignment of a certificate of title, or an assignment or cancellation of a security interest on a certificate of title to a watercraft.
- (c) No person shall hold or use a certificate of title to a watercraft nor hold or use any assignment or cancellation of a security interest on a certificate of title to a watercraft, knowing it to have been altered, forged, counterfeited or falsified.
- (d) No person shall use a false or fictitious name or address, or make any material false statement, or conceal any material fact, in an application for a certificate of title, or in a bill of sale or sworn statement of ownership.
- (e) No person shall procure or attempt to procure a certificate of title to a watercraft, or pass or attempt to pass a certificate of title or any assignment thereof to a watercraft, knowing or having reason to believe that such watercraft has been stolen.
- (f) No person shall have possession of, buy, receive, sell or offer to sell, or otherwise dispose of a watercraft on which the manufacturer's or assigned serial number of the watercraft has been destroyed, removed, covered, altered, or defaced, knowing of such destruction, removal, covering, alteration or defacement of such manufacturer's or assigned serial number.
- (g) No person shall destroy, remove, cover, alter or deface the manufacturer's or assigned serial number on any watercraft.
- (h) No person shall possess, buy, sell, exchange or give away, or offer to buy, sell, exchange, or give away the certificate of title to any watercraft which is a junk or salvage.

625 ILCS 45/3B-1 — Excepted liens and security interests

Sec. 3B-1. Excepted liens and security interests. This Article does not apply to or affect:

- (a) A lien given by statute or rule of law to a supplier of services or materials for the watercraft;
- (b) A lien given by the statute to the United States, this State or any political subdivision of this State.
- (c) A security interest in a watercraft created by a manufacturer or dealer who holds the watercraft for sale, but a buyer in the ordinary course of trade from the manufacturer or dealer takes free of the security interest.

625 ILCS 45/3B-2 — Perfection of security interest

Sec. 3B-2. Perfection of security interest.

- (a) Unless excepted by Section 3B-1, a security interest in a watercraft of a type for which a certificate of title is required is not valid against subsequent transferees or lienholders of the watercraft unless perfected as provided in this Act.
- (b) A security interest is perfected by the delivery to the Department of Natural Resources of the existing certificate of title, if any, an application for a certificate of title containing the name and address of the lienholder and the date of his security agreement and the required fee. It is perfected as of the time of its creation if the delivery is completed within 21 days thereafter, otherwise as of the time of the delivery.
- (c) If a watercraft is subject to a security interest when brought into this State, the validity of the security interest is determined by the law of the jurisdiction where the watercraft was when the security interest attached, subject to the following: 1. If the parties understood at the time the security interest attached that the watercraft would be kept in this

State and it was brought into this State within 30 days thereafter for purposes other than transportation through this State, the validity of the security interest in this State is determined by the law of this State. 2. If the security interest was perfected under the law of the jurisdiction where the watercraft was when the security interest attached, the following rules apply: (A) If the name of the lienholder is shown on an existing certificate of title issued by that jurisdiction, his security interest continues perfected in this State. (B) If the name of the lienholder is not shown on an existing certificate of title issued by that jurisdiction, a security interest may be perfected by the lienholder delivering to the Department of Natural Resources the prescribed notice and by payment of the required fee. Such security interest is perfected as of the time of delivery of the prescribed notice and payment of the required fee. 3. If the security interest was not perfected under the law of the jurisdiction where the watercraft was when the security interest attached, it may be perfected in this State; in that case perfection dates from the time of perfection in this State. 4. A security interest may be perfected under paragraph 3 of this subsection either as provided in subsection

(b) or by the lienholder delivering to the Department of Natural Resources a notice of security interest in the form the Department prescribes and the required fee.

625 ILCS 45/3B-3 — Security interest

Sec. 3B-3. Security interest. If an owner creates a security interest in a watercraft:

- (a) The owner shall immediately execute the application, in the space provided therefor on the certificate of title or on a separate form the Department of Natural Resources prescribes, to name the lienholder on the certificate, showing the name and address of the lienholder and the date of his security agreement, and cause the certificate, application and the required fee to be delivered to the lienholder.
- (b) The lienholder shall immediately cause the certificate, application and the required fee to be mailed or delivered to the Department of Natural Resources.
- (c) Upon request of the owner or subordinate lienholder, a lienholder in possession of the certificate of title shall either mail or deliver the certificate to the subordinate lienholder for delivery to the Department of Natural Resources or, upon receipt from the subordinate lienholder of the owner's application and the required fee, mail or deliver them to the Department of Natural Resources with the certificate. The delivery of the certificate does not affect the rights of the first lienholder under his security agreement.
- (d) Upon receipt of the certificate of title, application and the required fee, the Department of Natural Resources shall either endorse on the certificate or issue a new certificate containing the name and address of the new lienholder, and mail the certificate to the first lienholder named in it.

625 ILCS 45/3B-4 — Assignment by lienholder

Sec. 3B-4. Assignment by lienholder.

- (a) A lienholder may assign, absolutely or otherwise, his security interest in the watercraft to a person other than the owner without affecting the interest of the owner or the validity of the security interest, but any person without notice of the assignment is protected in dealing with the lienholder as the holder of the security interest and the lienholder remains liable for any obligations as lienholder until the assignee is named as lienholder on the certificate.
- (b) The assignee may, but need not to perfect the assignment, have the certificate of title endorsed or issued with the assignee named as lienholder, upon delivering to the Department of Natural Resources the certificate and an assignment by the lienholder named in the certificate in the form the Department prescribes.

625 ILCS 45/3B-5 — Release of security interest

Sec. 3B-5. Release of security interest.

- (a) Upon the satisfaction of a security interest in a watercraft for which the certificate of title is in the possession of the lienholder, he shall, within 10 days after demand and, in any event, within 30 days, execute a release of his security interest, and mail or deliver the certificate and release to the next lienholder named therein, or, if none, to the owner or any person who delivers to the lienholder an authorization from the owner to receive the certificate. The owner, other than a dealer holding the watercraft for resale, shall promptly cause the certificate and release to be mailed or delivered to the Department of Natural Resources, which shall release the lienholder's rights on the certificate or issue a new certificate.
- (b) Upon the satisfaction of a security interest in a watercraft for which the certificate of title is in the possession of a prior lienholder, the lienholder whose security interest is satisfied shall within 10 days after demand and, in any event, within 30

days execute a release and deliver the release to the owner or any person who delivers to the lienholder an authorization from the owner to receive it. The lienholder in possession of the certificate of title shall either deliver the certificate to the owner, or the person authorized by him, for delivery to the Department of Natural Resources, or, upon receipt of the release, mail or deliver the certificate and release to the Department, which shall release the subordinate lienholder's rights on the certificate or issue a new certificate.

625 ILCS 45/3B-6 — Duty of lienholder

Sec. 3B-6. Duty of lienholder. A lienholder named in a certificate of title shall, upon written request of the owner or of another lienholder named on the certificate, disclose any pertinent information as to his security agreement and the indebtedness secured by it.

625 ILCS 45/3B-7 — Exclusiveness of procedure

Sec. 3B-7. Exclusiveness of procedure. The method provided in this Act of perfecting and giving notice of security interests subject to this Act is exclusive. Security interests subject to this Act are hereby exempted from the provisions of law which otherwise require or relate to the recording or filing of instruments creating or evidencing security interests in watercraft including chattel mortgages and conditional sale agreements.

625 ILCS 45/3B-8 — Suspension or revocation of certificates

Sec. 3B-8. Suspension or revocation of certificates.

- (a) The Department of Natural Resources may suspend or revoke a certificate of title, upon notice and reasonable opportunity to be heard, when authorized by any other provision of law or if he finds: 1. The certificate of title was fraudulently procured or erroneously issued, or 2. The watercraft has been scrapped, dismantled or destroyed.
- (b) Suspension or revocation of a certificate of title does not, in itself, affect the validity of a security interest noted on it.
- (c) When the Department of Natural Resources suspends or revokes a certificate of title, the owner or person in possession of it shall, immediately upon receiving notice of the suspension or revocation, mail or deliver the certificate to the Department.
- (d) The Department of Natural Resources may seize and impound any certificate of title which has been suspended or revoked.

625 ILCS 45/3B-9 — Powers of Department of Natural Resources

Sec. 3B-9. Powers of Department of Natural Resources.

- (a) The Department of Natural Resources shall prescribe and provide suitable forms of applications, certificates of title, notices of security interests, and all other notices and forms necessary to carry out the provisions of this Article and Article IIIA.
- (b) The Department of Natural Resources may: 1. Make necessary investigations to procure information required to carry out the provisions of this Article and Article IIIA; 2. Assign a new identifying number to a watercraft if it has none, or its identifying number is destroyed or obliterated, and shall either issue a new certificate of title showing the new identifying number or make an appropriate endorsement on the original certificate.

625 ILCS 45/3B-10 — Court review

Sec. 3B-10. Court review. A person aggrieved by an act or omission to act of the Department of Natural Resources under this Article or Article IIIA is also entitled to a review thereof by the Circuit Court of Sangamon County in accordance with the Administrative Review Law, as amended.

625 ILCS 45/3C-1 — Abandonment of watercraft prohibited

Sec. 3C-1. Abandonment of watercraft prohibited.

- (a) The abandonment of a watercraft or any part thereof on any waters in this State is unlawful and subject to penalties as set forth under Section 3C-14.
- (b) The abandonment of a watercraft or any part thereof on private or public property, other than a waterway, in view of the general public, anywhere in this State is unlawful except on property of the owner or bailee of such abandoned watercraft.

625 ILCS 45/3C-2 — Notification to law enforcement agencies

Sec. 3C-2. Notification to law enforcement agencies. When an abandoned, lost, stolen or unclaimed watercraft comes into the temporary possession or custody of a person in this State, not the owner of the watercraft, such person shall immediately notify the municipal police when the watercraft is within the corporate limits of any city, village or town having a duly authorized police department, or the Illinois State Police, Conservation Police or the county sheriff when the watercraft is outside the corporate limits of a city, village or town. Upon receipt of such notification, the municipal police, State Police, Conservation Police, or county sheriff will authorize a towing service to remove and take possession of the abandoned, lost, stolen or unclaimed watercraft. The towing service will safely keep the towed watercraft and its contents, and maintain a record of the tow as set forth in Section 3C-4 for law enforcement agencies, until the watercraft is claimed by the owner or any other person legally entitled to possession thereof or until it is disposed of as provided in this Article.

625 ILCS 45/3C-3 — Removal of watercraft

Sec. 3C-3. Removal of watercraft.

(a) When a watercraft is abandoned on any waters of this State for 24 hours or more, its removal by a towing service may be authorized by a law enforcement agency having jurisdiction.

(b) When an abandoned, unattended, wrecked, burned or partially dismantled watercraft is creating a traffic or navigational hazard because of its position in relation to the waterway or because its physical appearance is impeding traffic or navigation, its immediate removal from the waterway by a towing service may be authorized by a law enforcement agency having jurisdiction.

(c) When a watercraft removal from either public or private property is authorized by a law enforcement agency, the owner of the watercraft will be responsible for all towing costs. Watercraft removed from public or private property and stored by a commercial relocater or any other towing service shall be subject to a possessory lien for services pursuant to "An Act concerning liens for labor, services, skills or materials furnished upon or storage furnished for chattels", filed July 24, 1941, as amended, and the provisions of Section 1 of that Act relating to notice and implied consent shall be deemed satisfied. In no event shall such lien be greater than the rates established by that Act. In no event shall such lien be increased or altered to reflect any charge for services or materials rendered in addition to those authorized by this Article. Every such lien shall be payable in cash.

625 ILCS 45/3C-4 — Police tows; reports; release of watercraft; payment

Sec. 3C-4. Police tows; reports; release of watercraft; payment.

(a) When a watercraft is authorized to be towed away as provided in Section 3C-2 or 3C-3, the authorization, any hold order, and any release shall be in writing, or confirmed in writing, with a copy given to the towing service.

(b) When a watercraft is authorized to be towed away as provided in Section 3C-2, the police headquarters or office of the law enforcement officer authorizing the towing shall keep and maintain a record of the watercraft towed, listing the color, manufacturer's trade name, manufacturer's series name, hull type, hull material, hull identification number, and registration number displayed on the watercraft. The record shall also include the date and hour of tow, location towed from, location towed to, and reason for towing and the name of the officer authorizing the tow.

(c) The owner, operator, or other legally entitled person shall be responsible to the towing service for the payment of applicable removal, towing, storage, and processing charges and collection costs associated with a watercraft towed or held under order or authorization of a law enforcement agency. If a watercraft towed or held under order or authorization of a law enforcement agency is seized by the ordering or authorizing agency or any other law enforcement or governmental agency and sold, any unpaid removal, towing, storage, and processing charges and collection costs shall be paid to the towing service from the proceeds of the sale. If the applicable law provides that the proceeds are to be paid into the treasury of the appropriate civil jurisdiction, then any unpaid removal, towing, storage, and processing charges and collection costs shall be paid to the towing service from the treasury of the civil jurisdiction. Such payment shall not exceed the amount of proceeds from the sale, with the balance to be paid by the owner, operator, or other legally entitled person.

(d) Upon the delivery of a written release order to the towing service, a watercraft subject to a hold order shall be released to the owner, operator, or other legally entitled person upon proof of ownership or other entitlement and upon payment of applicable removal, towing, storage, and processing charges and collection costs.

625 ILCS 45/3C-5 — Record searches

Sec. 3C-5. Record searches. When a law enforcement agency authorizing the impounding of a watercraft does not know the identity of the registered owner, lienholder or other legally entitled person, that law enforcement agency will cause the watercraft registration records of the State of Illinois to be searched by the Department of Natural Resources for the purpose of obtaining the required ownership information. The law enforcement agency authorizing the impounding of a watercraft will cause the stolen watercraft files of the Illinois State Police to be searched by a directed communication to the Illinois State Police for stolen or wanted information on the watercraft. When the Illinois State Police files are searched with negative results, the information contained in the National Crime Information Center (NCIC) files will be searched by the Illinois State Police. The information determined from these record searches will be returned to the requesting law enforcement agency for that agency's use in sending a notification by certified mail to the registered owner, lienholder and other legally entitled persons advising where the watercraft is held, requesting that a disposition be made and setting forth public sale information. Notification shall be sent no later than 10 days after the date the law enforcement agency impounds or authorizes the impounding of a watercraft, provided that if the law enforcement agency is unable to determine the identity of the registered owner, lienholder or other person legally entitled to ownership of the impounded watercraft within a 10 day period after impoundment, then notification shall be sent no later than 2 days after the date the identity of the registered owner, lienholder or other person legally entitled to ownership of the impounded watercraft is determined. Exceptions to a notification by certified mail to the registered owner, lienholder and other legally entitled persons are set forth in Section 3C-9.

625 ILCS 45/3C-6 — Identifying and tracing of watercraft ownership by the Department of Natural Resources

Sec. 3C-6. Identifying and tracing of watercraft ownership by the Department of Natural Resources. When the registered owner, lienholder or other person legally entitled to the possession of a watercraft cannot be identified from the registration files of this State or from the registration files of a foreign state, if applicable, the law enforcement agency having custody of the watercraft shall notify the Department of Natural Resources, for the purpose of identifying the watercraft owner or other person legally entitled to the possession of the watercraft. The information obtained by the Department of Natural Resources will be immediately forwarded to the law enforcement agency having custody of the watercraft for notification purposes as set forth in Section 3C-5.

625 ILCS 45/3C-7 — Reclaimed watercraft

Sec. 3C-7. Reclaimed watercraft. Any time before a watercraft is sold at public sale or disposed of as provided in Section 3C-8, the owner, lienholder or other person legally entitled to its possession may reclaim the watercraft by presenting to the law enforcement agency having custody of the watercraft proof of ownership or proof of the right to possession of the watercraft. No watercraft shall be released to the owner, lienholder or other person under this Section until all towing and storage charges have been paid.

625 ILCS 45/3C-8 — Disposal of unclaimed watercraft

Sec. 3C-8. Disposal of unclaimed watercraft.

(a) In cities having a population of more than 500,000 inhabitants, whenever an abandoned, lost, stolen or unclaimed watercraft or other watercraft remains unclaimed by the registered owner, lienholder or other legally entitled person for a period of 15 days after notice has been given as provided in Sections 3C-5 and 3C-6, the watercraft may be disposed of as provided in the "Municipal purchasing act for cities of 500,000 or more population".

(b) Except as provided in subsection (a), when an abandoned, lost, stolen or unclaimed watercraft 7 years of age or newer remains unclaimed by the registered owner, lienholder or other person legally entitled to its possession for a period of 30 days after notice has been given as provided in Sections 3C-5 and 3C-6, the law enforcement agency or towing service having possession of the watercraft shall cause it to be sold at public sale to the highest bidder. Notice of the time and place of the sale shall be posted in a conspicuous place for at least 10 days prior to the sale, on the premises where the watercraft has been impounded. At least 10 days prior to the sale, the law enforcement agency where the watercraft is impounded, or the towing service where the watercraft is impounded, shall cause a notice of the time and place of the sale to be sent by certified mail to the registered owner, lienholder and other persons known by the law enforcement agency or towing service to be legally entitled to the possession of the watercraft. Such notice shall contain a complete description of the watercraft to be sold and what steps must be taken by any legally entitled person to reclaim the

watercraft. In those instances where the certified notification specified in Sections 3C-5 and 3C-6 has been returned by the postal authorities to the law enforcement agency or towing service due to the addressee having moved, or being unknown at the address obtained from the registration records of this State, the sending of a second certified notice will not be required.

625 ILCS 45/3C-9 — Disposal of unclaimed watercraft without notice

Sec. 3C-9. Disposal of unclaimed watercraft without notice.

(a) When the identity of the registered owner, lienholder and other person legally entitled to the possession of an abandoned, lost or unclaimed watercraft of 7 years of age or newer cannot be determined by any means provided for in this Article, the watercraft may be sold as provided in Section 3C-8 without notice to any person whose identity cannot be determined.

(b) When an abandoned watercraft of more than 7 years of age is impounded as specified by this Article, it will be kept in custody for a minimum of 10 days for the purpose of determining the identity of the registered owner and lienholder, contacting the registered owner and lienholder for a determination of disposition, and an examination of the Illinois State Police stolen watercraft files for the theft and wanted information. At the expiration of the 10 day period, if disposition information has not been received from the registered owner or the lienholder, the law enforcement agency having jurisdiction will authorize the disposal of the watercraft as junk. However, if, in the opinion of the police officer processing the watercraft, it has a value of \$200 or more and can be restored to safe operating condition, the law enforcement agency may authorize its purchase for salvage and the Department of Natural Resources may issue a certificate of title. A watercraft classified as a historical watercraft may be sold to a person desiring to restore it.

625 ILCS 45/3C-10 — Police reports

Sec. 3C-10. Police reports. When a watercraft in the custody of a law enforcement agency is reclaimed by the registered owner, lienholder or other legally entitled person, or when the watercraft is sold at public sale or otherwise disposed of as provided in this Article, a report of the transaction will be maintained by the law enforcement agency for a period of one year from the date of the sale or disposal.

625 ILCS 45/3C-11 — Disposition of proceeds

Sec. 3C-11. Disposition of proceeds.

(a) When a watercraft located within the corporate limits of a city, village or town is towed away by a law enforcement agency having jurisdiction and disposed of as set forth in this Article, the proceeds of the public sale or disposition, after the deduction of towing, storage and processing charges, shall be deposited in the treasury of such city, village or town.

(b) When a watercraft located outside the corporate limits of any city, village or town is towed away by a law enforcement agency having jurisdiction and disposed of as set forth in this Article, the proceeds of the public sale or disposition, after deducting towing, storage and processing costs, shall be deposited in the county treasury of the county where the watercraft was located at the time of the tow.

625 ILCS 45/3C-12 — Titling watercraft

Sec. 3C-12. Titling watercraft. When an applicant for a certificate of title presents to the Department of Natural Resources proof that he has purchased or acquired a watercraft at a public sale as authorized by this Article and such fact is certified by the law enforcement agency having jurisdiction over the public sale of the watercraft, the Department shall issue a certificate of title for the watercraft upon receipt of the statutory fee and a properly executed application for a certificate of title. The title issued by the Department under this Section shall be free of any lien that existed against the watercraft prior to the time the watercraft was acquired by the applicant under this Article.

625 ILCS 45/3C-13 — Liability

Sec. 3C-13. Liability. A law enforcement officer or agency, towing service owner, operator or employee shall not be held liable for damages in any action brought by the registered owner, former registered owner or his legal representative, lienholder or any other person legally entitled to the possession of a watercraft when the watercraft was processed and sold or disposed of as provided by this Article.

625 ILCS 45/3C-14 — Violations

Sec. 3C-14. Violations. Any person who violates or aids and abets in the violation of Section 3C-1 of this Act is guilty of a petty offense, and may be required by the court to make a disposition on the abandoned or unclaimed watercraft.

625 ILCS 45/4-1 — Personal flotation devices

Sec. 4-1. Personal flotation devices. A. No person may operate a watercraft unless at least one wearable U.S. Coast Guard approved personal flotation device for each person is on board, so placed as to be readily available for each person. B. No person may operate a personal watercraft or specialty prop-craft unless each person aboard is wearing a wearable U.S. Coast Guard approved personal flotation device. No person on board a personal watercraft shall use an inflatable PFD in order to meet the PFD requirements of subsection A of this Section. C. No person may operate a watercraft 16 feet or more in length, except a canoe or kayak, unless at least one readily accessible United States Coast Guard approved throwable PFD is on board. D. (Blank). E. When assisting a person on water skis, aquaplane or similar device, there must be one wearable U.S. Coast Guard approved PFD on board the watercraft for each person being assisted or towed or worn by the person being assisted or towed. F. No person may operate a watercraft unless each device required by this Section is: 1. in serviceable condition; 2. identified by a label bearing a description and approval number demonstrating that the device has been approved by the United States Coast Guard; 3. of the appropriate size for the person for whom it is intended; 4. in the case of a wearable PFD, readily accessible aboard the watercraft; 5. in the case of a throwable PFD, immediately available for use; 6. out of its original packaging; and 7. not stowed under lock and key. G. Approved personal flotation devices are defined as a device that is approved by the United States Coast Guard under Title 46 CFR Part 160. H. (Blank). H-5. An approved and appropriately sized wearable U.S. Coast Guard approved personal flotation device shall be worn by each person under the age of 13 while in tow. I. No person may operate any watercraft unless an approved and appropriately sized wearable U.S. Coast Guard approved personal flotation device is being properly worn by each person under the age of 13 on the deck of a watercraft or in an open watercraft at all times in which the watercraft is underway; however, this requirement shall not apply to persons who are enclosed in a cabin or below the top deck on a watercraft, on an anchored watercraft that is a platform for swimming or diving, or aboard a charter "passenger for hire" watercraft with a licensed captain. J. Racing shells, rowing sculls, racing canoes, and racing kayaks are exempt from the PFD, of any type, carriage requirements under this Section provided that the racing shell, racing scull, racing canoe, or racing kayak is participating in an event sanctioned by the Department as a PFD optional event. The Department may adopt rules to implement this subsection.

625 ILCS 45/4-2 — Navigation lights

Sec. 4-2. Navigation lights. A. Watercraft subject to this Section shall be divided into classes as follows: 1. Class 1: Less than 16 feet in length. 2. Class 2: 16 feet or over and less than 26 feet in length. 3. Class 3: 26 feet or over and less than 40 feet in length. 4. Class 4: 40 feet or over and less than 65 feet in length. B. Every motorboat, underway from sunset to sunrise or underway in weather causing reduced visibility, shall carry and exhibit the following United States Coast Guard approved lights when underway and, during such time, shall not use any other lights that may be mistaken for or interfere with those prescribed as follows: 1. A Class 1 or Class 2 motorboat shall carry the following lights:

(a) A bright white light aft to show all around the horizon; and

(b) A combined light in the fore part of the watercraft and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw the light from right ahead to 2 points (22.5 degrees) abaft the beam on their respective sides. 2. A Class 3 or Class 4 motorboat shall carry the following lights:

(a) A bright white light in the fore part of the watercraft as near the stern as practicable, so constructed as to show the unbroken light over an arc of the horizon of 20 points (225 degrees) of the compass, so fixed as to throw the light 10 points (112.5 degrees) on each side of the watercraft, namely, from right ahead to 2 points (22.5 degrees) abaft the beam on either side;

(b) A bright white light aft, mounted higher than the white light forward, to show all around the horizon; and

(c) On the starboard side, a green light so constructed as to show an unbroken light over an arc of the horizon of 10 points (112.5 degrees) of the compass, so fixed as to throw the light from right ahead to 2 points (22.5 degrees) abaft the beam on the starboard side. On the port side, a red light so constructed as to show an unbroken light over an arc of the horizon of 10 points (112.5 degrees) of the compass, so fixed as to throw the light from right ahead to 2 points (22.5 degrees) abaft the beam on the port side. The side lights shall be fitted with inboard screens so set as to prevent these lights from being seen across the bow. 3. A Class 1 or Class 2 motorboat propelled by sail alone shall exhibit the combined light prescribed by paragraph

(1) and a 12-point (135 degrees) white light aft. A Class 3 or Class 4 motorboat, when so propelled, shall exhibit the colored side lights, suitably screened as prescribed by paragraph

(2) and a 12-point (135 degrees) white light aft. 4. Every white light prescribed by this Section shall be of such character as to be visible at a distance of at least 2 miles. Every colored light prescribed by this Section shall be of such character as to be visible at a distance of at least one mile. As used in this subsection "visible", when applied to lights, means visible on a dark night with clear atmosphere. 5. If propelled by sail and machinery, a motorboat shall carry the lights required by this Section for a motorboat propelled by machinery only. 6. All other watercraft over 65 feet in length and those propelled solely by wind effect on the sail shall display lights prescribed by federal regulations. C. Nonpowered watercraft shall carry, ready at hand, a lantern or flashlight showing a white light that shall be exhibited in sufficient time to avert collision. Manually propelled watercraft used on the waters of this State where power-driven vessels are prohibited are exempt from the provisions of this Section. D. Any watercraft may carry and exhibit the lights required by the international regulations in lieu of the lights required by subsection B of this Section. E. All watercraft, when anchored, other than in a special anchorage area as defined in 33 CFR 109.10, shall, from sunset to sunrise, carry and display a steady white light visible all around the horizon for a distance of no less than 2 miles. F. The lights prescribed in this Section shall at minimum have an intensity so as to be visible at the minimum ranges as set forth in 33 CFR 83.22. G. (Blank).

625 ILCS 45/4-3 — Mufflers

Sec. 4-3. Mufflers. A. All motorboats shall be equipped and maintained with an effective muffler or underwater exhaust system. For the purpose of this Section, an effective muffler or underwater exhaust system is one that does not produce sound levels that create excessive or unusual noise, or sound levels that are in excess of 90 decibels when subjected to a stationary sound level test as prescribed by the Society of Automotive Engineers in its procedure J2005. B. No person may operate a motorboat on the waters of this State in a manner to exceed a noise level of 75 decibels measured as specified in the Society of Automotive Engineers in its procedure J1970 from any point on the shoreline, or from any point on the water within 20 feet of the shoreline, of the body of water on which the motorboat is being operated. C. No person may manufacture or offer for sale any motorboat for use on the waters of this State if that motorboat cannot be operated in compliance with the sound levels in subsections A and B above. D. The provisions of this Section shall apply to all public waters over which the State has jurisdiction. E. This Section does not apply to:

(1) a motorboat tuning up for or participating in official trials for a sanctioned race or regatta conducted as authorized by the appropriate unit of government, or

(2) a motorboat being operated by a boat or marine engine manufacturer for the purpose of testing or development as authorized by the appropriate unit of government. F. Any person violating subsection A or B of this Section shall be required to:

(1) install an effective muffler system on the motorboat in violation;

(2) pass the sound level test prescribed by the Society of Automotive Engineers in its procedure J2005 before putting the motorboat back into use; and

(3) be subject to a Class B misdemeanor for the first offense and a Class A misdemeanor for any subsequent offense occurring within 3 years of the date of the most recent offense. G. Any person violating subsection C of this Section shall be required to:

(1) install an effective muffler system on the motorboat in violation;

(2) pass the sound level test prescribed by the Society of Automotive Engineers in its procedure J2005 before putting the motorboat back into use; and

(3) be subject to a Class A misdemeanor for the first offense and a Class 4 felony for any subsequent offense. H. Any person who operates any motorboat upon the waters of this State shall be deemed to have given consent to the test or tests as may be prescribed in this Section or by the Department to determine if the motorboat is in compliance with the provisions of this Section.

625 ILCS 45/4-4 — Whistles

Sec. 4-4. Whistles. It is unlawful to operate a motorboat without a mouth, hand or power operated whistle, horn or other appliance, capable of producing a blast of 2 seconds or more duration and having an audible distance as set forth in 33 CFR 86.01.

625 ILCS 45/4-5 — Fire extinguisher

Sec. 4-5. Fire extinguisher. It is unlawful to operate a motorboat equipped with an internal combustion engine anywhere in this State without at least one U. S. Coast Guard approved fire extinguisher, so placed as to be readily accessible and in such condition as to be ready for immediate and effective use.

625 ILCS 45/4-6 — Carburetor arrestors

Sec. 4-6. Carburetor arrestors. Carburetors on all engines of motorboats other than those propelled by a detachable outboard motor shall be fitted with or protected by a U. S. Coast Guard approved device for arresting backfire.

625 ILCS 45/4-7 — Ventilators

Sec. 4-7. Ventilators. Except for open boats, all motorboats which use fuel having a flashpoint of 110 degrees Fahrenheit or less shall have at least 2 ventilator ducts, fitted with cowls or their equivalent, for the efficient removal of explosive or flammable gases from the bilges of every engine and fuel tank compartment. There shall be at least one exhaust duct installed so as to extend from the open atmosphere to the lower portion of the bilge and at least one intake duct installed so as to extend to a point at least midway to the bilge or at least below the level of the carburetor air intake. The cowls shall be located and trimmed for maximum effectiveness and in such a manner so as to prevent displaced fumes from being recirculated.

625 ILCS 45/4-8 — Sirens and flashing lights

Sec. 4-8. Sirens and flashing lights.

(a) Except as provided in this Section, it shall be unlawful for any person to use a watercraft equipped with a siren or any red or blue oscillating, rotating, or flashing light. The use of a siren or light in violation of this Section shall constitute a public nuisance subject to confiscation and disposal as determined by a court of competent jurisdiction.

(b) Any authorized emergency watercraft described in subsection

(c) or

(d) may be equipped with a siren, but the siren shall not be used except when the watercraft is operating in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law.

(c) The use of blue oscillating, rotating, or flashing lights, whether lighted or unlighted, is prohibited except on law enforcement watercraft of State, federal, or local authorities.

(d) The use of red oscillating, rotating, or flashing lights, whether lighted or unlighted, is prohibited except on fire, rescue, or other emergency watercraft as authorized by State, federal, or local authorities having jurisdiction, provided the watercraft are clearly identifiable as such; the lights shall not be lighted except when responding to an emergency call or while actually engaged in a hazardous situation.

(e) The use of any other color of oscillating, rotating, or flashing lights, whether lighted or unlighted, is prohibited except as authorized by the Department.

625 ILCS 45/4-9 — Sealing of marine heads

Sec. 4-9. Sealing of marine heads. No marine head (toilet) on any watercraft used upon waters of this State may be so constructed and operated as to permit the discharge of any sewage into the waters directly or indirectly.

625 ILCS 45/4-10 — Battery Covers

Sec. 4-10. Battery Covers. Every motorboat equipped with storage batteries shall be provided with suitable supports and secured against shifting with the motion of the boat. Such storage batteries shall be equipped with non-conductive shielding means to prevent accidental shorting of battery terminals.

625 ILCS 45/4-11 — Engine cut-off switch

Sec. 4-11. Engine cut-off switch.

(a) As used in this Section: "Engine cut-off switch" means an emergency switch installed on a motorboat that:

(1) is designed to shut off the engine if: (A) the motorboat operator using a lanyard attachment activates the switch by falling overboard or otherwise moving beyond the length of the lanyard; or (B) the motorboat operator or a passenger using a wireless attachment activates the switch by falling overboard and submerging a man-overboard transmitter; and

(2) attaches: (A) physically to the motorboat operator through the use of a lanyard worn by the operator; or (B) wirelessly through the use of a water-activated man-overboard transmitter worn by the motorboat operator or any similarly equipped passenger on the motorboat.

(b) A motorboat operator may not operate a motorboat less than 26 feet in length that is equipped by the manufacturer with an engine cutoff switch and such switch is not in use while the motorboat is operating on plane or above displacement speed. No person may operate a watercraft without first verifying that the engine cut-off switch is operational and fully functional and properly attaching the lanyard or wireless attachment, as appropriate for the specific motorboat, to the operator's body or to the clothing or personal flotation device being worn by the operator.

(c) The requirement under paragraph

(1) of subsection

(a) shall not apply if: (A) the main helm of the covered vessel is installed within an enclosed cabin; or (B) the vessel does not have an engine cut-off switch.

625 ILCS 45/4-12 — Visual distress signals

Sec. 4-12. Visual distress signals. It is unlawful to operate any watercraft on the waters of Lake Michigan without having onboard visual distress signals as required and approved by the U.S. Coast Guard, so placed as to be readily accessible and in such condition as to be ready for immediate and effective use.

625 ILCS 45/5-1 — Careless operation

Sec. 5-1. Careless operation. No person shall operate any watercraft in a careless or heedless manner so as to endanger any person or property or at a rate of speed greater than will permit him in the exercise of reasonable care to bring the watercraft to a stop within the assured clear distance ahead.

625 ILCS 45/5-2 — Reckless operation

Sec. 5-2. Reckless operation.

(a) No person shall operate any watercraft, specialty prop-craft, personal watercraft or manipulate any water skis, aquaplane, or similar device in such a manner as to willfully or wantonly endanger the life, limb or property of any person, to weave through congested traffic, to jump the wake of another vessel unreasonably or unnecessarily close to the other vessel or when visibility around the other vessel is obstructed, to wait until the last possible moment to swerve to avoid collision, or operate any watercraft so as to approach or pass another watercraft in such a manner or at such a rate of speed as to create a hazardous wake or wash.

(b) A person convicted of committing a violation of this Section shall be guilty of aggravated reckless operation of a watercraft if the violation of this Section resulted in great bodily harm or permanent disability or disfigurement of another, when the violation was a proximate cause of the injuries.

625 ILCS 45/5-3 — Interference with navigation

Sec. 5-3. Interference with navigation.

(a) No person shall operate any watercraft in a manner which unreasonably or unnecessarily interferes with other watercraft or with the free and proper navigation of the waterways of the State.

(b) A vessel engaged in fishing shall not impede the passage of any other vessel navigating within a narrow channel or canal.

(c) A vessel nearing a bend or an area of a narrow channel or canal where other vessels may be obscured by an intervening obstruction shall navigate with alertness and caution and shall sound the appropriate audible signal as required by the Inland Rules as written by the United States Coast Guard and this Act.

(d) A vessel shall avoid anchoring in a narrow channel, under bridges, or in heavily traveled channels or canals, if unreasonable under the prevailing circumstances.

625 ILCS 45/5-4 — Overloading

Sec. 5-4. Overloading. A. No motorboat may be loaded with passengers or cargo beyond its safe carrying capacity taking into consideration weather and other existing operating conditions. Water skiers, tubers, parasailers, or other persons towed by the motorboat shall be considered part of the total number of passengers and cargo allowed by a watercraft's

capacity plate for the purpose of determining a motorboat's carrying capacity. B. Capacity plates.

(1) Every vessel less than 26 feet in length, designed to carry 2 or more persons and to be propelled by machinery as its principal source of power or designed to be propelled by oars shall, if manufactured or offered for sale in this State, have affixed permanently thereto by the manufacturer a capacity plate as required by this Section. As used in this Section, "manufacture" means to construct or assemble a vessel or alter a vessel in such manner as to change its weight capacity.

(2) A capacity plate shall bear the following information permanently marked thereon in such manner as to be clearly visible and legible from the position designed or normally intended to be occupied by the operator of the vessel when under way: a. For all vessels designed for or represented by the manufacturer as being suitable for use with outboard motor: 1. The total weight of persons, motor, gear and other articles placed aboard which the vessel is capable of carrying with safety under normal conditions. 2. The recommended number of persons commensurate with the weight capacity of the vessel and the presumed weight in pounds of each such person. In no instance may such presumed weight per person be less than 150 pounds. 3. Clear notice that the information appearing on the capacity plate is applicable under normal conditions and that the weight of the outboard motor and associated equipment is considered to be part of total weight capacity. 4. The maximum horsepower of the motor the vessel is designed or intended to accommodate. b. For all other vessels to which this Section applies: 1. The total weight of persons, gear and other articles placed aboard which the vessel is capable of carrying with safety under normal conditions. 2. The recommended number of persons commensurate with the weight capacity of the vessel and the presumed weight in pounds of each such person. In no instance shall such presumed weight per person be less than 150 pounds. 3. Clear notice that the information appearing on the capacity plate is applicable under normal conditions.

(3) The information relating to maximum capacity required to appear on capacity plates by Subsection B

(2) of this Section shall be determined in accordance with such methods and formulas as shall be prescribed by rule or regulation adopted by the Department. In prescribing such methods and formulas, the Department shall be guided by and give due regard to the necessity for uniformity in methods and formulas lawful for use in determining small vessel capacity in the several states and to any methods and formulas which may be recognized or recommended by the United States Coast Guard or any agency successor thereto.

(4) Any vessel to which this Section applies, not having a capacity plate meeting the requirements of law affixed thereto by the manufacturer thereof, may have such affixed by any other person in accordance with such rules and regulations as the Department may prescribe and may thereafter be offered for sale in this State, but no action taken pursuant to this Section or in the manner described herein, shall relieve any manufacturer from liability for failure to comply with the requirements of this Section.

(5) The information appearing on a capacity plate shall be deemed to warrant that the manufacturer, or the person affixing the capacity plate is permitted by Subsection B

(4) of this Section, as the case may be, has correctly and faithfully employed a method and formula for the calculation of maximum weight capacity prescribed by the Department and that the information appearing on the capacity plate with respect to maximum weight capacity and recommended number of persons is the result of the application of such method and formula, and with respect to information concerning horsepower limitations, that such information is not a deliberate or negligent misrepresentation.

(6) If any vessel required by this Section to have a capacity plate affixed thereto is of such design or construction as to make it impracticable or undesirable to affix such plate, the manufacturer, or other person having the responsibility for affixing the plate, may represent such impracticability or undesirability to the Department in writing. Upon determination by the Department that such representation has merit and that a proper and effective substitute for the capacity plate which will serve the same purpose is feasible, the Department may authorize such alternative compliance and such alternative compliance shall thereafter be deemed compliance with the capacity plate requirements of this Section.

(7) The Department may by rules or regulations exempt from the requirements of this Section vessels which it finds to be of such unconventional design or construction that the information required on capacity plates would not assist in promoting safety or is not reasonably obtainable.

(8) The Department is authorized to issue and amend rules and regulations to carry out the purposes of this Section. Failure to affix a proper capacity plate shall constitute a separate violation of this subsection B for each vessel with respect to which such failure occurs.

625 ILCS 45/5-5 — Incapacity of operator

Sec. 5-5. Incapacity of operator. The owner of any motorboat or any person having such in charge or in control shall not authorize or knowingly permit the same to be operated by any person who by reason of physical or mental disability is incapable of operating such motorboat under the prevailing circumstances.

625 ILCS 45/5-6 — Overpowering

Sec. 5-6. Overpowering. No motorboat shall be equipped with any motor or other propulsion machinery beyond its safe power capacity taking into consideration the type and construction of such motorboat and other existing operating conditions.

625 ILCS 45/5-7 — Restricted areas

Sec. 5-7. Restricted areas. No person shall operate a watercraft within a water area that has been clearly marked by buoys or some other distinguishing device as a bathing, fishing, swimming or otherwise restricted area by the Department or a political subdivision of the State or by an owner or lessee of property in accordance with his or her rights to the use of the property, except in the manner prescribed by the buoys or other distinguishing devices. This Section shall not apply in the case of an emergency, or to patrol or rescue craft. No person shall operate a watercraft within 150 feet of a public launching ramp owned, operated or maintained by the Department or a political subdivision of the State at greater than a "No Wake" speed as defined in Section 5-12 of this Act. Posting of the areas by the Department or a political subdivision of the State is not required. The Department and other political subdivisions of the State may, within their discretion and after issuing an administrative rule in accordance with the Illinois Administrative Procedure Act, designate certain areas by proper signs to be bathing, fishing, swimming or otherwise restricted areas, or eliminate, alter or otherwise modify existing areas. The Department or a political subdivision of the State shall further have the authority in order to fully carry out the provisions of this Act to place signs, beacons and buoys in designated areas controlling the flow of traffic. It shall be unlawful for any person to deface, move, obliterate, tear down, or destroy, in whole or in part, or attempt to deface, move, obliterate, tear down or destroy any buoys or signs posted pursuant to the provisions of this Act, except as authorized by the Department.

625 ILCS 45/5-12

Sec. 5-12. A wake is defined as a movement of the water created by a boat underway great enough to disturb a boat at rest, but under no circumstances shall a boat underway exceed 5 miles per hour while in a posted "No Wake" area. "No Wake" areas shall be clearly posted with buoys or appropriate signs except as provided in Section 5-7 of this Act. All buoys or signs posting "No Wake" areas shall meet the specifications as prescribed by the United States Coast Guard or the Illinois Department of Natural Resources.

625 ILCS 45/5-13 — Traffic rules

Sec. 5-13. Traffic rules. A. The area straight ahead of a vessel to the point that is 22.5 degrees beyond the middle of the vessel on the starboard side of the watercraft shall be designated the danger zone. An operator of a watercraft shall yield to any other watercraft occupying or entering into the danger zone that may result in collision. A-5. Head-on situation.

(1) If 2 power-driven vessels are meeting head-on or nearly head-on courses so as to involve risk of collision, each shall alter course to starboard so that each shall pass on the port side of the other.

(2) A vessel proceeding along the course of a narrow channel or canal shall keep as near to the outer limit of the channel or canal that lies on the starboard side as is safe and practicable.

(3) A power-driven vessel operating in narrow channels and proceeding downbound with a following current shall have the right-of-way over an upbound vessel, shall propose the manner and place of passage, and shall imitate the maneuvering signals as required by law. The vessel proceeding upstream shall yield as necessary to permit safe passing.

B. Crossing. As used in this Section, "crossing" means 2 or more watercraft traveling in directions that would have the path of travel of the watercraft intersect each other.

(1) If 2 power-driven vessels are crossing so as to involve the risk of collision, the vessel that has the other on the starboard side shall keep out of the way and shall avoid crossing ahead of the other vessel.

(2) A power-driven vessel crossing a river shall keep out of the way of a power-driven vessel ascending or descending the river.

(3) A vessel may not cross a narrow channel or canal if the crossing impedes the passage of a vessel that can only safely navigate within the channel or canal. C. Overtaking.

(1) A vessel overtaking any other shall give way to the vessel being overtaken.

(2) If a vessel operator is in doubt as to whether he or she is overtaking another vessel, the operator shall assume he or she is overtaking the other vessel and shall act accordingly.

(3) Any subsequent alteration of the bearing between the 2 vessels shall not make the overtaking vessel a crossing vessel within the meaning of this Section or relieve the overtaking operator of the duty to keep clear of the overtaken vessel until finally past and clear.

(4) When overtaking in a narrow channel or canal, the operator of a power-driven vessel intending to overtake another power-driven vessel shall proceed to pass safely only after indicating his or her intention by sounding the horn as follows:

(a) one short blast from the horn signifies a request to pass on the overtaken vessel's starboard side;

(b) 2 short blasts from the horn signify a request to pass on the overtaken vessel's port side.

(5) The operator of the power-driven vessel being overtaken shall:

(a) acknowledge the request by sounding the same signal; or

(b) sound 5 short blasts from the horn to indicate danger or to warn the overtaking vessel not to pass. No response from the overtaken vessel shall be interpreted as an indication of danger and is the same as if 5 short blasts from the horn were sounded. In the absence of an audible signal or horn, a light signal device using the appropriate number of rapid bursts of light may be used. D. Sailing vessels.

(1) The operator of a power-driven vessel shall yield the right-of-way to any nonpowered or sailing vessel unless the nonpowered vessel is overtaking the power-driven vessel or when a large craft is navigating in a confined channel, the large craft has the right-of-way over a boat propelled solely by oars or sails.

(2) If 2 sailing vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other as follows:

(a) If each has the wind on a different side, the vessel that has the wind on the port side shall give way to the other vessel.

(b) If both have the wind on the same side, the vessel that is to windward shall give way to the vessel that is to leeward.

(c) If a vessel with the wind on the port side sees a vessel to windward and cannot determine with certainty whether the other vessel has the wind on the port or starboard side, the vessel shall give way to the other vessel.

625 ILCS 45/5-14 — Towing of persons

Sec. 5-14. Towing of persons. A. No person may operate a motorboat that has in tow or is otherwise assisting a person on water skis, an aquaplane, or a similar contrivance in or upon any waterway, unless the motorboat has a capacity of at least 3 persons and is occupied by at least 2 competent persons. B. No person may operate a motorboat having in tow or otherwise be assisting a person on water skis, aquaplane or similar contrivance from the period of one-half hour after sunset to one-half hour before sunrise. This paragraph B does not apply to motorboats used in duly authorized water ski tournaments, competitions, exhibitions or trials therefor where adequate lighting is provided. C. All persons operating a motorboat having in tow or otherwise assisting a person on water skis, aquaplane or similar contrivance, must be careful and prudent in their operation and keep at a reasonable distance from persons and property so as not to endanger the life or property of any person. D. No person may operate or manipulate any vessel, tow rope or other device by which the direction or location of water skis, aquaplane, or similar device may be affected or controlled in such a way as to cause the water skis, aquaplane, or similar device, or any persons thereon to collide with or strike against any person or object, except ski jumps, buoys and like objects normally used in competitive or recreational skiing. E. The operator of any watercraft that is towing a person or persons shall display on the watercraft a bright or brilliant orange flag measuring not less than 12 inches per side. The flag shall be displayed at the highest point of the area surrounding the boat's helm as to be visible from all directions, continuously, while the person or persons being towed depart the boat in preparation for towing and until reentry into the boat when the activity has ceased. Display of the flag for purposes other than the activity described in this Section is prohibited.

625 ILCS 45/5-15 — Regattas and races

Sec. 5-15. Regattas and races. A. The Department may authorize the holding of regattas, motorboat or other boat races on any waters of this State. It shall adopt and may, from time to time, amend regulations concerning the safety of motorboats and other vessels and persons thereon, either observers or participants. Whenever a regatta, motorboat or other boat race is proposed to be held, the person in charge thereof, shall, at least 30 days prior thereto, file an application with the Department for permission to hold such regatta, motorboat or other boat race. The application shall set forth the date, time and location where it is proposed to hold such regatta, motorboat or other boat race and it shall not be conducted without authorization of the Department in writing. B. When a regatta, motorboat or other boat race authorized or proposed to be authorized under subsection A of this Section is to be held on a body of water owned and operated by a unit of local government, the unit of local government may schedule those events, but only after adopting an ordinance providing for such scheduling and filing it with the Department. C. The provisions of this Section do not exempt any person from compliance with applicable Federal law or regulation, but nothing contained herein may be construed to require the securing of a State permit pursuant to this Section if a permit therefor has been obtained from an authorized agency of the United States.

625 ILCS 45/5-16

Sec. 5-16. Operating a watercraft under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or combination thereof. (A) 1. A person shall not operate or be in actual physical control of any watercraft within this State while:

(a) The alcohol concentration in such person's blood, other bodily substance, or breath is a concentration at which driving a motor vehicle is prohibited under subdivision

(1) of subsection

(a) of Section 11-501 of the Illinois Vehicle Code;

(b) Under the influence of alcohol;

(c) Under the influence of any other drug or combination of drugs to a degree which renders such person incapable of safely operating any watercraft; (c-1) Under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of safely operating any watercraft;

(d) Under the combined influence of alcohol and any other drug or drugs to a degree which renders such person incapable of safely operating a watercraft; (d-3) The person who is not a CDL holder has a tetrahydrocannabinol concentration in the person's whole blood or other bodily substance at which driving a motor vehicle is prohibited under subdivision

(7) of subsection

(a) of Section 11-501 of the Illinois Vehicle Code; (d-5) The person who is a CDL holder has any amount of a drug, substance, or compound in the person's breath, blood, other bodily substance, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act; or

(e) There is any amount of a drug, substance, or compound in the person's blood, other bodily substance, or urine resulting from the unlawful use or consumption of a controlled substance listed in the Illinois Controlled Substances Act, methamphetamine as listed in the Methamphetamine Control and Community Protection Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act. 2. The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, any intoxicating compound or compounds, or any combination of them, shall not constitute a defense against any charge of violating this Section. 3. Every person convicted of violating this Section shall be guilty of a Class A misdemeanor, except as otherwise provided in this Section. 4. Every person convicted of violating this Section shall be guilty of a Class 4 felony if:

(a) He or she has a previous conviction under this Section;

(b) The offense results in personal injury where a person other than the operator suffers great bodily harm or permanent disability or disfigurement, when the violation was a proximate cause of the injuries. A person guilty of a Class 4 felony under this subparagraph (b), if sentenced to a term of imprisonment, shall be sentenced to a term of not less than one year nor more than 12 years; or

(c) The offense occurred during a period in which his or her privileges to operate a watercraft are revoked or suspended, and the revocation or suspension was for a violation of this Section or was imposed under subsection (B). 5. Every person convicted of violating this Section shall be guilty of a Class 2 felony if the offense results in the death of a person. A

person guilty of a Class 2 felony under this paragraph 5, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 3 years and not more than 14 years. 5.1. A person convicted of violating this Section or a similar provision of a local ordinance who had a child under the age of 16 aboard the watercraft at the time of offense is subject to a mandatory minimum fine of \$500 and to a mandatory minimum of 5 days of community service in a program benefiting children. The assignment under this paragraph 5.1 is not subject to suspension and the person is not eligible for probation in order to reduce the assignment. 5.2. A person found guilty of violating this Section, if his or her operation of a watercraft while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, is liable for the expense of an emergency response as provided in subsection

(m) of Section 11-501 of the Illinois Vehicle Code. 5.3. In addition to any other penalties and liabilities, a person who is found guilty of violating this Section, including any person placed on court supervision, shall be fined \$100, payable to the circuit clerk, who shall distribute the money to the law enforcement agency that made the arrest or as provided in subsection

(c) of Section 10-5 of the Criminal and Traffic Assessment Act if the arresting agency is a State agency, unless more than one agency is responsible for the arrest, in which case the amount shall be remitted to each unit of government equally. Any moneys received by a law enforcement agency under this paragraph 5.3 shall be used to purchase law enforcement equipment or to provide law enforcement training that will assist in the prevention of alcohol related criminal violence throughout the State. Law enforcement equipment shall include, but is not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers. 6.

(a) In addition to any criminal penalties imposed, the Department of Natural Resources shall suspend the watercraft operation privileges of any person convicted or found guilty of a misdemeanor under this Section, a similar provision of a local ordinance, or Title 46 of the U.S. Code of Federal Regulations for a period of one year, except that a first time offender is exempt from this mandatory one year suspension. As used in this subdivision (A)6(a), "first time offender" means any person who has not had a previous conviction or been assigned supervision for violating this Section, a similar provision of a local ordinance or, Title 46 of the U.S. Code of Federal Regulations, or any person who has not had a suspension imposed under subdivision (B)3.1 of Section 5-16.

(b) In addition to any criminal penalties imposed, the Department of Natural Resources shall suspend the watercraft operation privileges of any person convicted of a felony under this Section, a similar provision of a local ordinance, or Title 46 of the U.S. Code of Federal Regulations for a period of 3 years. (B) 1. Any person who operates or is in actual physical control of any watercraft upon the waters of this State shall be deemed to have given consent to a chemical test or tests of blood, breath, other bodily substance, or urine for the purpose of determining the content of alcohol, other drug or drugs, intoxicating compound or compounds, or combination thereof in the person's blood or other bodily substance if arrested for any offense of subsection (A) above. The chemical test or tests shall be administered at the direction of the arresting officer. The law enforcement agency employing the officer shall designate which of the tests shall be administered. Up to 2 additional tests of urine or other bodily substance may be administered even after a blood or breath test or both has been administered. 1.1. For the purposes of this Section, an Illinois Law Enforcement officer of this State who is investigating the person for any offense defined in Section 5-16 may travel into an adjoining state, where the person has been transported for medical care to complete an investigation, and may request that the person submit to the test or tests set forth in this Section. The requirements of this Section that the person be arrested are inapplicable, but the officer shall issue the person a uniform citation for an offense as defined in Section 5-16 or a similar provision of a local ordinance prior to requesting that the person submit to the test or tests. The issuance of the uniform citation shall not constitute an arrest, but shall be for the purpose of notifying the person that he or she is subject to the provisions of this Section and of the officer's belief in the existence of probable cause to arrest. Upon returning to this State, the officer shall file the uniform citation with the circuit clerk of the county where the offense was committed and shall seek the issuance of an arrest warrant or a summons for the person. 1.2. Notwithstanding any ability to refuse under this Act to submit to these tests or any ability to revoke the implied consent to these tests, if a law enforcement officer has probable cause to believe that a watercraft operated by or under actual physical control of a person under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination of them has caused the death of or personal injury to another, that person shall submit, upon the request of a law enforcement officer, to a chemical test or tests of his or her blood, breath, other bodily substance, or urine for the purpose of determining the alcohol content or the presence of any other drug, intoxicating compound, or combination of them. For the purposes of this Section, a personal injury includes severe bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene for immediate professional attention in either a doctor's office or a medical facility. 2. Any person who is dead, unconscious or

who is otherwise in a condition rendering such person incapable of refusal, shall be deemed not to have withdrawn the consent provided above, and the test may be administered. 3. A person requested to submit to a chemical test as provided above shall be verbally advised by the law enforcement officer requesting the test that a refusal to submit to the test will result in suspension of such person's privilege to operate a watercraft for a minimum of 2 years. Following this warning, if a person under arrest refuses upon the request of a law enforcement officer to submit to a test designated by the officer, no test shall be given, but the law enforcement officer shall file with the clerk of the circuit court for the county in which the arrest was made, and with the Department of Natural Resources, a sworn statement naming the person refusing to take and complete the chemical test or tests requested under the provisions of this Section. Such sworn statement shall identify the arrested person, such person's current residence address and shall specify that a refusal by such person to take the chemical test or tests was made. Such sworn statement shall include a statement that the arresting officer had reasonable cause to believe the person was operating or was in actual physical control of the watercraft within this State while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or combination thereof and that such chemical test or tests were made as an incident to and following the lawful arrest for an offense as defined in this Section or a similar provision of a local ordinance, and that the person after being arrested for an offense arising out of acts alleged to have been committed while so operating a watercraft refused to submit to and complete a chemical test or tests as requested by the law enforcement officer. 3.1. The law enforcement officer submitting the sworn statement as provided in paragraph 3 of this subsection (B) shall serve immediate written notice upon the person refusing the chemical test or tests that the person's privilege to operate a watercraft within this State will be suspended for a period of 2 years unless, within 28 days from the date of the notice, the person requests in writing a hearing on the suspension. If the person desires a hearing, such person shall file a complaint in the circuit court for and in the county in which such person was arrested for such hearing. Such hearing shall proceed in the court in the same manner as other civil proceedings, shall cover only the issues of whether the person was placed under arrest for an offense as defined in this Section or a similar provision of a local ordinance as evidenced by the issuance of a uniform citation; whether the arresting officer had reasonable grounds to believe that such person was operating a watercraft while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or combination thereof; and whether such person refused to submit and complete the chemical test or tests upon the request of the law enforcement officer. Whether the person was informed that such person's privilege to operate a watercraft would be suspended if such person refused to submit to the chemical test or tests shall not be an issue. If the person fails to request in writing a hearing within 28 days from the date of notice, or if a hearing is held and the court finds against the person on the issues before the court, the clerk shall immediately notify the Department of Natural Resources, and the Department shall suspend the watercraft operation privileges of the person for at least 2 years. 3.2. If the person is a CDL holder and submits to a test that discloses an alcohol concentration of 0.08 or more, or any amount of a drug, substance or intoxicating compound in the person's breath, blood, other bodily substance, or urine resulting from the unlawful use of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, methamphetamine as listed in the Methamphetamine Control and Community Protection Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act, the law enforcement officer shall immediately submit a sworn report to the circuit clerk of venue and the Department of Natural Resources, certifying that the test or tests were requested under paragraph 1 of this subsection (B) and the person submitted to testing that disclosed an alcohol concentration of 0.08 or more or any amount of a drug, substance or intoxicating compound in the person's breath, blood, other bodily substance, or urine resulting from the unlawful use of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, methamphetamine as listed in the Methamphetamine Control and Community Protection Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act. If the person is not a CDL holder and submits to a test that discloses an alcohol concentration of 0.08 or more, a tetrahydrocannabinol concentration in the person's whole blood or other bodily substance as defined in paragraph 6 of subsection

(a) of Section 11-501.2 of the Illinois Vehicle Code, or any amount of a drug, substance or intoxicating compound in the person's breath, blood, other bodily substance, or urine resulting from the unlawful use of a controlled substance listed in the Illinois Controlled Substances Act, methamphetamine as listed in the Methamphetamine Control and Community Protection Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act, the law enforcement officer shall immediately submit a sworn report to the circuit clerk of venue and the Department of Natural Resources, certifying that the test or tests were requested under paragraph 1 of this subsection (B) and the person submitted to testing that disclosed an alcohol concentration of 0.08 or more, a tetrahydrocannabinol concentration in the person's whole blood or

other bodily substance as defined in paragraph 6 of subsection

(a) of Section 11-501.2 of the Illinois Vehicle Code, or any amount of a drug, substance or intoxicating compound in the person's breath, blood, other bodily substance, or urine resulting from the unlawful use of a controlled substance listed in the Illinois Controlled Substances Act, methamphetamine as listed in the Methamphetamine Control and Community Protection Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act. In cases involving a person who is a CDL holder where the blood alcohol concentration of 0.08 or greater or any amount of drug, substance or compound resulting from the unlawful use of cannabis, a controlled substance, methamphetamine, or an intoxicating compound is established by a subsequent analysis of blood, other bodily substance, or urine collected at the time of arrest, the arresting officer or arresting agency shall immediately submit a sworn report to the circuit clerk of venue and the Department of Natural Resources upon receipt of the test results. In cases involving a person who is not a CDL holder where the blood alcohol concentration of 0.08 or greater, a tetrahydrocannabinol concentration in the person's whole blood or other bodily substance as defined in paragraph 6 of subsection

(a) of Section 11-501.2 of the Illinois Vehicle Code, or any amount of drug, substance, or compound resulting from the unlawful use of a controlled substance, methamphetamine, or an intoxicating compound is established by a subsequent analysis of blood, other bodily substance, or urine collected at the time of arrest, the arresting officer or arresting agency shall immediately submit a sworn report to the circuit clerk of venue and the Department of Natural Resources upon receipt of the test results. 4. A person must submit to each chemical test offered by the law enforcement officer in order to comply with the implied consent provisions of this Section. 5. The provisions of Section 11-501.2 of the Illinois Vehicle Code, as amended, concerning the certification and use of chemical tests apply to the use of such tests under this Section. (C) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while operating a watercraft while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or combination thereof, the concentration of alcohol, drug, or compound in the person's blood, other bodily substance, or breath at the time alleged as shown by analysis of a person's blood, urine, breath, or other bodily substance shall give rise to the presumptions specified in subdivisions 1, 2, and 3 of subsection

(b) and subsection (b-5) of Section 11-501.2 of the Illinois Vehicle Code. The foregoing provisions of this subsection (C) shall not be construed as limiting the introduction of any other relevant evidence bearing upon the question whether the person was under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or a combination thereof. (D) If a person under arrest refuses to submit to a chemical test under the provisions of this Section, evidence of refusal shall be admissible in any civil or criminal action or proceeding arising out of acts alleged to have been committed while the person under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or combination of them was operating a watercraft. (E) The owner of any watercraft or any person given supervisory authority over a watercraft, may not knowingly permit a watercraft to be operated by any person under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or combination thereof. (F) Whenever any person is convicted or found guilty of a violation of this Section, including any person placed on court supervision, the court shall notify the Office of Law Enforcement of the Department of Natural Resources, to provide the Department with the records essential for the performance of the Department's duties to monitor and enforce any order of suspension or revocation concerning the privilege to operate a watercraft. (G) No person who has been arrested and charged for violating paragraph 1 of subsection (A) of this Section shall operate any watercraft within this State for a period of 24 hours after such arrest.

625 ILCS 45/5-16a

Sec. 5-16a. Admissibility of chemical tests of blood, other bodily substance, or urine conducted in the regular course of providing emergency medical treatment.

(a) Notwithstanding any other provision of law, the written results of blood, other bodily substance, or urine alcohol and drug tests conducted upon persons receiving medical treatment in a hospital emergency room are admissible in evidence as a business record exception to the hearsay rule only in prosecutions for any violation of Section 5-16 of this Act or a similar provision of a local ordinance or in prosecutions for reckless homicide brought under the Criminal Code of 1961 or the Criminal Code of 2012, when:

(1) the chemical tests performed upon an individual's blood, other bodily substance, or urine were ordered in the regular course of providing emergency treatment and not at the request of law enforcement authorities; and

(2) the chemical tests performed upon an individual's blood, other bodily substance, or urine were performed by the laboratory routinely used by the hospital. Results of chemical tests performed upon an individual's blood, other bodily substance, or urine are admissible into evidence regardless of the time that the records were prepared.

(b) The confidentiality provisions of law pertaining to medical records and medical treatment shall not be applicable with regard to chemical tests performed upon an individual's blood, other bodily substance, or urine under the provisions of this Section in prosecutions as specified in subsection

(a) of this Section. No person shall be liable for civil damages as a result of the evidentiary use of the results of chemical testing of an individual's blood, other bodily substance, or urine under this Section or as a result of that person's testimony made available under this Section.

625 ILCS 45/5-16a.1

Sec. 5-16a.1. Reporting of test results of blood, other bodily substance, or urine conducted in the regular course of providing emergency medical treatment.

(a) Notwithstanding any other provision of law, the results of blood, other bodily substance, or urine tests performed for the purpose of determining the content of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination of them in an individual's blood, other bodily substance, or urine, conducted upon persons receiving medical treatment in a hospital emergency room for injuries resulting from a boating accident, shall be disclosed to the Department of Natural Resources or local law enforcement agencies of jurisdiction, upon request. The blood, other bodily substance, or urine tests are admissible in evidence as a business record exception to the hearsay rule only in prosecutions for violations of Section 5-16 of this Code or a similar provision of a local ordinance, or in prosecutions for reckless homicide brought under the Criminal Code of 1961 or the Criminal Code of 2012.

(b) The confidentiality provisions of the law pertaining to medical records and medical treatment shall not be applicable with regard to tests performed upon an individual's blood, other bodily substance, or urine under the provisions of subsection

(a) of this Section. No person is liable for civil damages or professional discipline as a result of disclosure or reporting of the tests or the evidentiary use of an individual's blood, other bodily substance, or urine test results under this Section or Section 5-16a, or as a result of that person's testimony made available under this Section or Section 5-16a, except for willful or wanton misconduct.

625 ILCS 45/5-16b — Preliminary breath screening test

Sec. 5-16b. Preliminary breath screening test. If a law enforcement officer has reasonable suspicion to believe that a person is violating or has violated Section 5-16 or a similar provision of a local ordinance, the officer, prior to an arrest, may request the person to provide a sample of his or her breath for a preliminary breath screening test using a portable device approved by the Illinois State Police. The results of this preliminary breath screening test may be used by the law enforcement officer for the purpose of assisting with the determination of whether to require a chemical test as authorized under Section 5-16 and the appropriate type of test to request. Any chemical test authorized under Section 5-16 may be requested by the officer regardless of the result of the preliminary breath screening test if probable cause for an arrest exists. The result of a preliminary breath screening test may be used by the defendant as evidence in any administrative or court proceeding involving a violation of Section 5-16.

625 ILCS 45/5-16c — Operator involvement in personal injury or fatal boating accident; chemical tests

Sec. 5-16c. Operator involvement in personal injury or fatal boating accident; chemical tests.

(a) Any person who operates or is in actual physical control of a motorboat within this State and who has been involved in a personal injury or fatal boating accident shall be deemed to have given consent to a breath test using a portable device as approved by the Illinois State Police or to a chemical test or tests of blood, breath, other bodily substance, or urine for the purpose of determining the content of alcohol, other drug or drugs, or intoxicating compound or compounds of the person's blood if arrested as evidenced by the issuance of a uniform citation for a violation of the Boat Registration and Safety Act or a similar provision of a local ordinance, with the exception of equipment violations contained in Article IV of this Act or similar provisions of local ordinances. The test or tests shall be administered at the direction of the arresting officer. The law enforcement agency employing the officer shall designate which of the aforesaid tests shall be administered. Up to 2 additional tests of urine or other bodily substance may be administered even after a blood or breath test or both has been administered. Compliance with this Section does not relieve the person from the requirements of

any other Section of this Act.

(b) Any person who is dead, unconscious, or who is otherwise in a condition rendering that person incapable of refusal shall be deemed not to have withdrawn the consent provided by subsection

(a) of this Section. In addition, if an operator of a motorboat is receiving medical treatment as a result of a boating accident, any physician licensed to practice medicine, licensed physician assistant, licensed advanced practice registered nurse, registered nurse, or a phlebotomist acting under the direction of a licensed physician shall withdraw blood for testing purposes to ascertain the presence of alcohol, other drug or drugs, or intoxicating compound or compounds, upon the specific request of a law enforcement officer. However, this testing shall not be performed until, in the opinion of the medical personnel on scene, the withdrawal can be made without interfering with or endangering the well-being of the patient.

(c) A person who is a CDL holder requested to submit to a test under subsection

(a) of this Section shall be warned by the law enforcement officer requesting the test that a refusal to submit to the test, or submission to the test resulting in an alcohol concentration of 0.08 or more, or any amount of a drug, substance, or intoxicating compound resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act as detected in the person's blood, other bodily substance, or urine, may result in the suspension of the person's privilege to operate a motor vehicle and may result in the disqualification of the person's privilege to operate a commercial motor vehicle, as provided in Section 6-514 of the Illinois Vehicle Code. A person who is not a CDL holder requested to submit to a test under subsection

(a) of this Section shall be warned by the law enforcement officer requesting the test that a refusal to submit to the test, or submission to the test resulting in an alcohol concentration of 0.08 or more, a tetrahydrocannabinol concentration in the person's whole blood or other bodily substance as defined in paragraph 6 of subsection

(a) of Section 11-501.2 of the Illinois Vehicle Code, or any amount of a drug, substance, or intoxicating compound resulting from the unlawful use or consumption of a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act as detected in the person's blood, other bodily substance, or urine, may result in the suspension of the person's privilege to operate a motor vehicle. The length of the suspension shall be the same as outlined in Section 6-208.1 of the Illinois Vehicle Code regarding statutory summary suspensions.

(d) If the person is a CDL holder and refuses testing or submits to a test which discloses an alcohol concentration of 0.08 or more, or any amount of a drug, substance, or intoxicating compound in the person's blood, other bodily substance, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, the law enforcement officer shall immediately submit a sworn report to the Secretary of State on a form prescribed by the Secretary of State, certifying that the test or tests were requested under subsection

(a) of this Section and the person refused to submit to a test or tests or submitted to testing which disclosed an alcohol concentration of 0.08 or more, or any amount of a drug, substance, or intoxicating compound in the person's blood, other bodily substance, or urine, resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act. If the person is not a CDL holder and refuses testing or submits to a test which discloses an alcohol concentration of 0.08 or more, a tetrahydrocannabinol concentration in the person's whole blood or other bodily substance as defined in paragraph 6 of subsection

(a) of Section 11-501.2 of the Illinois Vehicle Code, or any amount of a drug, substance, or intoxicating compound in the person's blood, other bodily substance, or urine resulting from the unlawful use or consumption of a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, the law enforcement officer shall immediately submit a sworn report to the Secretary of State on a form prescribed by the Secretary of State, certifying that the test or tests were requested under subsection

(a) of this Section and the person refused to submit to a test or tests or submitted to testing which disclosed an alcohol concentration of 0.08 or more, a tetrahydrocannabinol concentration in the person's whole blood or other bodily substance as defined in paragraph 6 of subsection

(a) of Section 11-501.2 of the Illinois Vehicle Code, or any amount of a drug, substance, or intoxicating compound in the person's blood or urine, resulting from the unlawful use or consumption of a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act. Upon receipt of the sworn report of a law enforcement officer, the Secretary of State shall enter the suspension and disqualification to the person's driving record and the suspension and disqualification shall be effective on the 46th day following the date notice of the suspension was given to the person. The law enforcement officer submitting the sworn report shall serve immediate notice of this suspension on the person and this suspension and disqualification shall be effective on the 46th day following the date notice was given. In cases involving a person who is a CDL holder where the blood alcohol concentration of 0.08 or more, or any amount of a drug, substance, or intoxicating compound resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, is established by a subsequent analysis of blood, other bodily substance, or urine collected at the time of arrest, the arresting officer shall give notice as provided in this Section or by deposit in the United States mail of this notice in an envelope with postage prepaid and addressed to the person at his or her address as shown on the uniform citation and the suspension and disqualification shall be effective on the 46th day following the date notice was given. In cases involving a person who is not a CDL holder where the blood alcohol concentration of 0.08 or more, a tetrahydrocannabinol concentration in the person's whole blood or other bodily substance as defined in paragraph 6 of subsection

(a) of Section 11-501.2 of the Illinois Vehicle Code, or any amount of a drug, substance, or intoxicating compound resulting from the unlawful use or consumption of a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, is established by a subsequent analysis of blood, other bodily substance, or urine collected at the time of arrest, the arresting officer shall give notice as provided in this Section or by deposit in the United States mail of this notice in an envelope with postage prepaid and addressed to the person at his or her address as shown on the uniform citation and the suspension shall be effective on the 46th day following the date notice was given. Upon receipt of the sworn report of a law enforcement officer, the Secretary of State shall also give notice of the suspension and disqualification to the person by mailing a notice of the effective date of the suspension and disqualification to the person. However, should the sworn report be defective by not containing sufficient information or be completed in error, the notice of the suspension and disqualification shall not be mailed to the person or entered to the driving record, but rather the sworn report shall be returned to the issuing law enforcement agency.

(e) A person may contest this suspension of his or her driving privileges and disqualification of his or her CDL privileges by requesting an administrative hearing with the Secretary of State in accordance with Section 2-118 of the Illinois Vehicle Code. At the conclusion of a hearing held under Section 2-118 of the Illinois Vehicle Code, the Secretary of State may rescind, continue, or modify the orders of suspension and disqualification. If the Secretary of State does not rescind the orders of suspension and disqualification, a restricted driving permit may be granted by the Secretary of State upon application being made and good cause shown. A restricted driving permit may be granted to relieve undue hardship to allow driving for employment, educational, and medical purposes as outlined in Section 6-206 of the Illinois Vehicle Code. The provisions of Section 6-206 of the Illinois Vehicle Code shall apply. In accordance with 49 C.F.R. 384, the Secretary of State may not issue a restricted driving permit for the operation of a commercial motor vehicle to a person holding a CDL whose driving privileges have been suspended, revoked, cancelled, or disqualified.

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

625 ILCS 45/5-17

Sec. 5-17. The Department is authorized and empowered to establish a system of regulatory aids on the waters of the State in accordance with United States Coast Guard specifications and as recommended by the Coast Guard as a

uniform waterway marking system.

625 ILCS 45/5-18

Sec. 5-18.

(a) Beginning on January 1, 2016, no person born on or after January 1, 1998, unless exempted by subsection (i), shall operate a motorboat with over 10 horse power unless that person has a valid Boating Safety Certificate issued by the Department of Natural Resources or an entity or organization recognized and approved by the Department.

(b) No person under 10 years of age may operate a motorboat.

(c) Prior to January 1, 2016, persons at least 10 years of age and less than 12 years of age may operate a motorboat with over 10 horse power only if they are accompanied on the motorboat and under the direct control of a parent or guardian or a person at least 18 years of age designated by a parent or guardian. Beginning on January 1, 2016, persons at least 10 years of age and less than 12 years of age may operate a motorboat with over 10 horse power only if the person is under the direct on-board supervision of a parent or guardian who meets the requirements of subsection

(a) or a person at least 18 years of age who meets the requirements of subsection

(a) and is designated by a parent or guardian.

(d) Prior to January 1, 2016, persons at least 12 years of age and less than 18 years of age may operate a motorboat with over 10 horse power only if they are accompanied on the motorboat and under the direct control of a parent or guardian or a person at least 18 years of age designated by a parent or guardian, or the motorboat operator is in possession of a Boating Safety Certificate issued by the Department of Natural Resources, Division of Law Enforcement, authorizing the holder to operate motorboats. Beginning on January 1, 2016, persons at least 12 years and less than 18 years of age may operate a motorboat with over 10 horse power only if the person meets the requirements of subsection

(a) or is under the direct on-board supervision of a parent or guardian who meets the requirements of subsection

(a) or a person at least 18 years of age who meets the requirements of subsection

(a) and is designated by a parent or guardian.

(e) Beginning January 1, 2016, the owner of a motorboat or a person given supervisory authority over a motorboat shall not permit a motorboat with over 10 horse power to be operated by a person who does not meet the Boating Safety Certificate requirements of this Section.

(f) Licensed boat livery shall offer abbreviated operating and safety instruction covering core boat safety rules to all renters, unless the renter can demonstrate compliance with the Illinois Boating Safety Certificate requirements of this Section, or is exempt under subsection

(i) of this Section. A person who completes abbreviated operating and safety instruction may operate a motorboat rented from the livery providing the abbreviated operating and safety instruction without having a Boating Safety Certificate for up to one year from the date of instruction. The Department shall adopt rules to implement this subsection.

(g) Violations.

(1) A person who is operating a motorboat with over 10 horse power and is required to have a valid Boating Safety Certificate under the provisions of this Section shall present the certificate to a law enforcement officer upon request. Failure of the person to present the certificate upon request is a petty offense.

(2) A person who provides false or fictitious information in an application for a Boating Safety Certificate; or who alters, forges, counterfeits, or falsifies a Boating Safety Certificate; or who possesses a Boating Safety Certificate that has been altered, forged, counterfeited, or falsified is guilty of a Class A misdemeanor.

(3) A person who loans or permits his or her Boating Safety Certificate to be used by another person or who operates a motorboat with over 10 horse power using a Boating Safety Certificate that has not been issued to that person is guilty of a Class A misdemeanor.

(4) A violation of this Section done with the knowledge of a parent or guardian shall be deemed a violation by the parent or guardian and punishable under Section 11A-1.

(h) The Department of Natural Resources shall establish a program of instruction on boating safety, laws, regulations and administrative laws, and any other subject matter which might be related to the subject of general boat safety. The program shall be conducted by instructors certified by the Department of Natural Resources. The course of instruction for

persons certified to teach boating safety shall be not less than 8 hours in length, and the Department shall have the authority to revoke the certification of any instructor who has demonstrated his inability to conduct courses on the subject matter. The Department of Natural Resources shall develop and provide a method for students to complete the program online. Students satisfactorily completing a program of not less than 8 hours in length shall receive a certificate of safety from the Department of Natural Resources. The Department may cooperate with schools, online vendors, private clubs and other organizations in offering boating safety courses throughout the State of Illinois. The Department shall issue certificates of boating safety to persons 10 years of age or older successfully completing the prescribed course of instruction and passing such tests as may be prescribed by the Department. The Department may charge each person who enrolls in a course of instruction a fee not to exceed \$5. If a fee is authorized by the Department, the Department shall authorize instructors conducting such courses meeting standards established by it to charge for the rental of facilities or for the cost of materials utilized in the course. Fees retained by the Department shall be utilized to defray a part of its expenses to operate the safety and accident reporting programs of the Department.

(i) A Boating Safety Certificate is not required by:

(1) a person who possesses a valid United States Coast Guard commercial vessel operator's license or a marine certificate issued by the Canadian government;

(2) a person employed by the United States, this State, another state, or a subdivision thereof while in performance of his or her official duties;

(3) a person who is not a resident, is temporarily using the waters of this State for a period not to exceed 90 days, and meets any applicable boating safety education requirements of his or her state of residency or possesses a Canadian Pleasure Craft Operator's Card;

(4) a person who is a resident of this State who has met the applicable boating safety education requirements of another state or possesses a Canadian Pleasure Craft Operator's Card;

(5) a person who has assumed operation of the motorboat due to the illness or physical impairment of the operator, and is returning the motorboat or personal watercraft to shore in order to provide assistance or care for that operator;

(6) a person who is registered as a commercial fisherman or a person who is under the onboard direct supervision of the commercial fisherman while operating the commercial fisherman's vessel;

(7) a person who is serving or has qualified as a surface warfare officer or enlisted surface warfare specialist in the United States Navy;

(8) a person who has assumed operation of the motorboat for the purpose of completing a watercraft safety course approved by the Department, the U.S. Coast Guard, or the National Association of State Boating Law Administrators;

(9) (blank);

(10) a person operating a motorboat on private property;

(11) a person over the age of 12 years who holds a valid certificate issued by another state, a province of the Dominion of Canada, the United States Coast Guard Auxiliary or the United States Power Squadron need not obtain a certificate from the Department if the course content of the program in such other state, province or organization substantially meets that established by the Department under this Section. A certificate issued by the Department or by another state, province of the Dominion of Canada or approved organization shall not constitute an operator's license, but shall certify only that the student has successfully passed a course in boating safety instruction; or

(12) a person who is temporarily using the waters of this State for the purpose of participating in a boat racing event sanctioned by the Department of Natural Resources or authorized federal agency. The organizer or holder of the sanctioned event shall possess liability insurance for property damage and bodily injury or death with a minimum benefit of \$1,000,000 that shall remain in effect through the entirety of the event.

(j) The Department of Natural Resources shall adopt rules necessary to implement this Section. The Department of Natural Resources shall consult and coordinate with the boating public, professional organizations for recreational boating safety, and the boating retail, leasing, and dealer business community in the adoption of these rules. (Text of Section from P.A. 104-137) Sec. 5-18.

(a) No person born on or after January 1, 1998, unless exempted by subsection (i), shall operate a motorboat with over 10 horse power unless that person has a valid Boating Safety Certificate issued by the Department of Natural Resources or an entity or organization recognized and approved by the Department.

- (b) No person under 10 years of age may operate a motorboat.
- (c) Persons at least 10 years of age and less than 12 years of age may operate a motorboat with over 10 horse power only if the person is under the direct on-board supervision of a parent or guardian who meets the requirements of subsection
- (a) or a person at least 18 years of age who meets the requirements of subsection
- (a) and is designated by a parent or guardian.
- (d) Persons at least 12 years and less than 18 years of age may operate a motorboat with over 10 horse power only if the person meets the requirements of subsection
- (a) or is under the direct on-board supervision of a parent or guardian who meets the requirements of subsection
- (a) or a person at least 18 years of age who meets the requirements of subsection
- (a) and is designated by a parent or guardian.
- (e) The owner of a motorboat or a person given supervisory authority over a motorboat shall not permit a motorboat with over 10 horse power to be operated by a person who does not meet the Boating Safety Certificate requirements of this Section.
- (f) Licensed boat livery shall offer abbreviated operating and safety instruction covering core boat safety rules to all renters, unless the renter can demonstrate compliance with the Illinois Boating Safety Certificate requirements of this Section, or is exempt under subsection
- (i) of this Section. A person who completes abbreviated operating and safety instruction may operate a motorboat rented from the livery providing the abbreviated operating and safety instruction without having a Boating Safety Certificate for up to one year from the date of instruction. The Department shall adopt rules to implement this subsection.
- (g) Violations.
- (1) A person who is operating a motorboat with over 10 horse power and is required to have a valid Boating Safety Certificate under the provisions of this Section shall present the certificate to a law enforcement officer upon request. Failure of the person to present the certificate upon request is a petty offense.
- (2) A person who provides false or fictitious information in an application for a Boating Safety Certificate; or who alters, forges, counterfeits, or falsifies a Boating Safety Certificate; or who possesses a Boating Safety Certificate that has been altered, forged, counterfeited, or falsified is guilty of a Class A misdemeanor.
- (3) A person who loans or permits his or her Boating Safety Certificate to be used by another person or who operates a motorboat with over 10 horse power using a Boating Safety Certificate that has not been issued to that person is guilty of a Class A misdemeanor.
- (4) A violation of this Section done with the knowledge of a parent or guardian shall be deemed a violation by the parent or guardian and punishable under Section 11A-1.
- (h) The Department of Natural Resources shall establish a program of instruction on boating safety, laws, regulations and administrative laws, and any other subject matter which might be related to the subject of general boat safety. The program shall be conducted by instructors certified by the Department of Natural Resources. The course of instruction for persons certified to teach boating safety shall be not less than 8 hours in length, and the Department shall have the authority to revoke the certification of any instructor who has demonstrated his inability to conduct courses on the subject matter. The Department of Natural Resources shall develop and provide a method for students to complete the program online. Students satisfactorily completing a program of not less than 8 hours in length shall receive a certificate of safety from the Department of Natural Resources. The Department may cooperate with schools, online vendors, private clubs and other organizations in offering boating safety courses throughout the State of Illinois. The Department shall issue certificates of boating safety to persons 10 years of age or older successfully completing the prescribed course of instruction and passing such tests as may be prescribed by the Department. The Department may charge each person who enrolls in a course of instruction a fee not to exceed \$5. If a fee is authorized by the Department, the Department shall authorize instructors conducting such courses meeting standards established by it to charge for the rental of facilities or for the cost of materials utilized in the course. Fees retained by the Department shall be utilized to defray a part of its expenses to operate the safety and accident reporting programs of the Department.
- (i) A Boating Safety Certificate is not required by:

- (1) a person who possesses a valid United States Coast Guard commercial vessel operator's license or a marine certificate issued by the Canadian government;
 - (2) a person employed by the United States, this State, another state, or a subdivision thereof while in performance of his or her official duties;
 - (3) a person who is not a resident, is temporarily using the waters of this State for a period not to exceed 90 days, and meets any applicable boating safety education requirements of his or her state of residency or possesses a Canadian Pleasure Craft Operator's Card;
 - (4) a person who is a resident of this State who has met the applicable boating safety education requirements of another state or possesses a Canadian Pleasure Craft Operator's Card;
 - (5) a person who has assumed operation of the motorboat due to the illness or physical impairment of the operator, and is returning the motorboat or personal watercraft to shore in order to provide assistance or care for that operator;
 - (6) a person who is registered as a commercial fisherman or a person who is under the onboard direct supervision of the commercial fisherman while operating the commercial fisherman's vessel;
 - (7) a person who is serving or has qualified as a surface warfare officer or enlisted surface warfare specialist in the United States Navy;
 - (8) a person who has assumed operation of the motorboat for the purpose of completing a watercraft safety course approved by the Department, the U.S. Coast Guard, or the National Association of State Boating Law Administrators;
 - (9) a person using only an electric motor to propel the motorboat;
 - (10) a person operating a motorboat on private property;
 - (11) a person over the age of 12 years who holds a valid certificate issued by another state, a province of the Dominion of Canada, the United States Coast Guard Auxiliary or the United States Power Squadron need not obtain a certificate from the Department if the course content of the program in such other state, province or organization substantially meets that established by the Department under this Section. A certificate issued by the Department or by another state, province of the Dominion of Canada or approved organization shall not constitute an operator's license, but shall certify only that the student has successfully passed a course in boating safety instruction; or
 - (12) a person who is temporarily using the waters of this State for the purpose of participating in a boat racing event sanctioned by the Department of Natural Resources or authorized federal agency. The organizer or holder of the sanctioned event shall possess liability insurance for property damage and bodily injury or death with a minimum benefit of \$1,000,000 that shall remain in effect through the entirety of the event.
- (j) The Department of Natural Resources shall adopt rules necessary to implement this Section. The Department of Natural Resources shall consult and coordinate with the boating public, professional organizations for recreational boating safety, and the boating retail, leasing, and dealer business community in the adoption of these rules.

625 ILCS 45/5-19 — Skin diving

Sec. 5-19. Skin diving. (A) 1. No person may engage in underwater diving or swimming with the use of swimming fins or skin diving in waters other than marked swimming areas or within 150 feet of shoreline. 2. No person may engage in underwater diving or swimming with the use of self-contained underwater breathing apparatus in waters other than marked swimming areas, unless the location of such diving or swimming is distinctly marked by a diver's flag, not less than 12 inches high and 15 inches long, displaying one diagonal white stripe 3 inches wide on a red background, and of a height above the water so as to be clearly apparent at a distance of 100 yards under normal conditions, and so designed and displayed as to be visible from any point on the horizon. 3. Except in case of emergency, anyone engaging in such diving or swimming shall not rise to the surface outside of a radius of 50 feet from such flag. 4. No person engaged in such diving or swimming shall interfere with the operation of anyone fishing, nor engage in such diving or swimming in established traffic lanes; nor shall any person acting alone, or with another, intentionally or unintentionally block or obstruct any boat in any manner from proceeding to its destination where a reasonable alternative is unavailable. A reasonable alternative route is available when the otherwise unobstructed boat can proceed to its destination without reducing its lawful speed, by passing to the right or to the left of a marked diving operation. (B) An alternate flag recognized and approved by the United States Coast Guard may be substituted for the flag required in subsection (A)2 of this Section. (C) No watercraft shall be operated within 150 feet of a diving flag except for watercraft directly associated with that diving activity.

625 ILCS 45/5-20 — Unlawful operation at night

Sec. 5-20. Unlawful operation at night. Beginning July 1, 1994, no person shall operate a personal watercraft or a specialty prop craft between the hours of sunset and sunrise.

625 ILCS 45/5-21 — Passenger location

Sec. 5-21. Passenger location. No person operating a motorboat shall allow a person in the motorboat to ride or sit on the gunwales, tops of seat backs, or on the decking over the bow or stern of the motorboat while the motorboat is underway, unless the person is inboard of guards or rails provided on the motorboat to prevent passengers from being lost overboard. Nothing in this Section shall be construed to prohibit entry upon the decking over the bow or stern of the motorboat for the purpose of anchoring, mooring, or casting off or some other necessary purpose nor to prohibit customary practices while lawfully engaged in commercial fishing under the provisions of the Fish and Aquatic Life Code or hunting and trapping under the provisions of the Wildlife Code. The provisions of this Section shall not apply to the driver of the boat, a person while fishing or to a person on private property.

625 ILCS 45/5-22 — Operation of watercraft upon the approach of an authorized emergency watercraft

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

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

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

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

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

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

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

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

(h) If a violation of subsection

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

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

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

625 ILCS 45/5-23 — Transportation of aquatic plants and animals; placement of objects in navigable waters

Sec. 5-23. Transportation of aquatic plants and animals; placement of objects in navigable waters.

(a) No person may place or operate a vehicle, seaplane, watercraft, or other object of any kind in waters of this State if it has any aquatic plants or aquatic animals attached to the exterior of the vehicle, seaplane, watercraft, or other object.

This Section does not require a person to remove aquatic plants or aquatic animals from a vehicle, seaplane, watercraft, or other object during the period of time when the vehicle, seaplane, watercraft, or other object is being operated in the same navigable body of water in which the aquatic plants or aquatic animals became attached.

(b) No person may take off with a seaplane, or transport or operate a vehicle, watercraft, or other object of any kind on a highway with aquatic plants or aquatic animals attached to the exterior of the seaplane, vehicle, watercraft, or other object.

(c) A law enforcement officer who has reason to believe that a person is in violation of this Section may order the person to:

(i) remove aquatic plants or aquatic animals from a vehicle, seaplane, watercraft, or other object of any kind before placing it in a navigable water; (ii) remove aquatic plants or aquatic animals from a seaplane before taking off with the seaplane; (iii) remove from, or not place in, a navigable water, a vehicle, seaplane, watercraft, or other object of any kind; or (iv) not take off with a seaplane, or transport or operate a vehicle, watercraft, or other object of any kind on a highway.

(d) No person may refuse to obey the order of a law enforcement officer acting under subsection

(c) of this Section.

(e) This Section does not prohibit a person from:

(i) transporting or operating a vehicle, seaplane, watercraft, or other object of any kind with duckweed that is incidentally attached to the exterior of the vehicle, seaplane, watercraft, or other object; or (ii) transporting or operating commercial aquatic plant harvesting equipment that has aquatic plants or animals attached to the exterior of the equipment, if the equipment is owned or operated by a local governmental unit, is being transported or operated for the purpose of cleaning the equipment to remove aquatic plants or animals, and is being transported to or operated at a suitable location away from any body of water.

(f) The Department shall prepare a notice that contains a summary of the provisions under this Section and shall make copies of the notice available to persons required to post the notice under subsection

(g) of this Section.

(g) Each owner of a public boat access site shall post and maintain the notice described in subsection

(f) of this Section. For purposes of this Section, a "public boat access site" means a site that provides access to a navigable water for boats and that is open to the general public for free or for a charge or that is open only to certain groups of persons for a charge.

625 ILCS 45/6-1 — Collisions, accidents, and casualties; reports

Sec. 6-1. Collisions, accidents, and casualties; reports. A. The operator of a vessel involved in a collision, accident, or other casualty, so far as he can without serious danger to his own vessel, crew, passengers and guests, if any, shall render to other persons affected by the collision, accident, or other casualty assistance as may be practicable and as may be necessary in order to save them from or minimize any danger caused by the collision, accident, or other casualty, and also shall give his name, address, and identification of his vessel to any person injured and to the owner of any property damaged in the collision, accident, or other casualty. If the collision, accident, or other casualty has resulted in the death of or personal injury to any person, failure to comply with this subsection A is a Class A misdemeanor. A-1. Any person who has failed to stop or to comply with the requirements of subsection A must, as soon as possible but in no case later than one hour after the collision, accident, or other casualty, or, if hospitalized and incapacitated from reporting at any time during that period, as soon as possible but in no case later than one hour after being discharged from the hospital, report the date, place, and approximate time of the collision, accident, or other casualty, the watercraft operator's name and address, the identification number of the watercraft, if any, and the names of all other occupants of the watercraft, at a police station or sheriff's office near the location where the collision, accident, or other casualty occurred. A report made as required under this subsection A-1 may not be used, directly or indirectly, as a basis for the prosecution of any violation of subsection A. As used in this Section, personal injury means any injury requiring treatment beyond first aid. Any person failing to comply with this subsection A-1 is guilty of a Class 4 felony if the collision, accident, or other casualty does not

result in the death of any person. Any person failing to comply with this subsection A-1 when the collision, accident, or other casualty results in the death of any person is guilty of a Class 2 felony, for which the person, if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 3 years and not more than 14 years. B. In the case of collision, accident, or other casualty involving a vessel, the operator, if the collision, accident, or other casualty results in death or injury to a person or damage to property in excess of \$2000, or there is a complete loss of the vessel, shall file with the Department a full description of the collision, accident, or other casualty, including information as the Department may by regulation require. Reports of the accidents must be filed with the Department on a Department Accident Report form within 5 days. C. Reports of accidents resulting in personal injury, where a person sustains an injury requiring medical attention beyond first aid, must be filed with the Department on a Department Accident Report form within 5 days. Accidents that result in loss of life shall be reported to the Department on a Department form within 48 hours. D. All required accident reports and supplemental reports are without prejudice to the individual reporting, and are for the confidential use of the Department, except that the Department may disclose the identity of a person involved in an accident when the identity is not otherwise known or when the person denies his presence at the accident. No report to the Department may be used as evidence in any trial, civil or criminal, arising out of an accident, except that the Department must furnish upon demand of any person who has or claims to have made a report or upon demand of any court a certificate showing that a specified accident report has or has not been made to the Department solely to prove a compliance or a failure to comply with the requirements that a report be made to the Department. E.

(1) Every coroner or medical examiner shall on or before the 10th day of each month report in writing to the Department the circumstances surrounding the death of any person that has occurred as the result of a boating accident within the examiner's jurisdiction during the preceding calendar month.

(2) Within 6 hours after a death resulting from a boating accident, but in any case not more than 12 hours after the occurrence of the boating accident, a blood specimen of at least 10 cc shall be withdrawn from the body of the decedent by the coroner or medical examiner or by a qualified person at the direction of the physician. All morticians shall obtain a release from the coroner or medical examiner prior to proceeding with embalming any body coming under the scope of this Section. The blood so drawn shall be forwarded to a laboratory approved by the Illinois State Police for analysis of the alcoholic content of the blood specimen. The coroner or medical examiner causing the blood to be withdrawn shall be notified of the results of each analysis made and shall forward the results of each analysis to the Department. The Department shall keep a record of all examinations to be used for statistical purposes only. The cumulative results of the examinations, without identifying the individuals involved, shall be disseminated and made public by the Department.

625 ILCS 45/6-2 — Operator's responsibility

Sec. 6-2. Operator's responsibility. The operator of a watercraft is liable for any injury or damage occasioned by the negligent operation of such watercraft, whether such negligence consists of a violation of the provisions of the Statutes of this State, or in the failure to observe such ordinary care in such operation as the rules of the common law require.

625 ILCS 45/6-3 — Transmittal of information

Sec. 6-3. Transmittal of information. In accordance with any request duly made by an authorized official or agency of the United States, any information compiled or otherwise available to the Department pursuant to subsection (B) of Section 6-1 shall be transmitted to such official or agency of the United States.

625 ILCS 45/7-1

Sec. 7-1. It shall be unlawful for any person to engage in the business of operating a boat or boats carrying passengers for hire, or renting a boat or boats for hire without first having obtained a license so to do from the Department. Such license shall be renewable each year on January 1st, shall be good only for one year or portion of a year up to and including December 31st, and it shall be unlawful for such person to so engage in such business without having a valid license currently then in force. The Department shall outline the application process for passenger-for-hire licenses or rental boat licenses by administrative rule. Violations of this Act by a business or individual holding a rental license or passenger-for-hire license shall result in the suspension or revocation of the license issued based on the procedures outlined in administrative rule.

625 ILCS 45/7-2 — License fee

Sec. 7-2. License fee. The fee for a license to operate a boat for carrying passengers for hire shall be established by administrative rule. The fee for a license for engaging in the business of renting boats for hire and the annual fee for each

boat rented or offered for rent shall be set by administrative rule be rented or offered for rent until such license has been granted and the boat marked as hereinafter provided.

625 ILCS 45/7-3 — Rules and regulations

Sec. 7-3. Rules and regulations. The Department is hereby empowered, and it shall be their duty, to prescribe methods of inspection to determine the weight capacity for each boat carrying passengers for hire, or for rent, and to satisfy the Department that such boat is of a suitable structure for the service in which it is to be employed, and is in a condition to warrant the belief that it may be used in navigation with safety to life and property.

625 ILCS 45/7-4

Sec. 7-4. In order to authorize the maximum number of pounds of weight for boats less than 16 feet in length, the Department shall have their cubic foot capacity accurately determined, divide this number by twelve, and multiply the quotient by 150 pounds. The Department shall determine the basis for computing the weight capacity of boats 16 feet or over and less than 45 feet in length.

625 ILCS 45/7-5

Sec. 7-5. It shall be the duty of the Department to see that all of such boats comply with the standards prescribed in this Act and the rules and regulations of the Department.

625 ILCS 45/7-6

Sec. 7-6. Whenever, it shall be found that any boat does not comply with the standards of this Act and the rules and regulations of the Department, it shall thereupon be the duty of the Department to notify the owner, proprietor or agent in charge of any such boat, the respect in which the boat fails to comply, and to demand that such defective conditions be rectified prior to further use of such boat.

625 ILCS 45/7-7

Sec. 7-7. The Department shall furnish to the licensee an appropriate license which shall be prominently displayed in his place of business, or upon the boat if only one boat is involved. In addition to said license the Department shall also furnish to such licensee a durable tag or disc for each boat so licensed with such markings as the Department shall deem necessary, which tag or disc must be affixed to some prominent place at the bow of said boat plainly visible to the public. The licensee shall also cause to be painted on the after quarter of the boat the number of pounds of weight authorized to be carried therein, and no licensee or his agent shall knowingly permit more than that number of pounds of weight or number of persons to occupy said boat at any one given time.

625 ILCS 45/7-8 — Equipment

Sec. 7-8. Equipment. Neither the owner of a boat livery, nor his agent or employee shall permit any watercraft to depart from his premises unless it has been provided, either by owner or renter, with the equipment required pursuant to Article IV of this Act and any rules and regulations made pursuant thereto.

625 ILCS 45/7-9

Sec. 7-9. It shall be the responsibility of the owner of a boat livery, or his agent or employee, to determine that all watercraft are properly registered as required pursuant to Article III of this Act.

625 ILCS 45/7-10 — Unlawful rental of personal watercraft or specialty prop-craft

Sec. 7-10. Unlawful rental of personal watercraft or specialty prop-craft.

(a) A livery shall not lease, hire or rent a personal watercraft or a specialty prop-craft to, or for operation by, any person who is under 16 years of age.

(b) Any person convicted of violating this Section is guilty of a Class A misdemeanor.

625 ILCS 45/8-1 — Local ordinances

Sec. 8-1. Local ordinances. The provisions of this Act, and of other applicable laws of this State shall govern the operation, equipment, numbering and all other matters relating thereto whenever any vessel shall be operated on the waters of this State, or when any activity regulated by this Act shall take place thereon; but nothing in this Act shall be construed to prevent the adoption of any ordinance or local law by any political subdivision of the State relating to

operation and equipment of vessels the provisions of which are not inconsistent with the provisions of this Act, amendments thereto or regulations issued thereunder: Provided, that such ordinances or local laws shall be operative only so long as and to the extent that they continue to be not inconsistent with the provisions of this Act, amendments thereto or regulations issued thereunder.

625 ILCS 45/8-2 — Special rules - Application

Sec. 8-2. Special rules - Application. Any subdivision of this State may, at any time, but only after public notice, make formal application to the Department for special rules and regulations with reference to the operation of vessels on any waters within its territorial limits and shall set forth therein the reasons which make such special rules or regulations necessary or appropriate.

625 ILCS 45/8-3 — Special rules - Power

Sec. 8-3. Special rules - Power. The Department is hereby authorized to make special rules and regulations with reference to the operation of vessels on any waters within the territorial limits of any subdivision of this State.

625 ILCS 45/9-1 — Rules and regulations, filing

Sec. 9-1. Rules and regulations, filing. The implementation and administration of the provisions of this Act shall be by rules and regulations adopted by the Department of Natural Resources. A copy of the rules and regulations adopted pursuant to this Act, and of any amendments thereto, shall be filed in the office of the Department and in the office of the Secretary of State. Rules and regulations shall be published by the Department in a convenient form.

625 ILCS 45/10-1 — Special fund

Sec. 10-1. Special fund. All revenue received under the provisions of this Act, including registration fees, fines, or other income of any kind or nature, shall be deposited in the State Treasury and shall be set apart in a special fund to be known as the State Boating Act Fund, except that revenue from fines resulting from citations written by a county sheriff or his deputy shall be deposited in a county fund in the county where the citation was written. Appropriations from the State Boating Act Fund, excepting those revenues received as a result of the Snowmobile Registration and Safety Act, shall be made to the Department, and shall be used for the expenses of the Department in administering the registration, boat safety, boat safety education, and enforcement provisions of this Act or for any purpose related or incident thereto and connected therewith, including the construction and improvement of boating facilities, such as access areas, launching sites, harbor facilities, lakes, and marinas, including plans and specifications, engineering surveys, and supervision and land acquisition where necessary. In addition to the foregoing, appropriations from the State Boating Act Fund, other than revenues received as a result of the Snowmobile Registration and Safety Act, may be made to the Department of Natural Resources to pay operational expenses for recreational boating facilities at McHenry Lock and Dam in McHenry County and Sinnissippi Dam in Whiteside County.

625 ILCS 45/10-2 — Snowmobile Registration and Safety Act Revenues

Sec. 10-2. Snowmobile Registration and Safety Act Revenues. All revenue received under the provisions of the "Snowmobile Registration and Safety Act", including registration fees, fines, or other income of whatsoever kind or nature, shall be deposited in the State Treasury in "The State Boating Act Fund". Appropriations of such revenue shall be made only to the Department for administering the registration of snowmobiles, snowmobile safety, snowmobile safety education and enforcement provisions of the "Snowmobile Registration and Safety Act" or for any purpose related or connected thereto, including the construction, maintenance, and rehabilitation of snowmobile recreation areas or any other facilities for the use of snowmobiles, including plans and specifications, engineering surveys and supervision and land acquisition where necessary.

625 ILCS 45/11A-1

Sec. 11A-1. Except as otherwise provided in this Act, any person who violates any of the provisions of this Act shall be guilty of a petty offense.

625 ILCS 45/11A-2

Sec. 11A-2. A. Any person who violates Section 3-11, 3A-3, 3A-13, 3A-14, or 3A-20 is guilty of a Class A misdemeanor.
B. Any person who violates Section 3A-21 is guilty of a Class 2 felony.

625 ILCS 45/11A-3 — Any person who violates any of the provisions of Section 5-1, 7-1, or 7-8 of this Act is guilty of a Class B misdemeanor

Sec. 11A-3. Any person who violates any of the provisions of Section 5-1, 7-1, or 7-8 of this Act is guilty of a Class B misdemeanor. Any person who violates Section 5-2 of this Act is guilty of a Class A misdemeanor, except that aggravated reckless operation of a watercraft is a Class 4 felony.

625 ILCS 45/11A-4

Sec. 11A-4. Any person who is convicted of a violation of Sections 5-1 or 11A-5 of this Act, in addition to any other penalties authorized in this Act, may in the discretion of the court be refused the privilege of operating any watercraft on any of the waterways of this State for a period of not less than one year. Any person who is convicted of a violation of Section 5-2 of this Act or subsection A-1 of Section 6-1 of this Act, in addition to any other penalties authorized in this Act, shall have his or her privilege of operating any watercraft on any of the waterways of this State suspended by the Department for a period of not less than one year.

625 ILCS 45/11A-5

Sec. 11A-5. A person may not operate a watercraft during any period when his or her privilege to operate a watercraft is suspended or revoked in this State, by another state, by a federal agency, or by a province of Canada. Any person who operates any watercraft during the period when he is denied the privilege to so operate is guilty of a Class A misdemeanor for a first offense and a Class 4 felony for a second or subsequent offense.

625 ILCS 45/11A-6 — Any person who violates any provision of Section 2-4 is guilty of a Class A misdemeanor

Sec. 11A-6. Any person who violates any provision of Section 2-4 is guilty of a Class A misdemeanor.

625 ILCS 45/12-1

Sec. 12-1. If any provision of this Act, or the application of such provision to any persons, body or circumstances shall be held invalid, the remainder of this Act, or the application of such provision to persons, bodies or circumstances other than those as to which it shall have been held invalid, shall not be affected thereby.

235 ILCS — Liquor Control

235 ILCS 5/ Liquor Control Act of 1934.

235 ILCS 5/1-1 — This Act may be cited as the Liquor Control Act of 1934

Sec. 1-1. This Act may be cited as the Liquor Control Act of 1934.

235 ILCS 5/1-2

Sec. 1-2. This Act shall be liberally construed, to the end that the health, safety, and welfare of the People of the State of Illinois shall be protected and temperance in the consumption of alcoholic liquors shall be fostered and promoted by sound and careful control and regulation of the manufacture, sale, and distribution of alcoholic liquors. The State Commission may not enforce any trade practice policy or other rule that was not adopted in accordance with the Illinois Administrative Procedure Act.

235 ILCS 5/1-3

Sec. 1-3. Unless the context otherwise requires, words and phrases are used in this Act in the sense given them in the Sections following this Section and preceding Section 2-1.

235 ILCS 5/1-3.01

Sec. 1-3.01. "Alcohol" means the product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.

235 ILCS 5/1-3.02

Sec. 1-3.02. "Spirits" means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin, or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

235 ILCS 5/1-3.03

Sec. 1-3.03. "Wine" means any alcoholic beverage obtained by the fermentation of the natural contents of fruits, vegetables, or honey, containing sugar, including mead and such beverages when fortified by the addition of alcohol or spirits, as above defined.

235 ILCS 5/1-3.04

Sec. 1-3.04. "Beer" means a beverage obtained by the alcoholic fermentation of an infusion or concoction of barley, or other grain, malt, and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like.

235 ILCS 5/1-3.05

Sec. 1-3.05. "Alcoholic liquor" includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being. "Alcoholic liquor" also includes alcohol-infused products. The provisions of this Act shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with Acts of Congress and regulations promulgated thereunder, nor to any liquid or solid containing one-half of one per cent, or less, of alcohol by volume. No tax provided for in Article VIII of this Act shall apply to wine intended for use and used by any church or religious organization for sacramental purposes, provided that such wine shall be purchased from a licensed manufacturer or importing distributor under this Act.

235 ILCS 5/1-3.06

Sec. 1-3.06. "Original package" means any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container, whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor.

235 ILCS 5/1-3.07

Sec. 1-3.07. "Distiller" means a person who distills, ferments, brews, makes, mixes, concocts, processes, blends, bottles or fills an original package with any alcoholic liquor. The above definition for a distiller includes a manufacturer of wine, but does not include a manufacturer of beer or bottler of wine.

235 ILCS 5/1-3.08

Sec. 1-3.08. "Manufacturer" means every brewer, fermenter, distiller, rectifier, wine maker, blender, processor, bottler or person who fills or refills an original package, whether for himself or for another, and others engaged in brewing, fermenting, distilling, rectifying or bottling alcoholic liquors as above defined.

235 ILCS 5/1-3.09 — "Brewer" means a person who is engaged in the manufacture of beer

Sec. 1-3.09. "Brewer" means a person who is engaged in the manufacture of beer.

235 ILCS 5/1-3.10

Sec. 1-3.10. "Non-beverage user" means every manufacturer of any of the products set forth and described in subsection (a) of Section 8-1 of this Act, when the same contains alcoholic liquor, and all laboratories and hospitals and sanatoria using alcoholic liquor for non-beverage purposes.

235 ILCS 5/1-3.11 — "Wine-manufacturer" means a person who is engaged in the manufacture of wine

Sec. 1-3.11. "Wine-manufacturer" means a person who is engaged in the manufacture of wine.

235 ILCS 5/1-3.12

Sec. 1-3.12. "Wine-maker" means a person engaged in the making of less than 50,000 gallons of wine annually other than a person issued a Second Class wine-maker's license.

235 ILCS 5/1-3.13

Sec. 1-3.13. "Manufacture" means to distill, rectify, ferment, brew, make, mix, concoct, process, blend, bottle or fill an original package with an alcoholic liquor, whether for oneself or for another, and includes blending but does not include the mixing or other preparation of drinks for serving by those persons authorized and permitted in this Act to serve drinks for consumption on the premises where sold. All containers or packages of blended alcoholic liquors shall have affixed thereto a label setting forth and stating clearly the names of all ingredients which the blended alcoholic liquors offered for sale shall contain.

235 ILCS 5/1-3.14

Sec. 1-3.14. "Rectifier," means any person who rectifies, ferments, brews, makes, mixes, concocts, processes, blends, bottles or fills an original package with any alcoholic liquor, other than by original or continuous distillation.

235 ILCS 5/1-3.15

Sec. 1-3.15. "Distributor" means any person, other than a manufacturer or non-resident dealer licensed under this Act, who is engaged in this State in purchasing, storing, possessing or warehousing any alcoholic liquors for resale or reselling at wholesale, whether within or without this State.

235 ILCS 5/1-3.16

Sec. 1-3.16. "Importing distributor" means any person other than a non-resident dealer licensed under this Act who imports into this State, from any point in the United States outside this State, whether for himself or for another, any alcoholic liquors for sale or resale, or for use in the manufacture, preparation or compounding of products other than alcoholic liquors, or who imports into this State, from any point in the United States outside this State, for consumption in any one calendar year, more than one gallon of such liquors.

235 ILCS 5/1-3.17

Sec. 1-3.17. "Retailer" means a person who sells, or offers for sale, alcoholic liquor for use or consumption and not for resale in any form.

235 ILCS 5/1-3.17.1

Sec. 1-3.17.1. "Special event retailer" means an educational, fraternal, political, civic, religious, or non-profit organization which sells or offers for sale beer, spirits, or wine, or any combination thereof, only for consumption at the location and on the dates designated by a special event retail license. (Text of Section after amendment by P.A. 104-451) Sec. 1-3.17.1. "Special event retailer" means an educational, fraternal, political, civic, religious, or non-profit organization which sells or offers for sale beer, spirits, or wine, or any combination thereof, only for consumption on or off the premises specified in the license and those sales are made at the location and on the dates designated by a special event retail license.

235 ILCS 5/1-3.18 — "Sell at retail" and "sale at retail" refer to and mean sales for use or consumption and not for resale in any form

Sec. 1-3.18. "Sell at retail" and "sale at retail" refer to and mean sales for use or consumption and not for resale in any form.

235 ILCS 5/1-3.19 — "State Commission" means the Illinois Liquor Control Commission

Sec. 1-3.19. "State Commission" means the Illinois Liquor Control Commission.

235 ILCS 5/1-3.20 — "Department" means the Department of Revenue

Sec. 1-3.20. "Department" means the Department of Revenue.

235 ILCS 5/1-3.21

Sec. 1-3.21. "Sale" means any transfer, exchange or barter in any manner, or by any means whatsoever, including the transfer of alcoholic liquors by and through the transfer or negotiation of warehouse receipts or certificates, and includes and means all sales made by any person, whether principal, proprietor, agent, servant or employee. The term "sale" includes any transfer of alcoholic liquor from a foreign importer's license to an importing distributor's license even if both licenses are held by the same person.

235 ILCS 5/1-3.22 — "To sell" includes to keep or expose for sale and to keep with intent to sell

Sec. 1-3.22. "To sell" includes to keep or expose for sale and to keep with intent to sell.

235 ILCS 5/1-3.23

Sec. 1-3.23. "Restaurant" means any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals are actually and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests.

235 ILCS 5/1-3.24

Sec. 1-3.24. "Club" means a corporation organized under the laws of this State, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members through the payment of annual dues, and owning, hiring or leasing a building or space in a building, of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining room space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests; provided, that such club files with the local liquor control commissioner at the time of its application for a license under this Act two copies of a list of names and residences of its members, and similarly files within 10 days of the election of any additional member his or her name and address; and, provided further, that its affairs and management are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting and that no member or any officer, agent, or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of directors or other governing body out of the general revenue of the club.

235 ILCS 5/1-3.25

Sec. 1-3.25. "Hotel" means every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to

travelers and guests, whether transient, permanent or residential, in which twenty-five

(25) or more rooms are used for the sleeping accommodations of such guests and having one or more public dining rooms where meals are served to such guests, such sleeping accommodations and dining rooms being conducted in the same building or buildings in connection therewith and such building or buildings, structure or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity. All public dining rooms, banquet rooms, meeting rooms, room service areas, mini-bars, and other locations within or adjacent to a hotel in which alcoholic liquors are stored, offered for sale, or sold at retail shall be considered part of the hotel's licensed premises if those locations within or adjacent to the hotel are owned and managed by the hotel operator. As part of the hotel's licensed premises, each and all of those locations within or adjacent to the hotel shall be maintained and managed pursuant to a single retailer's license issued by the State Commission to the hotel operator, regardless of the number of local retailer licenses mandated by the local unit of government having jurisdiction over the hotel. Public dining rooms and other locations within or adjacent to a hotel that are owned or managed by a person other than the hotel operator and are licensed by the local unit of government having jurisdiction over the hotel to a person other than the hotel operator are not considered part of the hotel's licensed premises for purposes of this Act and, as such, must be maintained and operated under separate retailer's licenses.

235 ILCS 5/1-3.26

Sec. 1-3.26. (Repealed).

235 ILCS 5/1-3.27

Sec. 1-3.27. "Foreign importer" means anyone other than a non-resident dealer licensed under this Act who imports into this State, from any point outside the United States, any alcoholic liquors other than in bulk for sale to a licensed importing distributor.

235 ILCS 5/1-3.28

Sec. 1-3.28. "Broker" means

(i) a person who solicits orders for or offers to sell or supply alcoholic liquors to retailers for a fee or commission, for or on behalf of a person authorized to manufacture or sell at wholesale alcoholic liquors within or without the State or (ii) a person within this State, other than a retail licensee, who, for a fee or commission, promotes, solicits, or accepts orders for alcoholic liquor, for use or consumption and not for resale, to be shipped from this State and delivered to residents outside of this State by an express company, common carrier, or contract carrier. This Section does not apply to any person who promotes, solicits, or accepts orders for wine as specifically authorized in Section 6-29 of this Act.

235 ILCS 5/1-3.29

Sec. 1-3.29. "Non-resident dealer" means any person, firm, partnership, corporation or other legal business entity who or which exports into this State, from any point outside of this State, any alcoholic liquors for sale to Illinois licensed foreign importers or importing distributors. Such license shall be restricted to the actual manufacturer of such alcoholic liquors or the primary United States importer of such alcoholic liquors, if manufactured outside of the United States, or the duly registered agent of such manufacturer or importer. Registration of such agent with the State Commission, in such manner and form as it may prescribe, shall be a prerequisite to the issuance of such license to an agent. Any licensed Illinois manufacturer of Class 1, Class 2, or Class 3 may obtain a Non-Resident Dealer's License at no fee. A manufacturer whose production of alcoholic liquor is less than 500,000 gallons per year may obtain a Non-Resident Dealer's License for an annual fee of \$75.

235 ILCS 5/1-3.30

Sec. 1-3.30. "Special event" means an event conducted by an educational, fraternal, political, civic, religious or non-profit organization.

235 ILCS 5/1-3.31

Sec. 1-3.31. "Limited wine manufacturer" means a wine manufacturer which uses only grapes, berries, other fruits, fruit products, honey and vegetables produced or grown in Illinois, except as follows:

- (i) during the first 36 months of operation after first being issued a license it may use as much as 100% imported products;
- (ii) during the following 24 months it may use as much as 80% imported products; and (iii) thereafter it may use as much

as 60% imported products. The maximum allowances on use of imported products may be temporarily increased in any year in which there is a crop shortage or severe drought in such percentages as determined by the Director of the Department of Agriculture.

235 ILCS 5/1-3.32

Sec. 1-3.32. "Auction liquor license" means a person who obtains prior written approval from the State Commission to sell or offer for sale at auction, on a specified date, wine or spirits for private use or consumption, or for resale by an Illinois liquor licensee in accordance with the provisions of this Act.

235 ILCS 5/1-3.33

Sec. 1-3.33. "Brew Pub" means a person who manufactures no more than 155,000 gallons of beer per year only at a designated licensed premises to make sales to importing distributors, distributors, and to non-licensees for use and consumption only, who stores beer at the designated premises, and who is allowed to sell at retail from the licensed premises, provided that a brew pub licensee shall not sell for off-premises consumption more than 155,000 gallons per year.

235 ILCS 5/1-3.34

Sec. 1-3.34. "Caterer retailer" means a person who serves alcoholic liquors for consumption, either on-site or off-site, whether the location is licensed or unlicensed, as an incidental part of food service. Prepared meals and alcoholic liquors are sold at a package price agreed upon under contract.

235 ILCS 5/1-3.35 — Special use permit license

Sec. 1-3.35. Special use permit license. "Special use permit license" means a license for use by a retailer to allow for the transfer of alcoholic beverages from an existing licensed retail premises to a designated site for a specific event.

235 ILCS 5/1-3.36 — Private function

Sec. 1-3.36. Private function. "Private function" means a prearranged private party, function, or event for a specific social or business occasion, either by invitation or reservation and not open to the general public, where the guests in attendance are served in a room or rooms designated and used exclusively for the private party, function, or event.

235 ILCS 5/1-3.37

Sec. 1-3.37. (Repealed).

235 ILCS 5/1-3.38 — Class 1 brewer

Sec. 1-3.38. Class 1 brewer. "Class 1 brewer" means a person who is a holder of a brewer license or non-resident dealer license who manufactures up to 930,000 gallons of beer per year and who may make sales and deliveries to importing distributors and distributors and to retail licensees in accordance with the conditions set forth in paragraph

(18) of subsection

(a) of Section 3-12 of this Act.

235 ILCS 5/1-3.39 — Homemade brewed beverage

Sec. 1-3.39. Homemade brewed beverage. "Homemade brewed beverage" means beer or any other beverage obtained by the alcoholic fermentation of an infusion or concoction of grains, sugars, or both in water and includes, but is not limited to, beer, mead, and cider made by a person 21 years of age or older, through his or her own efforts, fermented at his or her place of residence, fermented at another place of residence of a homemade brewed beverage brewer, or fermented at a premises of a commercial enterprise that is engaged primarily in selling supplies and equipment for use by home brewers and not for a commercial purpose but for consumption by that person or his or her family, neighbors, guests, and friends or for use at an exhibition, demonstration, judging, tasting, or sampling with sampling sizes as authorized by Section 6-31 of this Act or as part of a contest or competition authorized by Section 6-36 of this Act.

235 ILCS 5/1-3.40 — Manufacturer class license holder

Sec. 1-3.40. Manufacturer class license holder. "Manufacturer class license holder" means any holder of a Manufacturer's license as provided in Section 5-1 of this Act. The Manufacturer's licenses are: a Class 1. Distiller, a Class 2. Rectifier, a Class 3. Brewer, a Class 4. First Class Wine Manufacturer, a Class 5. Second Class Wine Manufacturer, a Class 6. First

Class Winemaker, a Class 7. Second Class Winemaker, a Class 8. Limited Wine Manufacturer, a Class 9. Craft Distiller, a Class 10. Class 1 Craft Distiller, a Class 11. Class 2 Craft Distiller, a Class 12. Class 1 Brewer, and a Class 13. Class 2 Brewer, and any future Manufacturer's licenses established by law.

235 ILCS 5/1-3.41 — Non-alcoholic merchandise

Sec. 1-3.41. Non-alcoholic merchandise. "Non-alcoholic merchandise" means any good or commodity that contains less than 0.5 percent alcohol by volume. For purposes of this Act, "non-alcoholic merchandise" does not include trade fixtures, equipment, or furnishings that are used or intended for the limited purpose of storing, servicing, displaying, advertising, furnishing, selling, or aiding in the sale of alcoholic liquors.

235 ILCS 5/1-3.42 — Class 2 brewer

Sec. 1-3.42. Class 2 brewer. "Class 2 brewer" means a person who is a holder of a brewer license or non-resident dealer license who manufactures up to 3,720,000 gallons of beer per year for sale to a licensed importing distributor or distributor.

235 ILCS 5/1-3.43 — Beer showcase permit

Sec. 1-3.43. Beer showcase permit. "Beer showcase permit" means a license for use by a class 3 brewer or distributor to allow for the transfer of beer only from an existing licensed premises of a class 3 brewer or distributor to a designated site for a specific event.

235 ILCS 5/1-3.44 — Class 3 brewer

Sec. 1-3.44. Class 3 brewer. "Class 3 brewer" means a holder of a brewer's license or a non-resident dealer's license who manufactures no more than 155,000 gallons at any single brewery premises and no more than 465,000 gallons of beer per year in the aggregate, and to make sales to importing distributors, distributors, and retail licensees in accordance with the conditions set forth in paragraph

(20) of subsection

(a) of Section 3-12.

235 ILCS 5/1-3.45 — Alcohol-infused products

Sec. 1-3.45. Alcohol-infused products. "Alcohol-infused products" means any frozen or unfrozen, solid or semi-solid food in a form other than liquid, including, but not limited to, ice cream, ice pops, whipped cream, gelatin-based products, and other similar products, containing more than 0.5% alcohol by volume.

235 ILCS 5/1-3.46 — Co-branded alcoholic beverage

Sec. 1-3.46. Co-branded alcoholic beverage. "Co-branded alcoholic beverage" means any alcoholic liquor containing the same or similar brand name, logo, or packaging as a non-alcoholic beverage.

235 ILCS 5/1-3.47 — Class 3 craft distiller

Sec. 1-3.47. Class 3 craft distiller. "Class 3 craft distiller" means a person who is a holder of a distiller license or a non-resident dealer license who manufactures no more than 100,000 gallons of spirits per year in the aggregate and who may make sales to importing distributors, distributors, and retail licensees in accordance with the conditions set forth in paragraph

(21) of subsection

(a) of Section 3-12.

235 ILCS 5/1-3.48 — Spirits showcase permit

Sec. 1-3.48. Spirits showcase permit. "Spirits showcase permit" means a license for use by a class 1 craft distiller, class 2 craft distiller, or class 3 craft distiller to allow for the transfer of spirits only from an existing licensed premises of a class 1 craft distiller, class 2 craft distiller, or class 3 craft distiller to a designated site for a specific event.

235 ILCS 5/2-1

Sec. 2-1. No person shall manufacture, bottle, blend, sell, barter, transport, transfer into this State from a point outside this State, deliver, furnish or possess any alcoholic liquor for beverage purposes, unless such person has been issued a

license by the Commission or except as permitted by Section 6-29 of this Act or except as otherwise specifically provided in this Act; provided, however, nothing herein contained shall prevent the possession and transportation of alcoholic liquor by the possessor for the personal use of the possessor, his family and guests, nor prevent the making of wine, cider or other alcoholic liquor by a person from fruits, vegetables or grains, or the products thereof, by simple fermentation and without distillation, if it is made solely for the use of the maker, his family and his guests; and provided further that nothing herein contained shall prevent any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of his profession, or any hospital or other institution caring for sick and diseased persons, from possessing and using alcoholic liquor for the treatment of bona fide patients of such hospital or other institution; and provided further that any drug store employing a licensed pharmacist may possess and use alcoholic liquors in the concoction of prescriptions of duly licensed physicians; and provided further, that the possession and dispensation of wine by an authorized representative of any church for the purpose of conducting any bona fide rite or religious ceremony conducted by such church shall not be prohibited by this Act.

235 ILCS 5/3-1

Sec. 3-1. There is hereby created an Illinois Liquor Control Commission consisting of 7 members to be appointed by the Governor with the advice and consent of the Senate, no more than 4 of whom shall be members of the same political party. The Executive Director of the Illinois Liquor Control Commission shall be appointed by the Governor with the advice and consent of the Senate.

235 ILCS 5/3-2

Sec. 3-2. Immediately, or soon as may be after the effective date of this Act, the Governor shall appoint 3 members of the commission, one of whom shall be designated as "Chairman", one to hold office for a period of 2 years, one to hold office for a period of 4 years and one to hold office for a period of 6 years. Immediately, or as soon as may be after the effective date of this amendatory Act of 1983, the Governor shall appoint 2 members to the commission to the offices created by this amendatory Act of 1983, one for an initial term expiring the third Monday in January of 1986 and one for an initial term expiring the third Monday in January of 1988. At the expiration of the term of any such commissioner the Governor shall reappoint said commissioner or appoint a successor of said commissioner for a period of 6 years. The Governor shall have power to fill vacancies in the office of any commissioner. Notwithstanding any provision of this Section to the contrary, the term of office of each member of the commission is abolished on the effective date of this amendatory Act of 1985, but the incumbent members shall continue to exercise all of the powers and be subject to all of the duties of members of the commission until their respective successors are appointed and qualified. The Governor shall appoint 2 members of the commission whose terms of office shall expire on February 1, 1986, 2 members of the commission whose terms of office shall expire on February 1, 1988, and one member of the commission whose term shall expire on February 1, 1990. Their respective successors shall be appointed for terms of 6 years from the first day of February of the year of appointment. Each member shall serve until his successor is appointed and qualified. The initial term of both of the 2 additional members appointed pursuant to this amendatory Act of the 91st General Assembly shall expire on February 1, 2006. Their respective successors shall be appointed for terms of 6 years from the first day of February of the year of appointment. Each member shall serve until his or her successor is appointed and qualified. Notwithstanding any action taken to fill the office on an acting, temporary, or other basis, the office of Executive Director of the Commission shall be vacant on January 1, 2019. On and after January 1, 2019, the Governor shall appoint the Executive Director of the Commission for a 4-year term, with the advice and consent of the Senate.

235 ILCS 5/3-3

Sec. 3-3. A majority of the commission shall constitute a quorum to transact business, but no vacancy shall impair the right of the remaining commissioners to exercise all of the powers of the commission; and every act of a majority of the members of the commission shall be deemed to be the act of the commission. The commission shall have a secretary who shall keep a record of all proceedings, transactions, communications and official acts of the commission and who shall be custodian of all records and perform such other duties as the commission may prescribe.

235 ILCS 5/3-4 — Authority to conduct investigations

Sec. 3-4. Authority to conduct investigations. The State Commission shall obtain, pursuant to the provisions of the Personnel Code, such inspectors, clerks, and other employees as may be necessary to carry out the provisions of this Act, or to perform the duties and exercise the powers conferred by law upon the State Commission. The inspectors

obtained by the State Commission shall not be peace officers and shall not exercise any powers of a peace officer. The State Commission shall have the power to appoint investigators to conduct investigations, searches, seizures, arrests, and other duties required to enforce the provisions of this Act, on behalf of the State Commission, and to ensure the health, safety, and welfare of the People of the State of Illinois. The Commission's investigators are peace officers and have all the powers possessed by police officers in cities and by sheriffs. State Commission investigators may exercise these powers throughout the State whenever enforcing the provisions of this Act, subject to the rules and orders of the State Commission. No State Commission investigator may have peace officer status or may exercise police powers unless:

(1) he or she successfully completes the basic police training course mandated and approved by the Illinois Law Enforcement Training Standards Board; or

(2) the Illinois Law Enforcement Training Standards Board waives the training requirement by reason of the investigator's prior law enforcement experience, training, or both. The Executive Director must authorize to each investigator of the State Commission and to any other employee of the Department exercising the powers of a peace officer a distinct badge that, on its face:

(1) clearly states that the badge is authorized by the State Commission; and

(2) contains a unique identifying number. No other badge shall be authorized by the State Commission. Nothing in this Section prohibits the Executive Director from issuing shields or other distinctive identification to employees performing security or regulatory duties who are not peace officers if the Executive Director determines that a shield or distinctive identification is needed by the employee to carry out his or her responsibilities.

235 ILCS 5/3-4.1 — Obtaining evidence

Sec. 3-4.1. Obtaining evidence. The State Commission has the power to expend sums that the Executive Director deems necessary for the purchase of evidence and for the employment of persons to obtain evidence. The sums shall be advanced to employees authorized by the Executive Director to expend funds, on vouchers signed by the Executive Director. In addition, the Executive Director is authorized to maintain one or more commercial checking accounts with any State banking corporation or corporations organized under or subject to the Illinois Banking Act for the deposit and withdrawal of moneys to be used solely for the purchase of evidence and for the employment of persons to obtain evidence. No check may be written on nor any withdrawal made from such an account except on the written signature of 2 persons designated by the Executive Director to write those checks and make those withdrawals. The balance of moneys on deposit in any such account shall not exceed \$25,000 at any time, nor shall any one check written on or single withdrawal made from any such account exceed \$25,000.

235 ILCS 5/3-5

Sec. 3-5. Each commissioner, the secretary, the Executive Director, and each person appointed by the commission shall, before entering upon the duties of his or her office, take and subscribe to the constitutional oath of office. The secretary, the Executive Director, and each inspector, clerk, and other employee shall devote his or her entire time to the duties of his or her office.

235 ILCS 5/3-6

Sec. 3-6. No person shall be appointed a commissioner, secretary, Executive Director, or inspector for the commission who is not a citizen of the United States. No commissioner, secretary, Executive Director, inspector, or other employee shall be appointed who has been convicted of any violation of any Federal or State law concerning the manufacture or sale of alcoholic liquor prior or subsequent to the passage of this Act or who has paid a fine or penalty in settlement of any prosecution against him or her for any violation of such laws or shall have forfeited his or her bond to appear in court to answer charges for any such violation, nor shall any person be appointed who has been convicted of a felony. No commissioner, Executive Director, inspector, or other employee, may, directly or indirectly, individually or as a member of a partnership, or as a shareholder of a corporation, have any interest whatsoever in the manufacture, sale or distribution of alcoholic liquor, nor receive any compensation or profit therefrom, nor have any interest whatsoever in the purchases or sales made by the persons authorized by this Act, or to purchase or to sell alcoholic liquor. No provision of this section shall prevent any such commissioner, secretary, Executive Director, inspector, or other employee from purchasing and keeping in his or her possession for the use of himself or herself or members of his or her family or guests any alcoholic liquor which may be purchased or kept by any person by virtue of this Act.

235 ILCS 5/3-7

Sec. 3-7. No commissioner, secretary, Executive Director, or person appointed or employed by the commission, shall solicit or accept any gift, gratuity, emolument or employment from any person subject to the provisions of this Act, or from any officer, agent or employee thereof, nor solicit, request from or recommend, directly or indirectly, to any such person or to any officer, agent or employee thereof, the appointment of any person to any place or position, and every such person, and every officer, agent or employee thereof, is hereby forbidden to offer to any commissioner, secretary, Executive Director, or to any person appointed or employed by the commission, any gift, gratuity, emolument or employment. If any commissioner, secretary, Executive Director, or any person appointed or employed by the commission shall violate any of the provisions of this Section, he or she shall be removed from the office or employment held by him or her. Every person violating the provisions of this Section shall be guilty of a Class A misdemeanor.

235 ILCS 5/3-8

Sec. 3-8. Before entering upon the duties of his office, each commissioner shall give a bond, with surety to be approved by the Governor, in the sum of five thousand dollars (\$5,000) for the faithful performance of his duties as such commissioner. Before entering upon the duties of his office the secretary shall give a bond, with surety to be approved by the Governor, in the sum of five thousand dollars (\$5,000) for the faithful performance of his duties as secretary.

235 ILCS 5/3-9 — Compensation of commissioners, secretary, and employees

Sec. 3-9. Compensation of commissioners, secretary, and employees. The chairman of the Commission shall receive an annual salary of \$32,000 or such greater amount as may be set by the Compensation Review Board. The other commissioners shall receive an annual salary of \$28,000 or such greater amount as may be set by the Compensation Review Board. The secretary of the Commission shall receive an annual salary as set by the Compensation Review Board. All clerks, inspectors, and employees of the Commission shall receive reasonable compensation in an amount fixed by the Commission, subject to the approval in writing of the Governor.

235 ILCS 5/3-10

Sec. 3-10. The commissioners, the secretary, the Executive Director, and all clerks, inspectors, and other employees shall be reimbursed for all actual and necessary traveling and other expenses and disbursements incurred or made by them in the discharge of their official duties. The commission may also incur necessary expenses for office furniture and other incidental expenses.

235 ILCS 5/3-11 — Principal office; meetings; seal; proceedings

Sec. 3-11. Principal office; meetings; seal; proceedings. The principal office of the Commission shall be in Chicago, but the Commission may, with the approval of the Governor, establish and maintain branch offices at other places. The Commission shall hold regular meetings at least once a month at its office, and may hold such special meetings as it may deem necessary at any time and at any place within the State. The Commission may, for authentication of its records, process and proceedings, adopt, keep and use a common seal, of which seal judicial notice shall be taken in all of the courts of the State, and any process, notice or other paper which the Commission may be authorized by law to issue, shall be deemed sufficient if signed by the secretary of said Commission and authenticated by such seal; and all acts, orders, proceedings, rules, regulations, entries, minutes, and other records of said Commission, and all reports and documents filed with said Commission may be proved in any court of this State by copy thereof certified to by the secretary of said Commission with the seal of said Commission attached.

235 ILCS 5/3-12 — Powers and duties of State Commission

Sec. 3-12. Powers and duties of State Commission.

(a) The State Commission shall have the following powers, functions, and duties:

(1) To receive applications and to issue licenses to manufacturers, foreign importers, importing distributors, distributors, non-resident dealers, on premise consumption retailers, off premise sale retailers, special event retailer licensees, special use permit licenses, auction liquor licenses, brew pubs, caterer retailers, non-beverage users, railroads, including owners and lessees of sleeping, dining and cafe cars, airplanes, boats, brokers, and wine maker's premises licensees in accordance with the provisions of this Act, and to suspend or revoke such licenses upon the State Commission's determination, upon notice after hearing, that a licensee has violated any provision of this Act or any rule or regulation issued pursuant thereto and in effect for 30 days prior to such violation. Except in the case of an action taken pursuant to

a violation of Section 6-3, 6-5, or 6-9, any action by the State Commission to suspend or revoke a licensee's license may be limited to the license for the specific premises where the violation occurred. An action for a violation of this Act shall be commenced by the State Commission within 2 years after the date the State Commission becomes aware of the violation. In lieu of suspending or revoking a license, the commission may impose a fine, upon the State Commission's determination and notice after hearing, that a licensee has violated any provision of this Act or any rule or regulation issued pursuant thereto and in effect for 30 days prior to such violation. For the purpose of this paragraph (1), when determining multiple violations for the sale of alcohol to a person under the age of 21, a second or subsequent violation for the sale of alcohol to a person under the age of 21 shall only be considered if it was committed within 5 years after the date when a prior violation for the sale of alcohol to a person under the age of 21 was committed. The fine imposed under this paragraph may not exceed \$500 for each violation. Each day that the activity, which gave rise to the original fine, continues is a separate violation. The maximum fine that may be levied against any licensee, for the period of the license, shall not exceed \$20,000. The maximum penalty that may be imposed on a licensee for selling a bottle of alcoholic liquor with a foreign object in it or serving from a bottle of alcoholic liquor with a foreign object in it shall be the destruction of that bottle of alcoholic liquor for the first 10 bottles so sold or served from by the licensee. For the eleventh bottle of alcoholic liquor and for each third bottle thereafter sold or served from by the licensee with a foreign object in it, the maximum penalty that may be imposed on the licensee is the destruction of the bottle of alcoholic liquor and a fine of up to \$50. Any notice issued by the State Commission to a licensee for a violation of this Act or any notice with respect to settlement or offer in compromise shall include the field report, photographs, and any other supporting documentation necessary to reasonably inform the licensee of the nature and extent of the violation or the conduct alleged to have occurred. The failure to include such required documentation shall result in the dismissal of the action.

(2) To adopt such rules and regulations consistent with the provisions of this Act which shall be necessary to carry on its functions and duties to the end that the health, safety and welfare of the People of the State of Illinois shall be protected and temperance in the consumption of alcoholic liquors shall be fostered and promoted and to distribute copies of such rules and regulations to all licensees affected thereby.

(3) To call upon other administrative departments of the State, county and municipal governments, county and city police departments and upon prosecuting officers for such information and assistance as it deems necessary in the performance of its duties.

(4) To recommend to local commissioners rules and regulations, not inconsistent with the law, for the distribution and sale of alcoholic liquors throughout the State.

(5) To inspect, or cause to be inspected, any premises in this State where alcoholic liquors are manufactured, distributed, warehoused, or sold. Nothing in this Act authorizes an agent of the State Commission to inspect private areas within the premises without reasonable suspicion or a warrant during an inspection. "Private areas" include, but are not limited to, safes, personal property, and closed desks. (5.1) Upon receipt of a complaint or upon having knowledge that any person is engaged in business as a manufacturer, importing distributor, distributor, or retailer without a license or valid license, to conduct an investigation. If, after conducting an investigation, the State Commission is satisfied that the alleged conduct occurred or is occurring, it may issue a cease and desist notice as provided in this Act, impose civil penalties as provided in this Act, notify the local liquor authority, or file a complaint with the State's Attorney's Office of the county where the incident occurred or the Attorney General. (5.2) Upon receipt of a complaint or upon having knowledge that any person is shipping alcoholic liquor into this State from a point outside of this State if the shipment is in violation of this Act, to conduct an investigation. If, after conducting an investigation, the State Commission is satisfied that the alleged conduct occurred or is occurring, it may issue a cease and desist notice as provided in this Act, impose civil penalties as provided in this Act, notify the foreign jurisdiction, or file a complaint with the State's Attorney's Office of the county where the incident occurred or the Attorney General. (5.3) To receive complaints from licensees, local officials, law enforcement agencies, organizations, and persons stating that any licensee has been or is violating any provision of this Act or the rules and regulations issued pursuant to this Act. Such complaints shall be in writing, signed and sworn to by the person making the complaint, and shall state with specificity the facts in relation to the alleged violation. If the State Commission has reasonable grounds to believe that the complaint substantially alleges a violation of this Act or rules and regulations adopted pursuant to this Act, it shall conduct an investigation. If, after conducting an investigation, the State Commission is satisfied that the alleged violation did occur, it shall proceed with disciplinary action against the licensee as provided in this Act. (5.4) To make arrests and issue notices of civil violations where necessary for the enforcement of this Act. (5.5) To investigate any and all unlicensed activity. (5.6) To impose civil penalties or fines to any person who, without holding a valid license, engages in conduct that requires a license pursuant to this Act, in an amount not to exceed \$20,000 for

each offense as determined by the State Commission. A civil penalty shall be assessed by the State Commission after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the revocation or suspension of a license.

(6) To hear and determine appeals from orders of a local commission in accordance with the provisions of this Act, as hereinafter set forth. Hearings under this subsection shall be held in Springfield or Chicago, at whichever location is the more convenient for the majority of persons who are parties to the hearing.

(7) The State Commission shall establish uniform systems of accounts to be kept by all retail licensees having more than 4 employees, and for this purpose the State Commission may classify all retail licensees having more than 4 employees and establish a uniform system of accounts for each class and prescribe the manner in which such accounts shall be kept. The State Commission may also prescribe the forms of accounts to be kept by all retail licensees having more than 4 employees, including, but not limited to, accounts of earnings and expenses and any distribution, payment, or other distribution of earnings or assets, and any other forms, records, and memoranda which in the judgment of the commission may be necessary or appropriate to carry out any of the provisions of this Act, including, but not limited to, such forms, records, and memoranda as will readily and accurately disclose at all times the beneficial ownership of such retail licensed business. The accounts, forms, records, and memoranda shall be available at all reasonable times for inspection by authorized representatives of the State Commission or by any local liquor control commissioner or his or her authorized representative. The commission may, from time to time, alter, amend, or repeal, in whole or in part, any uniform system of accounts, or the form and manner of keeping accounts.

(8) In the conduct of any hearing authorized to be held by the State Commission, to appoint, at the commission's discretion, hearing officers to conduct hearings involving complex issues or issues that will require a protracted period of time to resolve, to examine, or cause to be examined, under oath, any licensee, and to examine or cause to be examined the books and records of such licensee; to hear testimony and take proof material for its information in the discharge of its duties hereunder; to administer or cause to be administered oaths; for any such purpose to issue subpoena or subpoenas to require the attendance of witnesses and the production of books, which shall be effective in any part of this State, and to adopt rules to implement its powers under this paragraph (8). Any circuit court may, by order duly entered, require the attendance of witnesses and the production of relevant books subpoenaed by the State Commission and the court may compel obedience to its order by proceedings for contempt.

(9) To investigate the administration of laws in relation to alcoholic liquors in this and other states and any foreign countries, and to recommend from time to time to the Governor and through him or her to the legislature of this State, such amendments to this Act, if any, as it may think desirable and as will serve to further the general broad purposes contained in Section 1-2 hereof.

(10) To adopt such rules and regulations consistent with the provisions of this Act which shall be necessary for the control, sale, or disposition of alcoholic liquor damaged as a result of an accident, wreck, flood, fire, or other similar occurrence.

(11) To develop industry educational programs related to responsible serving and selling, particularly in the areas of overserving consumers and illegal underage purchasing and consumption of alcoholic beverages. (11.1) To license persons providing education and training to alcohol beverage sellers and servers for mandatory and non-mandatory training under the Beverage Alcohol Sellers and Servers Education and Training (BASSET) programs and to develop and administer a public awareness program in Illinois to reduce or eliminate the illegal purchase and consumption of alcoholic beverage products by persons under the age of 21. Application for a license shall be made on forms provided by the State Commission.

(12) To develop and maintain a repository of license and regulatory information.

(13) (Blank).

(14) On or before April 30, 2008 and every 2 years thereafter, the State Commission shall present a written report to the Governor and the General Assembly that shall be based on a study of the impact of Public Act 95-634 on the business of soliciting, selling, and shipping wine from inside and outside of this State directly to residents of this State. As part of its report, the State Commission shall provide all of the following information: (A) The amount of State excise and sales tax revenues generated. (B) The amount of licensing fees received. (C) The number of cases of wine shipped from inside and outside of this State directly to residents of this State. (D) The number of alcohol compliance operations conducted. (E) The number of winery shipper's licenses issued. (F) The number of each of the following: reported violations; cease and

desist notices issued by the Commission; notices of violations issued by the Commission and to the Department of Revenue; and notices and complaints of violations to law enforcement officials, including, without limitation, the Illinois Attorney General and the U.S. Department of Treasury's Alcohol and Tobacco Tax and Trade Bureau.

(15) As a means to reduce the underage consumption of alcoholic liquors, the State Commission shall conduct alcohol compliance operations to investigate whether businesses that are soliciting, selling, and shipping wine from inside or outside of this State directly to residents of this State are licensed by this State or are selling or attempting to sell wine to persons under 21 years of age in violation of this Act.

(16) The State Commission shall, in addition to notifying any appropriate law enforcement agency, submit notices of complaints or violations of Sections 6-29 and 6-29.1 by persons who do not hold a winery shipper's license under this Act to the Illinois Attorney General and to the U.S. Department of Treasury's Alcohol and Tobacco Tax and Trade Bureau.

(17)(A) A person licensed to make wine under the laws of another state who has a winery shipper's license under this Act and annually produces less than 25,000 gallons of wine or a person who has a first-class or second-class wine manufacturer's license, a first-class or second-class wine-maker's license, or a limited wine manufacturer's license under this Act and annually produces less than 25,000 gallons of wine may make application to the Commission for a self-distribution exemption to allow the sale of not more than 5,000 gallons of the exemption holder's wine to retail licensees per year and to sell cider, mead, or both cider and mead to brewers, class 1 brewers, class 2 brewers, and class 3 brewers that, pursuant to subsection

(e) of Section 6-4 of this Act, sell beer, cider, mead, or any combination thereof to non-licensees at their breweries. (B) In the application, which shall be sworn under penalty of perjury, such person shall state

(1) the date it was established;

(2) its volume of production and sales for each year since its establishment;

(3) its efforts to establish distributor relationships;

(4) that a self-distribution exemption is necessary to facilitate the marketing of its wine; and

(5) that it will comply with the liquor and revenue laws of the United States, this State, and any other state where it is licensed. (C) The State Commission shall approve the application for a self-distribution exemption if such person:

(1) is in compliance with State revenue and liquor laws;

(2) is not a member of any affiliated group that produces directly or indirectly more than 25,000 gallons of wine per annum, 930,000 gallons of beer per annum, or 50,000 gallons of spirits per annum;

(3) will not annually produce for sale more than 25,000 gallons of wine, 930,000 gallons of beer, or 50,000 gallons of spirits; and

(4) will not annually sell more than 5,000 gallons of its wine to retail licensees. (D) A self-distribution exemption holder shall annually certify to the State Commission its production of wine in the previous 12 months and its anticipated production and sales for the next 12 months. The State Commission may fine, suspend, or revoke a self-distribution exemption after a hearing if it finds that the exemption holder has made a material misrepresentation in its application, violated a revenue or liquor law of Illinois, exceeded production of 25,000 gallons of wine, 930,000 gallons of beer, or 50,000 gallons of spirits in any calendar year, or become part of an affiliated group producing more than 25,000 gallons of wine, 930,000 gallons of beer, or 50,000 gallons of spirits. (E) Except in hearings for violations of this Act or Public Act 95-634 or a bona fide investigation by duly sworn law enforcement officials, the State Commission, or its agents, the State Commission shall maintain the production and sales information of a self-distribution exemption holder as confidential and shall not release such information to any person. (F) The State Commission shall issue regulations governing self-distribution exemptions consistent with this Section and this Act. (G) Nothing in this paragraph

(17) shall prohibit a self-distribution exemption holder from entering into or simultaneously having a distribution agreement with a licensed Illinois distributor. (H) It is the intent of this paragraph

(17) to promote and continue orderly markets. The General Assembly finds that, in order to preserve Illinois' regulatory distribution system, it is necessary to create an exception for smaller makers of wine as their wines are frequently adjusted in varietals, mixes, vintages, and taste to find and create market niches sometimes too small for distributor or importing distributor business strategies. Limited self-distribution rights will afford and allow smaller makers of wine access to the marketplace in order to develop a customer base without impairing the integrity of the 3-tier system. (18)(A) A class 1 brewer licensee, who must also be either a licensed brewer or licensed non-resident dealer and annually

manufacture less than 930,000 gallons of beer, may make application to the State Commission for a self-distribution exemption to allow the sale of not more than 232,500 gallons per year of the exemption holder's beer to retail licensees and to brewers, class 1 brewers, and class 2 brewers that, pursuant to subsection

(e) of Section 6-4 of this Act, sell beer, cider, mead, or any combination thereof to non-licensees at their breweries. (B) In the application, which shall be sworn under penalty of perjury, the class 1 brewer licensee shall state

- (1) the date it was established;
- (2) its volume of beer manufactured and sold for each year since its establishment;
- (3) its efforts to establish distributor relationships;
- (4) that a self-distribution exemption is necessary to facilitate the marketing of its beer; and

(5) that it will comply with the alcoholic beverage and revenue laws of the United States, this State, and any other state where it is licensed. (C) Any application submitted shall be posted on the State Commission's website at least 45 days prior to action by the State Commission. The State Commission shall approve the application for a self-distribution exemption if the class 1 brewer licensee:

- (1) is in compliance with the State, revenue, and alcoholic beverage laws;
- (2) is not a member of any affiliated group that manufactures, directly or indirectly, more than 930,000 gallons of beer per annum, 25,000 gallons of wine per annum, or 50,000 gallons of spirits per annum;
- (3) shall not annually manufacture for sale more than 930,000 gallons of beer, 25,000 gallons of wine, or 50,000 gallons of spirits;
- (4) shall not annually sell more than 232,500 gallons of its beer to retail licensees and class 3 brewers and to brewers, class 1 brewers, and class 2 brewers that, pursuant to subsection

(e) of Section 6-4 of this Act, sell beer, cider, mead, or any combination thereof to non-licensees at their breweries; and

(5) has relinquished any brew pub license held by the licensee, including any ownership interest it held in the licensed brew pub. (D) A self-distribution exemption holder shall annually certify to the State Commission its manufacture of beer during the previous 12 months and its anticipated manufacture and sales of beer for the next 12 months. The State Commission may fine, suspend, or revoke a self-distribution exemption after a hearing if it finds that the exemption holder has made a material misrepresentation in its application, violated a revenue or alcoholic beverage law of Illinois, exceeded the manufacture of 930,000 gallons of beer, 25,000 gallons of wine, or 50,000 gallons of spirits in any calendar year or became part of an affiliated group manufacturing more than 930,000 gallons of beer, 25,000 gallons of wine, or 50,000 gallons of spirits. (E) The State Commission shall issue rules and regulations governing self-distribution exemptions consistent with this Act. (F) Nothing in this paragraph

(18) shall prohibit a self-distribution exemption holder from entering into or simultaneously having a distribution agreement with a licensed Illinois importing distributor or a distributor. If a self-distribution exemption holder enters into a distribution agreement and has assigned distribution rights to an importing distributor or distributor, then the self-distribution exemption holder's distribution rights in the assigned territories shall cease in a reasonable time not to exceed 60 days.

(G) It is the intent of this paragraph

(18) to promote and continue orderly markets. The General Assembly finds that in order to preserve Illinois' regulatory distribution system, it is necessary to create an exception for smaller manufacturers in order to afford and allow such smaller manufacturers of beer access to the marketplace in order to develop a customer base without impairing the integrity of the 3-tier system. (19)(A) A class 1 craft distiller licensee or a non-resident dealer who manufactures less than 50,000 gallons of distilled spirits per year may make application to the State Commission for a self-distribution exemption to allow the sale of not more than 5,000 gallons of the exemption holder's spirits to retail licensees per year. (B) In the application, which shall be sworn under penalty of perjury, the class 1 craft distiller licensee or non-resident dealer shall state

- (1) the date it was established;
- (2) its volume of spirits manufactured and sold for each year since its establishment;
- (3) its efforts to establish distributor relationships;
- (4) that a self-distribution exemption is necessary to facilitate the marketing of its spirits; and

(5) that it will comply with the alcoholic beverage and revenue laws of the United States, this State, and any other state where it is licensed. (C) Any application submitted shall be posted on the State Commission's website at least 45 days prior to action by the State Commission. The State Commission shall approve the application for a self-distribution exemption if the applicant:

(1) is in compliance with State revenue and alcoholic beverage laws;

(2) is not a member of any affiliated group that produces more than 50,000 gallons of spirits per annum, 930,000 gallons of beer per annum, or 25,000 gallons of wine per annum;

(3) does not annually manufacture for sale more than 50,000 gallons of spirits, 930,000 gallons of beer, or 25,000 gallons of wine; and

(4) does not annually sell more than 5,000 gallons of its spirits to retail licensees. (D) A self-distribution exemption holder shall annually certify to the State Commission its manufacture of spirits during the previous 12 months and its anticipated manufacture and sales of spirits for the next 12 months. The State Commission may fine, suspend, or revoke a self-distribution exemption after a hearing if it finds that the exemption holder has made a material misrepresentation in its application, violated a revenue or alcoholic beverage law of Illinois, exceeded the manufacture of 50,000 gallons of spirits, 930,000 gallons of beer, or 25,000 gallons of wine in any calendar year, or has become part of an affiliated group manufacturing more than 50,000 gallons of spirits, 930,000 gallons of beer, or 25,000 gallons of wine. (E) The State Commission shall adopt rules governing self-distribution exemptions consistent with this Act. (F) Nothing in this paragraph

(19) shall prohibit a self-distribution exemption holder from entering into or simultaneously having a distribution agreement with a licensed Illinois importing distributor or a distributor. (G) It is the intent of this paragraph

(19) to promote and continue orderly markets. The General Assembly finds that in order to preserve Illinois' regulatory distribution system, it is necessary to create an exception for smaller manufacturers in order to afford and allow such smaller manufacturers of spirits access to the marketplace in order to develop a customer base without impairing the integrity of the 3-tier system. (20)(A) A class 3 brewer licensee who must manufacture less than 465,000 gallons of beer in the aggregate and not more than 155,000 gallons at any single brewery premises may make application to the State Commission for a self-distribution exemption to allow the sale of not more than 6,200 gallons of beer from each in-state or out-of-state class 3 brewery premises, which shall not exceed 18,600 gallons annually in the aggregate, that is manufactured at a wholly owned class 3 brewer's in-state or out-of-state licensed premises to retail licensees and class 3 brewers and to brewers, class 1 brewers, class 2 brewers that, pursuant to subsection

(e) of Section 6-4, sell beer, cider, or both beer and cider to non-licensees at their licensed breweries. (B) In the application, which shall be sworn under penalty of perjury, the class 3 brewer licensee shall state:

(1) the date it was established;

(2) its volume of beer manufactured and sold for each year since its establishment;

(3) its efforts to establish distributor relationships;

(4) that a self-distribution exemption is necessary to facilitate the marketing of its beer; and

(5) that it will comply with the alcoholic beverage and revenue laws of the United States, this State, and any other state where it is licensed. (C) Any application submitted shall be posted on the State Commission's website at least 45 days before action by the State Commission. The State Commission shall approve the application for a self-distribution exemption if the class 3 brewer licensee:

(1) is in compliance with the State, revenue, and alcoholic beverage laws;

(2) is not a member of any affiliated group that manufacturers, directly or indirectly, more than 465,000 gallons of beer per annum;

(3) shall not annually manufacture for sale more than 465,000 gallons of beer or more than 155,000 gallons at any single brewery premises; and

(4) shall not annually sell more than 6,200 gallons of beer from each in-state or out-of-state class 3 brewery premises, and shall not exceed 18,600 gallons annually in the aggregate, to retail licensees and class 3 brewers and to brewers, class 1 brewers, and class 2 brewers that, pursuant to subsection

(e) of Section 6-4 of this Act, sell beer, cider, or both beer and cider to non-licensees at their breweries. (D) A self-distribution exemption holder shall annually certify to the State Commission its manufacture of beer during the

previous 12 months and its anticipated manufacture and sales of beer for the next 12 months. The State Commission may fine, suspend, or revoke a self-distribution exemption after a hearing if it finds that the exemption holder has made a material misrepresentation in its application, violated a revenue or alcoholic beverage law of Illinois, exceeded the manufacture of 465,000 gallons of beer in any calendar year or became part of an affiliated group manufacturing more than 465,000 gallons of beer, or exceeded the sale to retail licensees, brewers, class 1 brewers, class 2 brewers, and class 3 brewers of 6,200 gallons per brewery location or 18,600 gallons in the aggregate. (E) The State Commission may adopt rules governing self-distribution exemptions consistent with this Act. (F) Nothing in this paragraph shall prohibit a self-distribution exemption holder from entering into or simultaneously having a distribution agreement with a licensed Illinois importing distributor or a distributor. If a self-distribution exemption holder enters into a distribution agreement and has assigned distribution rights to an importing distributor or distributor, then the self-distribution exemption holder's distribution rights in the assigned territories shall cease in a reasonable time not to exceed 60 days. (G) It is the intent of this paragraph to promote and continue orderly markets. The General Assembly finds that in order to preserve Illinois' regulatory distribution system, it is necessary to create an exception for smaller manufacturers in order to afford and allow such smaller manufacturers of beer access to the marketplace in order to develop a customer base without impairing the integrity of the 3-tier system.

(b) On or before April 30, 1999, the Commission shall present a written report to the Governor and the General Assembly that shall be based on a study of the impact of Public Act 90-739 on the business of soliciting, selling, and shipping alcoholic liquor from outside of this State directly to residents of this State. As part of its report, the Commission shall provide the following information:

(i) the amount of State excise and sales tax revenues generated as a result of Public Act 90-739; (ii) the amount of licensing fees received as a result of Public Act 90-739; (iii) the number of reported violations, the number of cease and desist notices issued by the Commission, the number of notices of violations issued to the Department of Revenue, and the number of notices and complaints of violations to law enforcement officials. (Text of Section after amendment by P.A. 104-451) Sec. 3-12. Powers and duties of State Commission.

(a) The State Commission shall have the following powers, functions, and duties:

(1) To receive applications and to issue licenses to manufacturers, foreign importers, importing distributors, distributors, non-resident dealers, on premise consumption retailers, off premise sale retailers, special event retailer licensees, special use permit licenses, auction liquor licenses, brew pubs, caterer retailers, non-beverage users, railroads, including owners and lessees of sleeping, dining, and cafe cars, airplanes, boats, brokers, and wine maker's premises licensees in accordance with the provisions of this Act, and to suspend or revoke such licenses upon the State Commission's determination, upon notice after hearing, that a licensee has violated any provision of this Act or any rule or regulation issued pursuant thereto and in effect for 30 days prior to such violation. Except in the case of an action taken pursuant to a violation of Section 6-3, 6-5, or 6-9, any action by the State Commission to suspend or revoke a licensee's license may be limited to the license for the specific premises where the violation occurred. An action for a violation of this Act shall be commenced by the State Commission within 2 years after the date the State Commission becomes aware of the violation. In lieu of suspending or revoking a license, the State Commission may impose a fine, upon the State Commission's determination and notice after hearing, that a licensee has violated any provision of this Act or any rule or regulation issued pursuant thereto and in effect for 30 days prior to such violation. For the purpose of this paragraph (1), when determining multiple violations for the sale of alcohol to a person under the age of 21, a second or subsequent violation for the sale of alcohol to a person under the age of 21 shall only be considered if it was committed within 5 years after the date when a prior violation for the sale of alcohol to a person under the age of 21 was committed. The fine imposed under this paragraph may not exceed \$500 for each violation. Each day that the activity, which gave rise to the original fine, continues is a separate violation. The maximum fine that may be levied against any licensee, for the period of the license, shall not exceed \$20,000. The maximum penalty that may be imposed on a licensee for selling a bottle of alcoholic liquor with a foreign object in it or serving from a bottle of alcoholic liquor with a foreign object in it shall be the destruction of that bottle of alcoholic liquor for the first 10 bottles so sold or served from by the licensee. For the eleventh bottle of alcoholic liquor and for each third bottle thereafter sold or served from by the licensee with a foreign object in it, the maximum penalty that may be imposed on the licensee is the destruction of the bottle of alcoholic liquor and a fine of up to \$50. Any notice issued by the State Commission to a licensee for a violation of this Act or any notice with respect to settlement or offer in compromise shall include the field report, photographs, and any other supporting documentation necessary to reasonably inform the licensee of the nature and extent of the violation or the conduct alleged to have occurred. The failure to include such required documentation shall result in the dismissal of the action.

- (2) To adopt such rules and regulations consistent with the provisions of this Act which shall be necessary to carry on its functions and duties to the end that the health, safety, and welfare of the People of the State of Illinois shall be protected and temperance in the consumption of alcoholic liquors shall be fostered and promoted and to distribute copies of such rules and regulations to all licensees affected thereby.
- (3) To call upon other administrative departments of the State, county and municipal governments, county and city police departments, and prosecuting officers for such information and assistance as it deems necessary in the performance of its duties.
- (4) To recommend to local commissioners rules and regulations, not inconsistent with the law, for the distribution and sale of alcoholic liquors throughout the State.
- (5) To inspect, or cause to be inspected, any premises in this State where alcoholic liquors are manufactured, distributed, warehoused, or sold. Nothing in this Act authorizes an agent of the State Commission to inspect private areas within the premises without reasonable suspicion or a warrant during an inspection. "Private areas" includes, but is not limited to, safes, personal property, and closed desks. (5.1) Upon receipt of a complaint or upon having knowledge that any person is engaged in business as a manufacturer, importing distributor, distributor, or retailer without a license or valid license, to conduct an investigation. If, after conducting an investigation, the State Commission is satisfied that the alleged conduct occurred or is occurring, it may issue a cease and desist notice as provided in this Act, impose civil penalties as provided in this Act, notify the local liquor authority, or file a complaint with the State's Attorney's Office of the county where the incident occurred or the Attorney General. (5.2) Upon receipt of a complaint or upon having knowledge that any person is shipping alcoholic liquor into this State from a point outside of this State if the shipment is in violation of this Act, to conduct an investigation. If, after conducting an investigation, the State Commission is satisfied that the alleged conduct occurred or is occurring, it may issue a cease and desist notice as provided in this Act, impose civil penalties as provided in this Act, notify the foreign jurisdiction, or file a complaint with the State's Attorney's Office of the county where the incident occurred or the Attorney General. (5.3) To receive complaints from licensees, local officials, law enforcement agencies, organizations, and persons stating that any licensee has been or is violating any provision of this Act or the rules and regulations issued pursuant to this Act. Such complaints shall be in writing, signed and sworn to by the person making the complaint, and shall state with specificity the facts in relation to the alleged violation. If the State Commission has reasonable grounds to believe that the complaint substantially alleges a violation of this Act or rules and regulations adopted pursuant to this Act, it shall conduct an investigation. If, after conducting an investigation, the State Commission is satisfied that the alleged violation did occur, it shall proceed with disciplinary action against the licensee as provided in this Act. (5.4) To make arrests and issue notices of civil violations where necessary for the enforcement of this Act. (5.5) To investigate any and all unlicensed activity. (5.6) To impose civil penalties or fines to any person who, without holding a valid license, engages in conduct that requires a license pursuant to this Act, in an amount not to exceed \$20,000 for each offense as determined by the State Commission. A civil penalty shall be assessed by the State Commission after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the revocation or suspension of a license.
- (6) To hear and determine appeals from orders of a local commission in accordance with the provisions of this Act, as hereinafter set forth. Hearings under this subsection shall be held in Springfield or Chicago, at whichever location is the more convenient for the majority of persons who are parties to the hearing.
- (7) The State Commission shall establish uniform systems of accounts to be kept by all retail licensees having more than 4 employees, and, for this purpose, the State Commission may classify all retail licensees having more than 4 employees and establish a uniform system of accounts for each class and prescribe the manner in which such accounts shall be kept. The State Commission may also prescribe the forms of accounts to be kept by all retail licensees having more than 4 employees, including, but not limited to, accounts of earnings and expenses and any distribution, payment, or other distribution of earnings or assets, and any other forms, records, and memoranda which in the judgment of the State Commission may be necessary or appropriate to carry out any of the provisions of this Act, including, but not limited to, such forms, records, and memoranda as will readily and accurately disclose at all times the beneficial ownership of such retail licensed business. The accounts, forms, records, and memoranda shall be available at all reasonable times for inspection by authorized representatives of the State Commission or by any local liquor control commissioner or his or her authorized representative. The State Commission may, from time to time, alter, amend, or repeal, in whole or in part, any uniform system of accounts, or the form and manner of keeping accounts.

(8) In the conduct of any hearing authorized to be held by the State Commission, to appoint, at the State Commission's discretion, hearing officers to conduct hearings involving complex issues or issues that will require a protracted period of time to resolve, to examine, or cause to be examined, under oath, any licensee, and to examine or cause to be examined the books and records of such licensee; to hear testimony and take proof material for its information in the discharge of its duties hereunder; to administer or cause to be administered oaths; for any such purpose to issue subpoena or subpoenas to require the attendance of witnesses and the production of books, which shall be effective in any part of this State, and to adopt rules to implement its powers under this paragraph (8). Any circuit court may, by order duly entered, require the attendance of witnesses and the production of relevant books subpoenaed by the State Commission and the court may compel obedience to its order by proceedings for contempt.

(9) To investigate the administration of laws in relation to alcoholic liquors in this and other states and any foreign countries, and to recommend from time to time to the Governor and through him or her to the legislature of this State, such amendments to this Act, if any, as it may think desirable and as will serve to further the general broad purposes contained in Section 1-2 hereof.

(10) To adopt such rules and regulations consistent with the provisions of this Act which shall be necessary for the control, sale, or disposition of alcoholic liquor damaged as a result of an accident, wreck, flood, fire, or other similar occurrence.

(11) To develop industry educational programs related to responsible serving and selling, particularly in the areas of overserving consumers and illegal underage purchasing and consumption of alcoholic beverages. (11.1) To license persons providing education and training to alcohol beverage sellers and servers for mandatory and non-mandatory training under the Beverage Alcohol Sellers and Servers Education and Training (BASSET) programs and to develop and administer a public awareness program in Illinois to reduce or eliminate the illegal purchase and consumption of alcoholic beverage products by persons under the age of 21. Application for a license shall be made on forms provided by the State Commission.

(12) To develop and maintain a repository of license and regulatory information.

(13) (Blank).

(14) On or before April 30, 2008 and every 2 years thereafter, the State Commission shall present a written report to the Governor and the General Assembly that shall be based on a study of the impact of Public Act 95-634 on the business of soliciting, selling, and shipping wine from inside and outside of this State directly to residents of this State. As part of its report, the State Commission shall provide all of the following information: (A) The amount of State excise and sales tax revenues generated. (B) The amount of licensing fees received. (C) The number of cases of wine shipped from inside and outside of this State directly to residents of this State. (D) The number of alcohol compliance operations conducted. (E) The number of winery shipper's licenses issued. (F) The number of each of the following: reported violations; cease and desist notices issued by the State Commission; notices of violations issued by the State Commission and to the Department of Revenue; and notices and complaints of violations to law enforcement officials, including, without limitation, the Illinois Attorney General and the U.S. Department of Treasury's Alcohol and Tobacco Tax and Trade Bureau.

(15) As a means to reduce the underage consumption of alcoholic liquors, the State Commission shall conduct alcohol compliance operations to investigate whether businesses that are soliciting, selling, and shipping wine from inside or outside of this State directly to residents of this State are licensed by this State or are selling or attempting to sell wine to persons under 21 years of age in violation of this Act.

(16) The State Commission shall, in addition to notifying any appropriate law enforcement agency, submit notices of complaints or violations of Sections 6-29 and 6-29.1 by persons who do not hold a winery shipper's license under this Act to the Illinois Attorney General and to the U.S. Department of Treasury's Alcohol and Tobacco Tax and Trade Bureau.

(17)(A) A person licensed to make wine under the laws of another state who has a winery shipper's license under this Act and annually produces less than 25,000 gallons of wine or a person who has a first-class or second-class wine manufacturer's license, a first-class or second-class wine-maker's license, or a limited wine manufacturer's license under this Act and annually produces less than 25,000 gallons of wine may make application to the State Commission for a self-distribution exemption to allow the sale of not more than 5,000 gallons of the exemption holder's wine to retail licensees per year and to sell cider, mead, or both cider and mead to brewers, class 1 brewers, class 2 brewers, class 3 brewers, and class 3 craft distillers that, pursuant to subsection

(e) of Section 6-4 of this Act, sell beer, cider, spirits, mead, or any combination thereof to non-licensees at their breweries or distilleries. (B) In the application, which shall be sworn under penalty of perjury, such person shall state

(1) the date it was established;

(2) its volume of production and sales for each year since its establishment;

(3) its efforts to establish distributor relationships;

(4) that a self-distribution exemption is necessary to facilitate the marketing of its wine; and

(5) that it will comply with the liquor and revenue laws of the United States, this State, and any other state where it is licensed. (C) The State Commission shall approve the application for a self-distribution exemption if such person:

(1) is in compliance with State revenue and liquor laws;

(2) is not a member of any affiliated group that produces directly or indirectly more than 25,000 gallons of wine per annum, 930,000 gallons of beer per annum, or 50,000 gallons of spirits per annum;

(3) will not annually produce for sale more than 25,000 gallons of wine, 930,000 gallons of beer, or 50,000 gallons of spirits; and

(4) will not annually sell more than 5,000 gallons of its wine to retail licensees. (D) A self-distribution exemption holder shall annually certify to the State Commission its production of wine in the previous 12 months and its anticipated production and sales for the next 12 months. The State Commission may fine, suspend, or revoke a self-distribution exemption after a hearing if it finds that the exemption holder has made a material misrepresentation in its application, violated a revenue or liquor law of Illinois, exceeded production of 25,000 gallons of wine, 930,000 gallons of beer, or 50,000 gallons of spirits in any calendar year, or become part of an affiliated group producing more than 25,000 gallons of wine, 930,000 gallons of beer, or 50,000 gallons of spirits. (E) Except in hearings for violations of this Act or Public Act 95-634 or a bona fide investigation by duly sworn law enforcement officials, the State Commission, or its agents, the State Commission shall maintain the production and sales information of a self-distribution exemption holder as confidential and shall not release such information to any person. (F) The State Commission shall issue regulations governing self-distribution exemptions consistent with this Section and this Act. (G) Nothing in this paragraph

(17) shall prohibit a self-distribution exemption holder from entering into or simultaneously having a distribution agreement with a licensed Illinois distributor. (H) It is the intent of this paragraph

(17) to promote and continue orderly markets. The General Assembly finds that, in order to preserve Illinois' regulatory distribution system, it is necessary to create an exception for smaller makers of wine as their wines are frequently adjusted in varietals, mixes, vintages, and taste to find and create market niches sometimes too small for distributor or importing distributor business strategies. Limited self-distribution rights will afford and allow smaller makers of wine access to the marketplace in order to develop a customer base without impairing the integrity of the 3-tier system. (18)(A) A class 1 brewer licensee, who must also be either a licensed brewer or licensed non-resident dealer and annually manufacture less than 930,000 gallons of beer, may make application to the State Commission for a self-distribution exemption to allow the sale of not more than 232,500 gallons per year of the exemption holder's beer to retail licensees and to brewers, class 1 brewers, and class 2 brewers that, pursuant to subsection

(e) of Section 6-4 of this Act, sell beer, cider, mead, or any combination thereof to non-licensees at their breweries. (B) In the application, which shall be sworn under penalty of perjury, the class 1 brewer licensee shall state

(1) the date it was established;

(2) its volume of beer manufactured and sold for each year since its establishment;

(3) its efforts to establish distributor relationships;

(4) that a self-distribution exemption is necessary to facilitate the marketing of its beer; and

(5) that it will comply with the alcoholic beverage and revenue laws of the United States, this State, and any other state where it is licensed. (C) Any application submitted shall be posted on the State Commission's website at least 45 days prior to action by the State Commission. The State Commission shall approve the application for a self-distribution exemption if the class 1 brewer licensee:

(1) is in compliance with the State, revenue, and alcoholic beverage laws;

(2) is not a member of any affiliated group that manufactures, directly or indirectly, more than 930,000 gallons of beer per annum, 25,000 gallons of wine per annum, or 50,000 gallons of spirits per annum;

(3) shall not annually manufacture for sale more than 930,000 gallons of beer, 25,000 gallons of wine, or 50,000 gallons of spirits;

(4) shall not annually sell more than 232,500 gallons of its beer to retail licensees and class 3 brewers and to brewers, class 1 brewers, and class 2 brewers that, pursuant to subsection

(e) of Section 6-4 of this Act, sell beer, cider, mead, or any combination thereof to non-licensees at their breweries; and

(5) has relinquished any brew pub license held by the licensee, including any ownership interest it held in the licensed brew pub. (D) A self-distribution exemption holder shall annually certify to the State Commission its manufacture of beer during the previous 12 months and its anticipated manufacture and sales of beer for the next 12 months. The State Commission may fine, suspend, or revoke a self-distribution exemption after a hearing if it finds that the exemption holder has made a material misrepresentation in its application, violated a revenue or alcoholic beverage law of Illinois, exceeded the manufacture of 930,000 gallons of beer, 25,000 gallons of wine, or 50,000 gallons of spirits in any calendar year or became part of an affiliated group manufacturing more than 930,000 gallons of beer, 25,000 gallons of wine, or 50,000 gallons of spirits. (E) The State Commission shall issue rules and regulations governing self-distribution exemptions consistent with this Act. (F) Nothing in this paragraph

(18) shall prohibit a self-distribution exemption holder from entering into or simultaneously having a distribution agreement with a licensed Illinois importing distributor or a distributor. If a self-distribution exemption holder enters into a distribution agreement and has assigned distribution rights to an importing distributor or distributor, then the self-distribution exemption holder's distribution rights in the assigned territories shall cease in a reasonable time not to exceed 60 days.

(G) It is the intent of this paragraph

(18) to promote and continue orderly markets. The General Assembly finds that in order to preserve Illinois' regulatory distribution system, it is necessary to create an exception for smaller manufacturers in order to afford and allow such smaller manufacturers of beer access to the marketplace in order to develop a customer base without impairing the integrity of the 3-tier system. (19)(A) A class 1 craft distiller licensee or a non-resident dealer who manufactures less than 50,000 gallons of distilled spirits per year may make application to the State Commission for a self-distribution exemption to allow the sale of not more than 5,000 gallons of the exemption holder's spirits to retail licensees per year. (B) In the application, which shall be sworn under penalty of perjury, the class 1 craft distiller licensee or non-resident dealer shall state

(1) the date it was established;

(2) its volume of spirits manufactured and sold for each year since its establishment;

(3) its efforts to establish distributor relationships;

(4) that a self-distribution exemption is necessary to facilitate the marketing of its spirits; and

(5) that it will comply with the alcoholic beverage and revenue laws of the United States, this State, and any other state where it is licensed. (C) Any application submitted shall be posted on the State Commission's website at least 45 days prior to action by the State Commission. The State Commission shall approve the application for a self-distribution exemption if the applicant:

(1) is in compliance with State revenue and alcoholic beverage laws;

(2) is not a member of any affiliated group that produces more than 50,000 gallons of spirits per annum, 930,000 gallons of beer per annum, or 25,000 gallons of wine per annum;

(3) does not annually manufacture for sale more than 50,000 gallons of spirits, 930,000 gallons of beer, or 25,000 gallons of wine; and

(4) does not annually sell more than 5,000 gallons of its spirits to retail licensees. (D) A self-distribution exemption holder shall annually certify to the State Commission its manufacture of spirits during the previous 12 months and its anticipated manufacture and sales of spirits for the next 12 months. The State Commission may fine, suspend, or revoke a self-distribution exemption after a hearing if it finds that the exemption holder has made a material misrepresentation in its application, violated a revenue or alcoholic beverage law of Illinois, exceeded the manufacture of 50,000 gallons of spirits, 930,000 gallons of beer, or 25,000 gallons of wine in any calendar year, or has become part of an affiliated group manufacturing more than 50,000 gallons of spirits, 930,000 gallons of beer, or 25,000 gallons of wine. (E) The State Commission shall adopt rules governing self-distribution exemptions consistent with this Act. (F) Nothing in this paragraph

(19) shall prohibit a self-distribution exemption holder from entering into or simultaneously having a distribution agreement with a licensed Illinois importing distributor or a distributor. (G) It is the intent of this paragraph

(19) to promote and continue orderly markets. The General Assembly finds that in order to preserve Illinois' regulatory distribution system, it is necessary to create an exception for smaller manufacturers in order to afford and allow such smaller manufacturers of spirits access to the marketplace in order to develop a customer base without impairing the integrity of the 3-tier system. (20)(A) A class 3 brewer licensee who must manufacture less than 465,000 gallons of beer in the aggregate and not more than 155,000 gallons at any single brewery premises may make application to the State Commission for a self-distribution exemption to allow the sale of not more than 6,200 gallons of beer from each in-state or out-of-state class 3 brewery premises, which shall not exceed 18,600 gallons annually in the aggregate, that is manufactured at a wholly owned class 3 brewer's in-state or out-of-state licensed premises to retail licensees and class 3 brewers and to brewers, class 1 brewers, class 2 brewers that, pursuant to subsection

(e) of Section 6-4, sell beer, cider, or both beer and cider to non-licensees at their licensed breweries. (B) In the application, which shall be sworn under penalty of perjury, the class 3 brewer licensee shall state:

(1) the date it was established;

(2) its volume of beer manufactured and sold for each year since its establishment;

(3) its efforts to establish distributor relationships;

(4) that a self-distribution exemption is necessary to facilitate the marketing of its beer; and

(5) that it will comply with the alcoholic beverage and revenue laws of the United States, this State, and any other state where it is licensed. (C) Any application submitted shall be posted on the State Commission's website at least 45 days before action by the State Commission. The State Commission shall approve the application for a self-distribution exemption if the class 3 brewer licensee:

(1) is in compliance with the State, revenue, and alcoholic beverage laws;

(2) is not a member of any affiliated group that manufacturers, directly or indirectly, more than 465,000 gallons of beer per annum;

(3) shall not annually manufacture for sale more than 465,000 gallons of beer or more than 155,000 gallons at any single brewery premises; and

(4) shall not annually sell more than 6,200 gallons of beer from each in-state or out-of-state class 3 brewery premises, and shall not exceed 18,600 gallons annually in the aggregate, to retail licensees and class 3 brewers and to brewers, class 1 brewers, and class 2 brewers that, pursuant to subsection

(e) of Section 6-4 of this Act, sell beer, cider, or both beer and cider to non-licensees at their breweries. (D) A self-distribution exemption holder shall annually certify to the State Commission its manufacture of beer during the previous 12 months and its anticipated manufacture and sales of beer for the next 12 months. The State Commission may fine, suspend, or revoke a self-distribution exemption after a hearing if it finds that the exemption holder has made a material misrepresentation in its application, violated a revenue or alcoholic beverage law of Illinois, exceeded the manufacture of 465,000 gallons of beer in any calendar year or became part of an affiliated group manufacturing more than 465,000 gallons of beer, or exceeded the sale to retail licensees, brewers, class 1 brewers, class 2 brewers, and class 3 brewers of 6,200 gallons per brewery location or 18,600 gallons in the aggregate. (E) The State Commission may adopt rules governing self-distribution exemptions consistent with this Act. (F) Nothing in this paragraph shall prohibit a self-distribution exemption holder from entering into or simultaneously having a distribution agreement with a licensed Illinois importing distributor or a distributor. If a self-distribution exemption holder enters into a distribution agreement and has assigned distribution rights to an importing distributor or distributor, then the self-distribution exemption holder's distribution rights in the assigned territories shall cease in a reasonable time not to exceed 60 days. (G) It is the intent of this paragraph to promote and continue orderly markets. The General Assembly finds that in order to preserve Illinois' regulatory distribution system, it is necessary to create an exception for smaller manufacturers in order to afford and allow such smaller manufacturers of beer access to the marketplace in order to develop a customer base without impairing the integrity of the 3-tier system. (21)(A) A class 3 craft distiller licensee who manufactures less than 100,000 gallons of spirits in the aggregate may make application to the State Commission for a self-distribution exemption to allow the sale of not more than 5,000 gallons of the exemption holder's spirits per year that are manufactured at a wholly owned class 3 craft distiller's in-state or out-of-state licensed premises to retail licensees and class 3 brewers and to class 3 craft distillers that, pursuant to subsection

(e) of Section 6-4, sell beer, cider, spirits, or any combination thereof to non-licensees at their licensed distilleries. (B) In the application, which shall be sworn under penalty of perjury, the class 3 craft distiller licensee shall state:

- (1) the date it was established;
- (2) its volume of spirits manufactured and sold for each year since its establishment;
- (3) its efforts to establish distributor relationships;
- (4) that a self-distribution exemption is necessary to facilitate the marketing of its spirits; and
- (5) that it will comply with the alcoholic beverage and revenue laws of the United States, this State, and any other state where it is licensed. (C) Any application submitted shall be posted on the State Commission's website at least 45 days before action by the State Commission. The State Commission shall approve the application for a self-distribution exemption if the class 3 craft distiller licensee:
 - (1) is in compliance with the State, revenue, and alcoholic beverage laws;
 - (2) is not a member of any affiliated group that manufacturers, directly or indirectly, more than 100,000 gallons of spirits per annum;
 - (3) shall not annually manufacture for sale more than 100,000 gallons of spirits; and
 - (4) does not sell more than 5,000 gallons of its spirits per year to retail licensees and class 3 brewers and to class 3 craft distillers that, pursuant to subsection

(e) of Section 6-4, sell beer, cider, spirits, or any combination thereof to non-licensees at their licensed distilleries. (D) A self-distribution exemption holder shall annually certify to the State Commission its manufacture of spirits during the previous 12 months and its anticipated manufacture and sales of spirits for the next 12 months. The State Commission may fine, suspend, or revoke a self-distribution exemption after a hearing if it finds that the exemption holder has made a material misrepresentation in its application, violated a revenue or alcoholic beverage law of Illinois, exceeded the manufacture of 100,000 gallons of spirits in any calendar year, or became part of an affiliated group manufacturing more than 100,000 gallons of spirits. (E) The State Commission may adopt rules governing self-distribution exemptions consistent with this Act. (F) Nothing in this paragraph shall prohibit a self-distribution exemption holder from entering into or simultaneously having a distribution agreement with a licensed Illinois importing distributor or a distributor. (G) It is the intent of this paragraph to promote and continue orderly markets. The General Assembly finds that, in order to preserve Illinois' regulatory distribution system, it is necessary to create an exception for smaller manufacturers in order to afford and allow such smaller manufacturers of spirits access to the marketplace in order to develop a customer base without impairing the integrity of the 3-tier system.

(b) On or before April 30, 1999, the Commission shall present a written report to the Governor and the General Assembly that shall be based on a study of the impact of Public Act 90-739 on the business of soliciting, selling, and shipping alcoholic liquor from outside of this State directly to residents of this State. As part of its report, the Commission shall provide the following information:

(i) the amount of State excise and sales tax revenues generated as a result of Public Act 90-739; (ii) the amount of licensing fees received as a result of Public Act 90-739; (iii) the number of reported violations, the number of cease and desist notices issued by the Commission, the number of notices of violations issued to the Department of Revenue, and the number of notices and complaints of violations to law enforcement officials.

235 ILCS 5/3-13

Sec. 3-13. The provisions of "The Illinois Administrative Procedure Act", as now or hereafter amended, are hereby expressly adopted and incorporated herein as though a part of this Act, and shall apply to all administrative rules and procedures of the State commission under this Act.

235 ILCS 5/3-14 — Issuance of license by Commission

Sec. 3-14. Issuance of license by Commission. Nothing contained in this Act shall, however, be construed to permit the State Commission to issue any license, other than manufacturer's, foreign importer's, importing distributor's, non-resident dealer's, and distributor's, broker's and non-beverage user's license for any premises in any prohibited territory, or to issue any license other than manufacturer's, foreign importer's, importing distributor's, non-resident dealer's, distributor's, railroad's, airplane's, boat's, or broker's license, auction liquor license, or non-beverage user's license, unless the person applying for such license shall have obtained a local license for the same premises. For purposes of this Section and only

in regards to a hotel, the local license issued for the same premises may include multiple local licenses issued to a hotel operator for various portions of the hotel building, structure, or adjacent property owned and managed by the hotel operator in which alcoholic liquors may be stored, offered for sale, and sold; however, all of those portions of the hotel building, structure, or adjacent property shall be considered the hotel premises for purposes of the issuance of a retailer's license by the State Commission. When such person has obtained a local license and has made application to the State Commission in conformity with this Act and paid the license fee provided, it shall be the duty of the State Commission to issue a retailer's license to him; provided, however, that the State Commission may refuse the issuance or renewal of a retailer's license, upon notice and after hearing, upon the grounds authorized in Section 6-3 of this Act, and, provided further, that the issuance of such license shall not prejudice the State Commission's action in subsequently suspending or revoking such license if it is determined by the State Commission, upon notice and after hearing, that the licensee has, within the same or the preceding license period, violated any provision of this Act or any rule or regulation issued pursuant thereto and in effect for 30 days prior to such violation. The Commission may also refuse to renew a license if the licensee has failed to pay an offer in compromise, pre-disciplinary settlement, or a fine imposed by order.

235 ILCS 5/3-20 — State Commission; separation from the Department of Revenue

Sec. 3-20. State Commission; separation from the Department of Revenue.

(a) Executive Order No. 2003-9 is hereby superseded by this amendatory Act of the 100th General Assembly to the extent that Executive Order No. 2003-9 transferred clerks, management and staff support, employees, and other resources from the State Commission to the Department of Revenue.

(b) To the extent that Executive Order No. 2003-9 transferred personnel and the Executive Director to the Department of Revenue from the State Commission, those personnel and the Executive Director shall be transferred to the State Commission. The status and rights of such employees under the Personnel Code shall not be affected by the transfer. The status and rights of the employees and the State of Illinois and its agencies under the Personnel Code, the Illinois Public Labor Relations Act, and applicable collective bargaining agreements or under any pension, retirement, or annuity plan shall not be affected by this amendatory Act of the 100th General Assembly. To the extent that an employee performs duties for the State Commission and the Department of Revenue itself or any other division or agency within the Department of Revenue, that employee shall be transferred at the Governor's discretion.

(c) All books, records, papers, documents, property (real and personal), contracts, causes of action, and pending business pertaining to the powers, duties, rights, and responsibilities transferred by this amendatory Act of the 100th General Assembly from the Department of Revenue to the State Commission, including, but not limited to, material in electronic or magnetic format and necessary computer hardware and software, shall be transferred to the State Commission.

(d) All unexpended appropriations and balances and other funds available for use by the Department of Revenue to operate the State Commission shall be transferred for use by the State Commission. Unexpended balances so transferred shall be expended only for the purpose for which the appropriations were originally made.

(e) The powers, duties, rights, and responsibilities transferred from the Department of Revenue by this amendatory Act of the 100th General Assembly shall be vested in and shall be exercised by the State Commission.

(f) Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person to or upon the Department of Revenue in connection with any of the powers, duties, rights, and responsibilities transferred by this amendatory Act of the 100th General Assembly, the same shall be made, given, furnished, or served in the same manner to or upon the State Commission.

(g) Any rules of the Department of Revenue that relate to the functions transferred from the State Commission to the Department of Revenue by Executive Order No. 2003-9 that are in full force on the effective date of this amendatory Act of the 100th General Assembly shall become the rules of the State Commission. This amendatory Act of the 100th General Assembly does not affect the legality of any such rules in the Illinois Administrative Code. Any proposed rules filed with the Secretary of State by the Department of Revenue that are pending in the rulemaking process on the effective date of this amendatory Act of the 100th General Assembly and pertain to the functions transferred from the State Commission to the Department of Revenue by Executive Order No. 2003-9 shall be deemed to have been filed by the State Commission. As soon as practicable hereafter, the State Commission shall revise and clarify the rules transferred to it under this amendatory Act of the 100th General Assembly to reflect the reorganization of powers, duties, rights, and responsibilities affected by this amendatory Act of the 100th General Assembly, using the procedures for

recodification of rules available under the Illinois Administrative Procedure Act, except that existing title, part, and section numbering for the affected rules may be retained.

235 ILCS 5/4-1

Sec. 4-1. In every city, village or incorporated town, the city council or president and board of trustees, and in counties in respect of territory outside the limits of any such city, village or incorporated town the county board shall have the power by general ordinance or resolution to determine the number, kind and classification of licenses, for sale at retail of alcoholic liquor not inconsistent with this Act and the amount of the local licensee fees to be paid for the various kinds of licenses to be issued in their political subdivision, except those issued to the specific non-beverage users exempt from payment of license fees under Section 5-3 which shall be issued without payment of any local license fees, and the manner of distribution of such fees after their collection; to regulate or prohibit the presence of persons under the age of 21 on the premises of licensed retail establishments of various kinds and classifications where alcoholic liquor is drawn, poured, mixed or otherwise served for consumption on the premises; to prohibit any minor from drawing, pouring, or mixing any alcoholic liquor as an employee of any retail licensee; and to prohibit any minor from at any time attending any bar and from drawing, pouring or mixing any alcoholic liquor in any licensed retail premises; and to establish such further regulations and restrictions upon the issuance of and operations under local licenses not inconsistent with law as the public good and convenience may require; and to provide penalties for the violation of regulations and restrictions, including those made by county boards, relative to operation under local licenses; provided, however, that in the exercise of any of the powers granted in this Section, the issuance of such licenses shall not be prohibited except for reasons specifically enumerated in Sections 6-2, 6-11, 6-12 and 6-25 of this Act. However, in any municipality with a population exceeding 1,000,000 that has adopted the form of government authorized under "An Act concerning cities, villages, and incorporated towns, and to repeal certain Acts herein named", approved August 15, 1941, as amended, no person shall be granted any license or privilege to sell alcoholic liquors between the hours of two o'clock a.m. and seven o'clock a.m. on week days unless such person has given at least 14 days prior written notice to the alderperson of the ward in which such person's licensed premises are located stating his intention to make application for such license or privilege and unless evidence confirming service of such written notice is included in such application. Any license or privilege granted in violation of this paragraph shall be null and void.

235 ILCS 5/4-2

Sec. 4-2. The mayor or president of the board of trustees of each city, village or incorporated town or his or her designee, and the president or chairman of the county board or his or her designee, shall be the local liquor control commissioner for their respective cities, villages, incorporated towns and counties, and shall be charged with the administration in their respective jurisdictions of the appropriate provisions of this Act and of such ordinances and resolutions relating to alcoholic liquor as may be enacted; but the authority of the president or chairman of the county board or his or her designee shall extend only to that area in any county which lies outside the corporate limits of the cities, villages and incorporated towns therein and those areas which are owned by the county and are within the corporate limits of the cities, villages and incorporated towns with a population of less than 1,000,000, however, such county shall comply with the operating rules of the municipal ordinances affected when issuing their own licenses. However, such mayor, president of the board of trustees or president or chairman of the county board or his or her designee may appoint a person or persons to assist him in the exercise of the powers and the performance of the duties herein provided for such local liquor control commissioner. Notwithstanding any other provision of this Section to the contrary, the mayor of a city with a population of 55,000 or less or the president of a village with a population of 55,000 or less that has an interest in the manufacture, sale, or distribution of alcoholic liquor must direct the council or board over which he or she presides to appoint, by majority vote, a person other than him or her to serve as the local liquor control commissioner. The appointment must be made within 30 days from the day on which the mayor or president takes office, and the mayor or president cannot make nominations or serve any other role in the appointment. To prevent any conflict of interest, the mayor or president with the interest in the manufacture, sale, or distribution of alcoholic liquor shall not participate in any meetings, hearings, or decisions on matters impacting the manufacture, sale, or distribution of alcoholic liquor. Further, the appointee

(i) shall be an attorney with an active license to practice law in the State of Illinois, (ii) shall not legally represent liquor license applicants or holders before the jurisdiction over which he or she presides as local liquor control commissioner or before an adjacent jurisdiction, (iii) shall not have an interest in the manufacture, sale, or distribution of alcoholic liquor, and (iv) shall not be appointed to a term to exceed the term of the mayor, president, or members of the council or board.

235 ILCS 5/4-3

Sec. 4-3. The city council of each city and the president and board of trustees of each village and incorporated town and the county board are authorized to fix and pay compensation to the local liquor control commissioner of the particular city, village, incorporated town or county, as the case may be, and compensation to such deputies, assistants or employees as may be deemed necessary for the proper performance of the duties vested in him.

235 ILCS 5/4-4

Sec. 4-4. Each local liquor control commissioner shall also have the following powers, functions, and duties with respect to licenses, other than licenses to manufacturers, importing distributors, distributors, foreign importers, non-resident dealers, non-beverage users, brokers, railroads, airplanes, and boats: 1. To grant or suspend for not more than 30 days or revoke for cause all local licenses issued to persons for premises within his jurisdiction; 2. To enter or to authorize any law enforcing officer to enter at any time upon any premises licensed hereunder to determine whether any of the provisions of this Act or any rules or regulations adopted by him or by the State Commission have been or are being violated, and at such time to examine said premises of said licensee in connection therewith; 3. To notify the Secretary of State where a club incorporated under the General Not for Profit Corporation Act of 1986 or a foreign corporation functioning as a club in this State under a certificate of authority issued under that Act has violated this Act by selling or offering for sale at retail alcoholic liquors without a retailer's license; 4. To receive a complaint from any citizen within his jurisdiction that any of the provisions of this Act, or any rules or regulations adopted pursuant hereto, have been or are being violated and to act upon the complaint in the manner hereinafter provided; 5. To receive local license fees and pay the same forthwith to the city, village, town, or county treasurer, as the case may be. Each local liquor commissioner also has the duty to notify the Secretary of State of any convictions or dispositions of court supervision for a violation of Section 6-20 of this Act or a similar provision of a local ordinance. In counties and municipalities, the local liquor control commissioners shall also have the power to levy fines in accordance with Section 7-5 of this Act.

235 ILCS 5/4-5

Sec. 4-5. The local liquor control commissioner shall have the right to examine, or cause to be examined, under oath, any applicant for a local license or for a renewal thereof, or any licensee upon whom notice of revocation or suspension has been served in the manner hereinafter provided, and to examine or cause to be examined, the books and records of any such applicant or licensee; to hear testimony and take proof for his information in the performance of his duties, and for such purpose to issue subpoenas which shall be effective in any part of this State. For the purpose of obtaining any of the information desired by the local liquor control commissioner under this section, he may authorize his agent to act on his behalf.

235 ILCS 5/4-6

Sec. 4-6. When, in this Act, the local liquor control commissioner shall be referred to, it shall include any committee or other agency appointed by such local liquor control commissioner.

235 ILCS 5/4-7

Sec. 4-7. The local liquor control commissioner shall have the right to require fingerprints of any applicant for a local license or for a renewal thereof other than an applicant who is an air carrier operating under a certificate or a foreign air permit issued pursuant to the Federal Aviation Act of 1958. Each applicant shall submit his or her fingerprints to the Illinois State Police in the form and manner prescribed by the Illinois State Police. These fingerprints shall be checked against the fingerprint records now and hereafter filed in the Illinois State Police and Federal Bureau of Investigation criminal history records databases. The Illinois State Police shall charge a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The Illinois State Police shall furnish pursuant to positive identification, records of conviction to the local liquor control commissioner. For purposes of obtaining fingerprints under this Section, the local liquor commissioner shall collect a fee and forward the fee to the appropriate policing body who shall submit the fingerprints and the fee to the Illinois State Police.

235 ILCS 5/5-1

Sec. 5-1. Licenses issued by the Illinois Liquor Control Commission shall be of the following classes:

(a) Manufacturer's license - Class 1. Distiller, Class 2. Rectifier, Class 3. Brewer, Class 4. First Class Wine Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6. First Class Winemaker, Class 7. Second Class Winemaker, Class 8. Limited Wine Manufacturer, Class 9. Craft Distiller, Class 10. Class 1 Craft Distiller, Class 11. Class 2 Craft Distiller, Class 12. Class 1 Brewer, Class 13. Class 2 Brewer, Class 14. Class 3 Brewer, Class 15. Class 3 Craft Distiller,

(b) Distributor's license,

(c) Importing Distributor's license,

(d) Retailer's license,

(e) Special Event Retailer's license (not-for-profit),

(f) Railroad license,

(g) Boat license,

(h) Non-Beverage User's license,

(i) Wine-maker's premises license,

(j) Airplane license,

(k) Foreign importer's license,

(l) Broker's license,

(m) Non-resident dealer's license,

(n) Brew Pub license,

(o) Auction liquor license,

(p) Caterer retailer license,

(q) Special use permit license,

(r) Winery shipper's license,

(s) Craft distiller tasting permit,

(t) Brewer warehouse permit,

(u) Distilling pub license,

(v) Craft distiller warehouse permit,

(w) Beer showcase permit,

(x) Spirits showcase permit. No person, firm, partnership, corporation, or other legal business entity that is engaged in the manufacturing of wine may concurrently obtain and hold a wine-maker's license and a wine manufacturer's license.

(a) A manufacturer's license shall allow the manufacture, importation in bulk, storage, distribution and sale of alcoholic liquor to persons without the State, as may be permitted by law, and to licensees in this State as follows: Class 1. A Distiller may make sales and deliveries of alcoholic liquor to distillers, rectifiers, importing distributors, distributors, and non-beverage users and to no other licensees. Class 2. A Rectifier, who is not a distiller, as defined herein, may make sales and deliveries of alcoholic liquor to rectifiers, importing distributors, distributors, retailers, and non-beverage users and to no other licensees. Class 3. A Brewer may make sales and deliveries of beer to importing distributors and distributors and may make sales as authorized under subsection

(e) of Section 6-4 of this Act, including any alcoholic liquor that subsection

(e) of Section 6-4 authorizes a brewer to sell in its original package only to a non-licensee for pick-up by a non-licensee either within the interior of the brewery premises or outside of the brewery premises at a curb-side or parking lot adjacent to the brewery premises, subject to any local ordinance. Class 4. A first class wine-manufacturer may make sales and deliveries of up to 50,000 gallons of wine to manufacturers, importing distributors and distributors, and to no other licensees. If a first-class wine-manufacturer manufactures beer, it shall also obtain and shall only be eligible for, in addition to any current license, a class 1 brewer license, shall not manufacture more than 930,000 gallons of beer per year, and shall not be a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 930,000 gallons of beer per year. If the first-class wine-manufacturer manufactures spirits, it shall also obtain and shall only be eligible for, in addition to any current license, a class 1 craft distiller license, shall not manufacture more than 50,000 gallons of spirits per year, and shall not be a member of or affiliated with, directly or indirectly, a manufacturer that

produces more than 50,000 gallons of spirits per year. A first-class wine-manufacturer shall be permitted to sell wine manufactured at the first-class wine-manufacturer premises to non-licensees. Class 5. A second class wine manufacturer may make sales and deliveries of more than 50,000 gallons of wine to manufacturers, importing distributors and distributors and to no other licensees. Class 6. A first-class wine-maker's license shall allow the manufacture of up to 50,000 gallons of wine per year and the storage and sale of such wine to distributors in the State and to persons without the State, as may be permitted by law. A person who, prior to June 1, 2008 (the effective date of Public Act 95-634), is a holder of a first-class wine-maker's license and annually produces more than 25,000 gallons of its own wine and who distributes its wine to licensed retailers shall cease this practice on or before July 1, 2008 in compliance with Public Act 95-634. If a first-class wine-maker manufactures beer, it shall also obtain and shall only be eligible for, in addition to any current license, a class 1 brewer license, shall not manufacture more than 930,000 gallons of beer per year, and shall not be a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 930,000 gallons of beer per year. If the first-class wine-maker manufactures spirits, it shall also obtain and shall only be eligible for, in addition to any current license, a class 1 craft distiller license, shall not manufacture more than 50,000 gallons of spirits per year, and shall not be a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 50,000 gallons of spirits per year. A first-class wine-maker holding a class 1 brewer license or a class 1 craft distiller license shall not be eligible for a wine-maker's premises license but shall be permitted to sell wine manufactured at the first-class wine-maker premises to non-licensees. Class 7. A second-class wine-maker's license shall allow the manufacture of up to 150,000 gallons of wine per year, and the storage and sale of such wine to distributors in this State and to persons without the State, as may be permitted by law. A person who, prior to June 1, 2008 (the effective date of Public Act 95-634), is a holder of a second-class wine-maker's license and annually produces more than 25,000 gallons of its own wine and who distributes its wine to licensed retailers shall cease this practice on or before July 1, 2008 in compliance with Public Act 95-634. If a second-class wine-maker manufactures beer, it shall also obtain and shall only be eligible for, in addition to any current license, a class 2 brewer license, shall not manufacture more than 3,720,000 gallons of beer per year, and shall not be a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 3,720,000 gallons of beer per year. If a second-class wine-maker manufactures spirits, it shall also obtain and shall only be eligible for, in addition to any current license, a class 2 craft distiller license, shall not manufacture more than 100,000 gallons of spirits per year, and shall not be a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 100,000 gallons of spirits per year. Class 8. A limited wine-manufacturer may make sales and deliveries not to exceed 40,000 gallons of wine per year to distributors, and to non-licensees in accordance with the provisions of this Act. Class 9. A craft distiller license, which may only be held by a class 1 craft distiller licensee or class 2 craft distiller licensee but not held by both a class 1 craft distiller licensee and a class 2 craft distiller licensee, shall grant all rights conveyed by either:

(i) a class 1 craft distiller license if the craft distiller holds a class 1 craft distiller license; or (ii) a class 2 craft distiller licensee if the craft distiller holds a class 2 craft distiller license. Class 10. A class 1 craft distiller license, which may only be issued to a licensed craft distiller or licensed non-resident dealer, shall allow the manufacture of up to 50,000 gallons of spirits per year provided that the class 1 craft distiller licensee does not manufacture more than a combined 50,000 gallons of spirits per year and is not a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 50,000 gallons of spirits per year. If a class 1 craft distiller manufactures beer, it shall also obtain and shall only be eligible for, in addition to any current license, a class 1 brewer license, shall not manufacture more than 930,000 gallons of beer per year, and shall not be a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 930,000 gallons of beer per year. If a class 1 craft distiller manufactures wine, it shall also obtain and shall only be eligible for, in addition to any current license, a first-class wine-manufacturer license or a first-class wine-maker's license, shall not manufacture more than 50,000 gallons of wine per year, and shall not be a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 50,000 gallons of wine per year. A class 1 craft distiller licensee may make sales and deliveries to importing distributors and distributors and to retail licensees in accordance with the conditions set forth in paragraph

(19) of subsection

(a) of Section 3-12 of this Act. However, the aggregate amount of spirits sold to non-licensees and sold or delivered to retail licensees may not exceed 5,000 gallons per year. A class 1 craft distiller licensee may sell up to 5,000 gallons of such spirits to non-licensees to the extent permitted by any exemption approved by the State Commission pursuant to Section 6-4 of this Act. A class 1 craft distiller license holder may store such spirits at a non-contiguous licensed location, but at no time shall a class 1 craft distiller license holder directly or indirectly produce in the aggregate more than 50,000

gallons of spirits per year. A class 1 craft distiller licensee may hold more than one class 1 craft distiller's license. However, a class 1 craft distiller that holds more than one class 1 craft distiller license shall not manufacture, in the aggregate, more than 50,000 gallons of spirits by distillation per year and shall not sell, in the aggregate, more than 5,000 gallons of such spirits to non-licensees in accordance with an exemption approved by the State Commission pursuant to Section 6-4 of this Act. Class 11. A class 2 craft distiller license, which may only be issued to a licensed craft distiller or licensed non-resident dealer, shall allow the manufacture of up to 100,000 gallons of spirits per year provided that the class 2 craft distiller licensee does not manufacture more than a combined 100,000 gallons of spirits per year and is not a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 100,000 gallons of spirits per year. If a class 2 craft distiller manufactures beer, it shall also obtain and shall only be eligible for, in addition to any current license, a class 2 brewer license, shall not manufacture more than 3,720,000 gallons of beer per year, and shall not be a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 3,720,000 gallons of beer per year. If a class 2 craft distiller manufactures wine, it shall also obtain and shall only be eligible for, in addition to any current license, a second-class wine-maker's license, shall not manufacture more than 150,000 gallons of wine per year, and shall not be a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 150,000 gallons of wine per year. A class 2 craft distiller licensee may make sales and deliveries to importing distributors and distributors, but shall not make sales or deliveries to any other licensee. If the State Commission provides prior approval, a class 2 craft distiller licensee may annually transfer up to 100,000 gallons of spirits manufactured by that class 2 craft distiller licensee to the premises of a licensed class 2 craft distiller wholly owned and operated by the same licensee. A class 2 craft distiller may transfer spirits to a distilling pub wholly owned and operated by the class 2 craft distiller subject to the following limitations and restrictions:

(i) the transfer shall not annually exceed more than 5,000 gallons; (ii) the annual amount transferred shall reduce the distilling pub's annual permitted production limit; (iii) all spirits transferred shall be subject to Article VIII of this Act; (iv) a written record shall be maintained by the distiller and distilling pub specifying the amount, date of delivery, and receipt of the product by the distilling pub; and

(v) the distilling pub shall be located no farther than 80 miles from the class 2 craft distiller's licensed location. A class 2 craft distiller shall, prior to transferring spirits to a distilling pub wholly owned by the class 2 craft distiller, furnish a written notice to the State Commission of intent to transfer spirits setting forth the name and address of the distilling pub and shall annually submit to the State Commission a verified report identifying the total gallons of spirits transferred to the distilling pub wholly owned by the class 2 craft distiller. A class 2 craft distiller license holder may store such spirits at a non-contiguous licensed location, but at no time shall a class 2 craft distiller license holder directly or indirectly produce in the aggregate more than 100,000 gallons of spirits per year. Class 12. A class 1 brewer license, which may only be issued to a licensed brewer or licensed non-resident dealer, shall allow the manufacture of up to 930,000 gallons of beer per year provided that the class 1 brewer licensee does not manufacture more than a combined 930,000 gallons of beer per year and is not a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 930,000 gallons of beer per year. If a class 1 brewer manufactures spirits, it shall also obtain and shall only be eligible for, in addition to any current license, a class 1 craft distiller license, shall not manufacture more than 50,000 gallons of spirits per year, and shall not be a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 50,000 gallons of spirits per year. If a class 1 craft brewer manufactures wine, it shall also obtain and shall only be eligible for, in addition to any current license, a first-class wine-manufacturer license or a first-class wine-maker's license, shall not manufacture more than 50,000 gallons of wine per year, and shall not be a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 50,000 gallons of wine per year. A class 1 brewer licensee may make sales and deliveries to importing distributors and distributors and to retail licensees in accordance with the conditions set forth in paragraph

(18) of subsection

(a) of Section 3-12 of this Act. If the State Commission provides prior approval, a class 1 brewer may annually transfer up to 930,000 gallons of beer manufactured by that class 1 brewer to the premises of a licensed class 1 brewer wholly owned and operated by the same licensee. Class 13. A class 2 brewer license, which may only be issued to a licensed brewer or licensed non-resident dealer, shall allow the manufacture of up to 3,720,000 gallons of beer per year provided that the class 2 brewer licensee does not manufacture more than a combined 3,720,000 gallons of beer per year and is not a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 3,720,000 gallons of beer per year. If a class 2 brewer manufactures spirits, it shall also obtain and shall only be eligible for, in addition to any current license, a class 2 craft distiller license, shall not manufacture more than 100,000 gallons of spirits per year, and

shall not be a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 100,000 gallons of spirits per year. If a class 2 craft distiller manufactures wine, it shall also obtain and shall only be eligible for, in addition to any current license, a second-class wine-maker's license, shall not manufacture more than 150,000 gallons of wine per year, and shall not be a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 150,000 gallons of wine a year. A class 2 brewer licensee may make sales and deliveries to importing distributors and distributors, but shall not make sales or deliveries to any other licensee. If the State Commission provides prior approval, a class 2 brewer licensee may annually transfer up to 3,720,000 gallons of beer manufactured by that class 2 brewer licensee to the premises of a licensed class 2 brewer wholly owned and operated by the same licensee. A class 2 brewer may transfer beer to a brew pub wholly owned and operated by the class 2 brewer subject to the following limitations and restrictions:

(i) the transfer shall not annually exceed more than 31,000 gallons; (ii) the annual amount transferred shall reduce the brew pub's annual permitted production limit; (iii) all beer transferred shall be subject to Article VIII of this Act; (iv) a written record shall be maintained by the brewer and brew pub specifying the amount, date of delivery, and receipt of the product by the brew pub; and

(v) the brew pub shall be located no farther than 80 miles from the class 2 brewer's licensed location. A class 2 brewer shall, prior to transferring beer to a brew pub wholly owned by the class 2 brewer, furnish a written notice to the State Commission of intent to transfer beer setting forth the name and address of the brew pub and shall annually submit to the State Commission a verified report identifying the total gallons of beer transferred to the brew pub wholly owned by the class 2 brewer. Class 14. A class 3 brewer license, which may be issued to a brewer or a non-resident dealer, shall allow the manufacture of no more than 465,000 gallons of beer per year and no more than 155,000 gallons at a single brewery premises, and shall allow the sale of no more than 6,200 gallons of beer from each in-state or out-of-state class 3 brewery premises, or 18,600 gallons in the aggregate, to retail licensees, class 1 brewers, class 2 brewers, and class 3 brewers as long as the class 3 brewer licensee does not manufacture more than a combined 465,000 gallons of beer per year and is not a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 465,000 gallons of beer per year to make sales to importing distributors, distributors, retail licensees, brewers, class 1 brewers, class 2 brewers, and class 3 brewers in accordance with the conditions set forth in paragraph

(20) of subsection

(a) of Section 3-12. If the State Commission provides prior approval, a class 3 brewer may annually transfer up to 155,000 gallons of beer manufactured by that class 3 brewer to the premises of a licensed class 3 brewer wholly owned and operated by the same licensee. A class 3 brewer shall manufacture beer at the brewer's class 3 designated licensed premises, and may sell beer as otherwise provided in this Act. Class 15. A class 3 craft distiller license, which may be issued to a distiller or a non-resident dealer, shall allow the manufacture of no more than 100,000 gallons of spirits per year and shall allow the sale of spirits from the class 3 craft distiller's in-state or out-of-state class 3 craft distillery premises to retail licensees, class 3 brewers, and class 3 craft distillers as long as the class 3 craft distiller licensee does not manufacture more than a combined 100,000 gallons of spirits per year and is not a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 100,000 gallons of spirits per year and to make sales to importing distributors, distributors, retail licensees, class 3 brewers, and class 3 craft distillers in accordance with the conditions set forth in paragraph

(21) of subsection

(a) of Section 3-12. If the State Commission provides prior approval, a class 3 craft distiller may annually transfer up to 2,500 gallons of spirits manufactured by that class 3 craft distiller to the premises of a licensed class 3 craft distiller wholly owned and operated by the same licensee. A class 3 craft distiller shall manufacture spirits at the distiller's class 3 designated licensed premises and may sell spirits as otherwise provided in this Act. (a-1) A manufacturer that is licensed in this State to make sales or deliveries of alcoholic liquor to licensed distributors or importing distributors and which enlists agents, representatives, or individuals acting on its behalf who contact licensed retailers on a regular and continual basis in this State must register those agents, representatives, or persons acting on its behalf with the State Commission. Registration of agents, representatives, or persons acting on behalf of a manufacturer is fulfilled by submitting a form to the State Commission. The form shall be developed by the State Commission and shall include the name and address of the applicant, the name and address of the manufacturer he or she represents, the territory or areas assigned to sell to or discuss pricing terms of alcoholic liquor, and any other questions deemed appropriate and necessary. All statements in the forms required to be made by law or by rule shall be deemed material, and any person who knowingly misstates any

material fact under oath in an application is guilty of a Class B misdemeanor. Fraud, misrepresentation, false statements, misleading statements, evasions, or suppression of material facts in the securing of a registration are grounds for suspension or revocation of the registration. The State Commission shall post a list of registered agents on the State Commission's website.

(b) A distributor's license shall allow

(i) the wholesale purchase and storage of alcoholic liquors and sale of alcoholic liquors to licensees in this State and to persons without the State, as may be permitted by law; (ii) the sale of beer, cider, mead, or any combination thereof to brewers, class 1 brewers, and class 2 brewers that, pursuant to subsection

(e) of Section 6-4 of this Act, sell beer, cider, mead, or any combination thereof to non-licensees at their breweries; (iii) the sale of vermouth to class 1 craft distillers and class 2 craft distillers that, pursuant to subsection

(e) of Section 6-4 of this Act, sell spirits, vermouth, or both spirits and vermouth to non-licensees at their distilleries; or (iv) as otherwise provided in this Act. No person licensed as a distributor shall be granted a non-resident dealer's license.

(c) An importing distributor's license may be issued to and held by those only who are duly licensed distributors, upon the filing of an application by a duly licensed distributor, with the State Commission and the State Commission shall, without the payment of any fee, immediately issue such importing distributor's license to the applicant, which shall allow the importation of alcoholic liquor by the licensee into this State from any point in the United States outside this State, and the purchase of alcoholic liquor in barrels, casks, or other bulk containers and the bottling of such alcoholic liquors before resale thereof, but all bottles or containers so filled shall be sealed, labeled, stamped, and otherwise made to comply with all provisions, rules, and regulations governing manufacturers in the preparation and bottling of alcoholic liquors. The importing distributor's license shall permit such licensee to purchase alcoholic liquor from Illinois licensed non-resident dealers and foreign importers only. No person licensed as an importing distributor shall be granted a non-resident dealer's license.

(d) A retailer's license shall allow the licensee to sell and offer for sale at retail, only in the premises specified in the license, alcoholic liquor for use or consumption, but not for resale in any form. Except as provided in Section 6-16, 6-29, or 6-29.1, nothing in this Act shall deny, limit, remove, or restrict the ability of a holder of a retailer's license to transfer or ship alcoholic liquor to the purchaser for use or consumption subject to any applicable local law or ordinance. For the purposes of this Section, "shipping" means the movement of alcoholic liquor from a licensed retailer to a consumer via a common carrier. Except as provided in Section 6-16, 6-29, or 6-29.1, nothing in this Act shall deny, limit, remove, or restrict the ability of a holder of a retailer's license to deliver alcoholic liquor to the purchaser for use or consumption. The delivery shall be made only within 12 hours from the time the alcoholic liquor leaves the licensed premises of the retailer for delivery. For the purposes of this Section, "delivery" means the movement of alcoholic liquor purchased from a licensed retailer to a consumer through the following methods:

(1) delivery within licensed retailer's parking lot, including curbside, for pickup by the consumer;

(2) delivery by an owner, officer, director, shareholder, or employee of the licensed retailer; or

(3) delivery by a third-party contractor, independent contractor, or agent with whom the licensed retailer has contracted to make deliveries of alcoholic liquors. Under paragraph (1), (2), or (3), delivery shall not include the use of common carriers. Any retail license issued to a manufacturer shall only permit the manufacturer to sell beer at retail on the premises actually occupied by the manufacturer. For the purpose of further describing the type of business conducted at a retail licensed premises, a retailer's licensee may be designated by the State Commission as

(i) an on premise consumption retailer, (ii) an off premise sale retailer, or (iii) a combined on premise consumption and off premise sale retailer. Except for a municipality with a population of more than 1,000,000 inhabitants, a home rule unit may not regulate the delivery of alcoholic liquor inconsistent with this subsection. This paragraph is a limitation under subsection

(i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State. A non-home rule municipality may not regulate the delivery of alcoholic liquor inconsistent with this subsection. Notwithstanding any other provision of this subsection (d), a retail licensee may sell alcoholic liquors to a special event retailer licensee for resale to the extent permitted under subsection (e).

(e) A special event retailer's license (not-for-profit) shall permit the licensee to purchase alcoholic liquors from an Illinois licensed distributor (unless the licensee purchases less than \$500 of alcoholic liquors for the special event, in which case the licensee may purchase the alcoholic liquors from a licensed retailer) and shall allow the licensee to sell and offer for

sale, at retail, alcoholic liquors for consumption on or off the premises specified in the license, but not for resale in any form and only at the location and on the specific dates designated for the special event in the license. An applicant for a special event retailer license must

(i) furnish with the application: (A) a resale number issued under Section 2c of the Retailers' Occupation Tax Act or evidence that the applicant is registered under Section 2a of the Retailers' Occupation Tax Act, (B) a current, valid exemption identification number issued under Section 1g of the Retailers' Occupation Tax Act and a certification to the State Commission that the purchase of alcoholic liquors will be a tax-exempt purchase, or (C) a statement that the applicant is not registered under Section 2a of the Retailers' Occupation Tax Act, does not hold a resale number under Section 2c of the Retailers' Occupation Tax Act, and does not hold an exemption number under Section 1g of the Retailers' Occupation Tax Act, in which event the State Commission shall set forth on the special event retailer's license a statement to that effect; (ii) submit with the application proof satisfactory to the State Commission that the applicant will provide dram shop liability insurance in the maximum limits; and (iii) show proof satisfactory to the State Commission that the applicant has obtained local authority approval. Nothing in this Act prohibits an Illinois licensed distributor from offering credit or a refund for unused, salable alcoholic liquors to a holder of a special event retailer's license or the special event retailer's licensee from accepting the credit or refund of alcoholic liquors at the conclusion of the event specified in the license.

(f) A railroad license shall permit the licensee to import alcoholic liquors into this State from any point in the United States outside this State and to store such alcoholic liquors in this State; to make wholesale purchases of alcoholic liquors directly from manufacturers, foreign importers, distributors and importing distributors from within or outside this State; and to store such alcoholic liquors in this State; provided that the above powers may be exercised only in connection with the importation, purchase or storage of alcoholic liquors to be sold or dispensed on a club, buffet, lounge, or dining car operated on an electric, gas, or steam railway in this State; and provided further, that railroad licensees exercising the above powers shall be subject to all provisions of Article VIII of this Act as applied to importing distributors. A railroad license shall also permit the licensee to sell or dispense alcoholic liquors on any club, buffet, lounge, or dining car operated on an electric, gas, or steam railway regularly operated by a common carrier in this State, but shall not permit the sale for resale of any alcoholic liquors to any licensee within this State. A license shall be obtained for each car in which such sales are made.

(g) A boat license shall allow the sale of alcoholic liquor in individual drinks on any passenger boat regularly operated as a common carrier on navigable waters in this State or on any riverboat operated under the Illinois Gambling Act, which boat or riverboat maintains a public dining room or restaurant thereon.

(h) A non-beverage user's license shall allow the licensee to purchase alcoholic liquor from a licensed manufacturer or importing distributor, without the imposition of any tax upon the business of such licensed manufacturer or importing distributor as to such alcoholic liquor to be used by such licensee solely for the non-beverage purposes set forth in subsection

(a) of Section 8-1 of this Act, and such licenses shall be divided and classified and shall permit the purchase, possession, and use of limited and stated quantities of alcoholic liquor as follows: Class 1, not to exceed
500 gallons Class 2, not to exceed 1,000 gallons Class 3, not to exceed
. . . 5,000 gallons Class 4, not to exceed 10,000 gallons Class 5, not to exceed
. 50,000 gallons

(i) A wine-maker's premises license shall allow a licensee that concurrently holds a first-class wine-maker's license to sell and offer for sale at retail in the premises specified in such license not more than 50,000 gallons of the first-class wine-maker's wine that is made at the first-class wine-maker's licensed premises per year for use or consumption, but not for resale in any form. A wine-maker's premises license shall allow a licensee who concurrently holds a second-class wine-maker's license to sell and offer for sale at retail in the premises specified in such license up to 100,000 gallons of the second-class wine-maker's wine that is made at the second-class wine-maker's licensed premises per year for use or consumption but not for resale in any form. A first-class wine-maker that concurrently holds a class 1 brewer license or a class 1 craft distiller license shall not be eligible to hold a wine-maker's premises license. A wine-maker's premises license shall allow a licensee that concurrently holds a first-class wine-maker's license or a second-class wine-maker's license to sell and offer for sale at retail at the premises specified in the wine-maker's premises license, for use or consumption but not for resale in any form, any beer, wine, and spirits purchased from a licensed distributor. Upon approval from the State Commission, a wine-maker's premises license shall allow the licensee to sell and offer for sale at

(i) the wine-maker's licensed premises and (ii) up to 2 additional locations for use and consumption and not for resale. Each location shall require additional licensing per location as specified in Section 5-3 of this Act. A wine-maker's premises licensee shall secure liquor liability insurance coverage in an amount at least equal to the maximum liability amounts set forth in subsection

(a) of Section 6-21 of this Act.

(j) An airplane license shall permit the licensee to import alcoholic liquors into this State from any point in the United States outside this State and to store such alcoholic liquors in this State; to make wholesale purchases of alcoholic liquors directly from manufacturers, foreign importers, distributors, and importing distributors from within or outside this State; and to store such alcoholic liquors in this State; provided that the above powers may be exercised only in connection with the importation, purchase, or storage of alcoholic liquors to be sold or dispensed on an airplane; and provided further, that airplane licensees exercising the above powers shall be subject to all provisions of Article VIII of this Act as applied to importing distributors. An airplane licensee shall also permit the sale or dispensing of alcoholic liquors on any passenger airplane regularly operated by a common carrier in this State, but shall not permit the sale for resale of any alcoholic liquors to any licensee within this State. A single airplane license shall be required of an airline company if liquor service is provided on board aircraft in this State. The annual fee for such license shall be as determined in Section 5-3.

(k) A foreign importer's license shall permit such licensee to purchase alcoholic liquor from Illinois licensed non-resident dealers only, and to import alcoholic liquor other than in bulk from any point outside the United States and to sell such alcoholic liquor to Illinois licensed importing distributors and to no one else in Illinois; provided that

(i) the foreign importer registers with the State Commission every brand of alcoholic liquor that it proposes to sell to Illinois licensees during the license period, (ii) the foreign importer complies with all of the provisions of Section 6-9 of this Act with respect to registration of such Illinois licensees as may be granted the right to sell such brands at wholesale, and (iii) the foreign importer complies with the provisions of Sections 6-5 and 6-6 of this Act to the same extent that these provisions apply to manufacturers.

(l)

(i) A broker's license shall be required of all persons who solicit orders for, offer to sell, or offer to supply alcoholic liquor to retailers in the State of Illinois, or who offer to retailers to ship or cause to be shipped or to make contact with distillers, craft distillers, rectifiers, brewers or manufacturers or any other party within or without the State of Illinois in order that alcoholic liquors be shipped to a distributor, importing distributor, or foreign importer, whether such solicitation or offer is consummated within or without the State of Illinois. No holder of a retailer's license issued by the Illinois Liquor Control Commission shall purchase or receive any alcoholic liquor, the order for which was solicited or offered for sale to such retailer by a broker unless the broker is the holder of a valid broker's license. The broker shall, upon the acceptance by a retailer of the broker's solicitation of an order or offer to sell or supply or deliver or have delivered alcoholic liquors, promptly forward to the Illinois Liquor Control Commission a notification of said transaction in such form as the State Commission may by regulations prescribe. (ii) A broker's license shall be required of a person within this State, other than a retail licensee, who, for a fee or commission, promotes, solicits, or accepts orders for alcoholic liquor, for use or consumption and not for resale, to be shipped from this State and delivered to residents outside of this State by an express company, common carrier, or contract carrier. This Section does not apply to any person who promotes, solicits, or accepts orders for wine as specifically authorized in Section 6-29 of this Act. A broker's license under this subsection

(l) shall not entitle the holder to buy or sell any alcoholic liquors for his own account or to take or deliver title to such alcoholic liquors. This subsection

(l) shall not apply to distributors, employees of distributors, or employees of a manufacturer who has registered the trademark, brand, or name of the alcoholic liquor pursuant to Section 6-9 of this Act, and who regularly sells such alcoholic liquor in the State of Illinois only to its registrants thereunder. Any agent, representative, or person subject to registration pursuant to subsection (a-1) of this Section shall not be eligible to receive a broker's license.

(m) A non-resident dealer's license shall permit such licensee to ship into and warehouse alcoholic liquor into this State from any point outside of this State, and to sell such alcoholic liquor to Illinois licensed foreign importers and importing distributors and to no one else in this State; provided that

(i) said non-resident dealer shall register with the Illinois Liquor Control Commission each and every brand of alcoholic liquor which it proposes to sell to Illinois licensees during the license period, (ii) it shall comply with all of the provisions of Section 6-9 hereof with respect to registration of such Illinois licensees as may be granted the right to sell such brands at

wholesale by duly filing such registration statement, thereby authorizing the non-resident dealer to proceed to sell such brands at wholesale, and (iii) the non-resident dealer shall comply with the provisions of Sections 6-5 and 6-6 of this Act to the same extent that these provisions apply to manufacturers. No person licensed as a non-resident dealer shall be granted a distributor's or importing distributor's license.

(n) A brew pub license shall allow the licensee to only

(i) manufacture up to 155,000 gallons of beer per year only on the premises specified in the license, (ii) make sales of the beer manufactured on the premises or, with the approval of the State Commission, beer manufactured on another brew pub licensed premises that is wholly owned and operated by the same licensee to importing distributors, distributors, and non-licensees for use and consumption, (iii) store the beer upon the premises, (iv) sell and offer for sale at retail from the licensed premises for off-premises consumption no more than 155,000 gallons per year so long as such sales are only made in-person,

(v) sell and offer for sale at retail for use and consumption on the premises specified in the license any form of alcoholic liquor purchased from a licensed distributor or importing distributor, (vi) with the prior approval of the State Commission, annually transfer no more than 155,000 gallons of beer manufactured on the premises to a licensed brew pub wholly owned and operated by the same licensee, and (vii) notwithstanding item

(i) of this subsection, brew pubs wholly owned and operated by the same licensee may combine each location's production limit of 155,000 gallons of beer per year and allocate the aggregate total between the wholly owned, operated, and licensed locations. A brew pub licensee shall not under any circumstance sell or offer for sale beer manufactured by the brew pub licensee to retail licensees. A person who holds a class 2 brewer license may simultaneously hold a brew pub license if the class 2 brewer

(i) does not, under any circumstance, sell or offer for sale beer manufactured by the class 2 brewer to retail licensees; (ii) does not hold more than 3 brew pub licenses in this State; (iii) does not manufacture more than a combined 3,720,000 gallons of beer per year, including the beer manufactured at the brew pub; and (iv) is not a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 3,720,000 gallons of beer per year or any other alcoholic liquor. Notwithstanding any other provision of this Act, a licensed brewer, class 2 brewer, or non-resident dealer who before July 1, 2015 manufactured less than 3,720,000 gallons of beer per year and held a brew pub license on or before July 1, 2015 may

(i) continue to qualify for and hold that brew pub license for the licensed premises and (ii) manufacture more than 3,720,000 gallons of beer per year and continue to qualify for and hold that brew pub license if that brewer, class 2 brewer, or non-resident dealer does not simultaneously hold a class 1 brewer license and is not a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 3,720,000 gallons of beer per year or that produces any other alcoholic liquor. A brew pub licensee may apply for a class 3 brewer license and, upon meeting all applicable qualifications of this Act and relinquishing all commonly owned brew pub or retail licenses, shall be issued a class 3 brewer license. Nothing in this Act shall prohibit the issuance of a class 3 brewer license if the applicant:

(1) has a valid retail license on or before May 1, 2021;

(2) has an ownership interest in at least 2 brew pubs licenses on or before May 1, 2021;

(3) the brew pub licensee applies for a class 3 brewer license on or before October 1, 2022 and relinquishes all commonly owned brew pub licenses; and

(4) relinquishes all commonly owned retail licenses on or before December 31, 2022. If a brew pub licensee is issued a class 3 brewer license, the class 3 brewer license shall expire on the same date as the existing brew pub license and the State Commission shall not require a class 3 brewer licensee to obtain a brewer license or, in the alternative, to pay a fee for a brewer license, until the date the brew pub license of the applicant would have expired.

(o) A caterer retailer license shall allow the holder to serve alcoholic liquors as an incidental part of a food service that serves prepared meals which excludes the serving of snacks as the primary meal, either on or off-site whether licensed or unlicensed. A caterer retailer license shall allow the holder, a distributor, or an importing distributor to transfer any inventory to and from the holder's retail premises and shall allow the holder to purchase alcoholic liquor from a distributor or importing distributor to be delivered directly to an off-site event. Nothing in this Act prohibits a distributor or importing distributor from offering credit or a refund for unused, salable beer to a holder of a caterer retailer license or a caterer retailer licensee from accepting a credit or refund for unused, salable beer, in the event an act of God is the sole reason an off-site event is canceled and if:

(i) the holder of a caterer retailer license has not transferred alcoholic liquor from its caterer retailer premises to an off-site location; (ii) the distributor or importing distributor offers the credit or refund for the unused, salable beer that it delivered to the off-site premises and not for any unused, salable beer that the distributor or importing distributor delivered to the caterer retailer's premises; and (iii) the unused, salable beer would likely spoil if transferred to the caterer retailer's premises. A caterer retailer license shall allow the holder to transfer any inventory from any off-site location to its caterer retailer premises at the conclusion of an off-site event or engage a distributor or importing distributor to transfer any inventory from any off-site location to its caterer retailer premises at the conclusion of an off-site event, provided that the distributor or importing distributor issues bona fide charges to the caterer retailer licensee for fuel, labor, and delivery and the distributor or importing distributor collects payment from the caterer retailer licensee prior to the distributor or importing distributor transferring inventory to the caterer retailer premises. For purposes of this subsection (o), an "act of God" means an unforeseeable event, such as a rain or snow storm, hail, a flood, or a similar event, that is the sole cause of the cancellation of an off-site, outdoor event.

(p) An auction liquor license shall allow the licensee to sell and offer for sale at auction wine and spirits for use or consumption, or for resale by an Illinois liquor licensee in accordance with provisions of this Act. An auction liquor license will be issued to a person and it will permit the auction liquor licensee to hold the auction anywhere in the State. An auction liquor license must be obtained for each auction at least 14 days in advance of the auction date.

(q) A special use permit license shall allow an Illinois licensed retailer to transfer a portion of its alcoholic liquor inventory from its retail licensed premises to the premises specified in the license hereby created; to purchase alcoholic liquor from a distributor or importing distributor to be delivered directly to the location specified in the license hereby created; and to sell or offer for sale at retail for consumption on or off the premises specified in the license, only in the premises specified in the license hereby created, the transferred or delivered alcoholic liquor for use or consumption, but not for resale in any form. A special use permit license may be granted for the following time periods: one day or less; 2 or more days to a maximum of 15 days per location in any 12-month period. An applicant for the special use permit license must also submit with the application proof satisfactory to the State Commission that the applicant will provide dram shop liability insurance to the maximum limits and have local authority approval. A special use permit license shall allow the holder to transfer any inventory from the holder's special use premises to its retail premises at the conclusion of the special use event or engage a distributor or importing distributor to transfer any inventory from the holder's special use premises to its retail premises at the conclusion of an off-site event, provided that the distributor or importing distributor issues bona fide charges to the special use permit licensee for fuel, labor, and delivery and the distributor or importing distributor collects payment from the retail licensee prior to the distributor or importing distributor transferring inventory to the retail premises. Nothing in this Act prohibits a distributor or importing distributor from offering credit or a refund for unused, salable beer to a special use permit licensee or a special use permit licensee from accepting a credit or refund for unused, salable beer at the conclusion of the event specified in the license if:

(i) the holder of the special use permit license has not transferred alcoholic liquor from its retail licensed premises to the premises specified in the special use permit license; (ii) the distributor or importing distributor offers the credit or refund for the unused, salable beer that it delivered to the premises specified in the special use permit license and not for any unused, salable beer that the distributor or importing distributor delivered to the retailer's premises; and (iii) the unused, salable beer would likely spoil if transferred to the retailer premises.

(r) A winery shipper's license shall allow a person with a first-class or second-class wine manufacturer's license, a first-class or second-class wine-maker's license, or a limited wine manufacturer's license or who is licensed to make wine under the laws of another state to ship wine made by that licensee directly to a resident of this State who is 21 years of age or older for that resident's personal use and not for resale. Prior to receiving a winery shipper's license, an applicant for the license must provide the State Commission with a true copy of its current license in any state in which it is licensed as a manufacturer of wine. An applicant for a winery shipper's license must also complete an application form that provides any other information the State Commission deems necessary. The application form shall include all addresses from which the applicant for a winery shipper's license intends to ship wine, including the name and address of any third party, except for a common carrier, authorized to ship wine on behalf of the manufacturer. The application form shall include an acknowledgment consenting to the jurisdiction of the State Commission, the Illinois Department of Revenue, and the courts of this State concerning the enforcement of this Act and any related laws, rules, and regulations, including authorizing the Department of Revenue and the State Commission to conduct audits for the purpose of ensuring compliance with Public Act 95-634, and an acknowledgment that the wine manufacturer is in compliance with Section 6-2 of this Act. Any third party, except for a common carrier, authorized to ship wine on behalf of a first-class or second-class

wine manufacturer's licensee, a first-class or second-class wine-maker's licensee, a limited wine manufacturer's licensee, or a person who is licensed to make wine under the laws of another state shall also be disclosed by the winery shipper's licensee, and a copy of the written appointment of the third-party wine provider, except for a common carrier, to the wine manufacturer shall be filed with the State Commission as a supplement to the winery shipper's license application or any renewal thereof. The winery shipper's license holder shall affirm under penalty of perjury, as part of the winery shipper's license application or renewal, that he or she only ships wine, either directly or indirectly through a third-party provider, from the licensee's own production. Except for a common carrier, a third-party provider shipping wine on behalf of a winery shipper's license holder is the agent of the winery shipper's license holder and, as such, a winery shipper's license holder is responsible for the acts and omissions of the third-party provider acting on behalf of the license holder. A third-party provider, except for a common carrier, that engages in shipping wine into Illinois on behalf of a winery shipper's license holder shall consent to the jurisdiction of the State Commission and the State. Any third-party, except for a common carrier, holding such an appointment shall, by February 1 of each calendar year and upon request by the State Commission or the Department of Revenue, file with the State Commission a statement detailing each shipment made to an Illinois resident. The statement shall include the name and address of the third-party provider filing the statement, the time period covered by the statement, and the following information:

- (1) the name, address, and license number of the winery shipper on whose behalf the shipment was made;
 - (2) the quantity of the products delivered; and
 - (3) the date and address of the shipment. If the Department of Revenue or the State Commission requests a statement under this paragraph, the third-party provider must provide that statement no later than 30 days after the request is made. Any books, records, supporting papers, and documents containing information and data relating to a statement under this paragraph shall be kept and preserved for a period of 3 years, unless their destruction sooner is authorized, in writing, by the Director of Revenue, and shall be open and available to inspection by the Director of Revenue or the State Commission or any duly authorized officer, agent, or employee of the State Commission or the Department of Revenue, at all times during business hours of the day. Any person who violates any provision of this paragraph or any rule of the State Commission for the administration and enforcement of the provisions of this paragraph is guilty of a Class C misdemeanor. In case of a continuing violation, each day's continuance thereof shall be a separate and distinct offense. The State Commission shall adopt rules as soon as practicable to implement the requirements of Public Act 99-904 and shall adopt rules prohibiting any such third-party appointment of a third-party provider, except for a common carrier, that has been deemed by the State Commission to have violated the provisions of this Act with regard to any winery shipper licensee. A winery shipper licensee must pay to the Department of Revenue the State liquor gallonage tax under Section 8-1 for all wine that is sold by the licensee and shipped to a person in this State. For the purposes of Section 8-1, a winery shipper licensee shall be taxed in the same manner as a manufacturer of wine. A licensee who is not otherwise required to register under the Retailers' Occupation Tax Act must register under the Use Tax Act to collect and remit use tax to the Department of Revenue for all gallons of wine that are sold by the licensee and shipped to persons in this State. If a licensee fails to remit the tax imposed under this Act in accordance with the provisions of Article VIII of this Act, the winery shipper's license shall be revoked in accordance with the provisions of Article VII of this Act. If a licensee fails to properly register and remit tax under the Use Tax Act or the Retailers' Occupation Tax Act for all wine that is sold by the winery shipper and shipped to persons in this State, the winery shipper's license shall be revoked in accordance with the provisions of Article VII of this Act. A winery shipper licensee must collect, maintain, and submit to the State Commission on a semi-annual basis the total number of cases per resident of wine shipped to residents of this State. A winery shipper licensed under this subsection
- (r) must comply with the requirements of Section 6-29 of this Act. Pursuant to paragraph (5.1) or (5.3) of subsection (a) of Section 3-12, the State Commission may receive, respond to, and investigate any complaint and impose any of the remedies specified in paragraph (1) of subsection (a) of Section 3-12. As used in this subsection, "third-party provider" means any entity that provides fulfillment house services, including warehousing, packaging, distribution, order processing, or shipment of wine, but not the sale of wine, on behalf of a licensed winery shipper.
- (s) A craft distiller tasting permit license shall allow an Illinois licensed class 1 craft distiller or class 2 craft distiller to transfer a portion of its alcoholic liquor inventory from its class 1 craft distiller or class 2 craft distiller licensed premises to the premises specified in the license hereby created and to conduct a sampling, only in the premises specified in the

license hereby created, of the transferred alcoholic liquor in accordance with subsection

(c) of Section 6-31 of this Act. The transferred alcoholic liquor may not be sold or resold in any form. An applicant for the craft distiller tasting permit license must also submit with the application proof satisfactory to the State Commission that the applicant will provide dram shop liability insurance to the maximum limits and have local authority approval.

(t) A brewer warehouse permit may be issued to the holder of a class 1 brewer license or a class 2 brewer license. If the holder of the permit is a class 1 brewer licensee, the brewer warehouse permit shall allow the holder to store or warehouse up to 930,000 gallons of tax-determined beer manufactured by the holder of the permit at the premises specified on the permit. If the holder of the permit is a class 2 brewer licensee, the brewer warehouse permit shall allow the holder to store or warehouse up to 3,720,000 gallons of tax-determined beer manufactured by the holder of the permit at the premises specified on the permit. Sales to non-licensees are prohibited at the premises specified in the brewer warehouse permit.

(u) A distilling pub license shall allow the licensee to only

(i) manufacture up to 5,000 gallons of spirits per year only on the premises specified in the license, (ii) make sales of the spirits manufactured on the premises or, with the approval of the State Commission, spirits manufactured on another distilling pub licensed premises that is wholly owned and operated by the same licensee to importing distributors and distributors and to non-licensees for use and consumption, (iii) store the spirits upon the premises, (iv) sell and offer for sale at retail from the licensed premises for off-premises consumption no more than 5,000 gallons per year so long as such sales are only made in-person,

(v) sell and offer for sale at retail for use and consumption on the premises specified in the license any form of alcoholic liquor purchased from a licensed distributor or importing distributor, and (vi) with the prior approval of the State Commission, annually transfer no more than 5,000 gallons of spirits manufactured on the premises to a licensed distilling pub wholly owned and operated by the same licensee. A distilling pub licensee shall not under any circumstance sell or offer for sale spirits manufactured by the distilling pub licensee to retail licensees. A person who holds a class 2 craft distiller license may simultaneously hold a distilling pub license if the class 2 craft distiller

(i) does not, under any circumstance, sell or offer for sale spirits manufactured by the class 2 craft distiller to retail licensees; (ii) does not hold more than 3 distilling pub licenses in this State; (iii) does not manufacture more than a combined 100,000 gallons of spirits per year, including the spirits manufactured at the distilling pub; and (iv) is not a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 100,000 gallons of spirits per year or any other alcoholic liquor.

(v) A craft distiller warehouse permit may be issued to the holder of a class 1 craft distiller or class 2 craft distiller license. The craft distiller warehouse permit shall allow the holder to store or warehouse up to 500,000 gallons of spirits manufactured by the holder of the permit at the premises specified on the permit. Sales to non-licensees are prohibited at the premises specified in the craft distiller warehouse permit.

(w) A beer showcase permit license shall allow a class 3 brewer to transfer only beer the class 3 brewer manufactures from its licensed premises to the premises specified in the beer showcase permit license and to sell or offer for sale at retail, only in the premises specified in the beer showcase permit license, the transferred or delivered beer for on or off premise consumption, but not for resale in any form and to sell to non-licensees not more than 96 fluid ounces of beer per person. A beer showcase permit license may be granted for the following time periods: one day or less; or 2 or more days to a maximum of 15 days per location in any 12-month period. An applicant for a beer showcase permit license must also submit with the application proof satisfactory to the State Commission that the applicant will provide dram shop liability insurance to the maximum limits and have local authority approval. The State Commission shall require the beer showcase applicant to comply with Section 6-27.1.

(x) A spirits showcase permit shall allow a class 3 craft distiller to transfer only spirits the class 3 craft distiller manufactures from its licensed premises to the premises specified in the spirits showcase permit and to sell or offer for sale at retail, only in the premises specified in the spirits showcase permit, the transferred or delivered spirits for on-premises or off-premises consumption, but not for resale in any form, and to sell to non-licensees not more than 156 fluid ounces of spirits per person. A spirits showcase permit may be granted for the following time periods: one day or less; or 2 or more days up to a maximum of 15 days per location in any 12-month period. An applicant for a spirits showcase permit must also submit with the application proof satisfactory to the State Commission that the applicant will provide dram shop liability insurance to the maximum limits and have local authority approval. The State Commission

shall require the spirits showcase applicant to comply with Section 6-27.1. (Text of Section from P.A. 104-451, Section 10) Sec. 5-1. Licenses issued by the Illinois Liquor Control Commission shall be of the following classes:

(a) Manufacturer's license - Class 1. Distiller, Class 2. Rectifier, Class 3. Brewer, Class 4. First Class Wine Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6. First Class Winemaker, Class 7. Second Class Winemaker, Class 8. Limited Wine Manufacturer, Class 9. Craft Distiller, Class 10. Class 1 Craft Distiller, Class 11. Class 2 Craft Distiller, Class 12. Class 1 Brewer, Class 13. Class 2 Brewer, Class 14. Class 3 Brewer,

(b) Distributor's license,

(c) Importing Distributor's license,

(d) Retailer's license,

(e) Special Event Retailer's license (not-for-profit),

(f) Railroad license,

(g) Boat license,

(h) Non-Beverage User's license,

(i) Wine-maker's premises license,

(j) Airplane license,

(k) Foreign importer's license,

(l) Broker's license,

(m) Non-resident dealer's license,

(n) Brew Pub license,

(o) Auction liquor license,

(p) Caterer retailer license,

(q) Special use permit license,

(r) Winery shipper's license,

(s) Craft distiller tasting permit,

(t) Brewer warehouse permit,

(u) Distilling pub license,

(v) Craft distiller warehouse permit,

(w) Beer showcase permit. No person, firm, partnership, corporation, or other legal business entity that is engaged in the manufacturing of wine may concurrently obtain and hold a wine-maker's license and a wine manufacturer's license.

(a) A manufacturer's license shall allow the manufacture, importation in bulk, storage, distribution and sale of alcoholic liquor to persons without the State, as may be permitted by law, and to licensees in this State as follows: Class 1. A Distiller may make sales and deliveries of alcoholic liquor to distillers, rectifiers, importing distributors, distributors, and non-beverage users and to no other licensees. Class 2. A Rectifier, who is not a distiller, as defined herein, may make sales and deliveries of alcoholic liquor to rectifiers, importing distributors, distributors, retailers, and non-beverage users and to no other licensees. Class 3. A Brewer may make sales and deliveries of beer to importing distributors and distributors and may make sales as authorized under subsection

(e) of Section 6-4 of this Act, including any alcoholic liquor that subsection

(e) of Section 6-4 authorizes a brewer to sell in its original package only to a non-licensee for pick-up by a non-licensee either within the interior of the brewery premises or outside of the brewery premises at a curb-side or parking lot adjacent to the brewery premises, subject to any local ordinance. Class 4. A first class wine-manufacturer may make sales and deliveries of up to 50,000 gallons of wine to manufacturers, importing distributors and distributors, and to no other licensees. If a first-class wine-manufacturer manufactures beer, it shall also obtain and shall only be eligible for, in addition to any current license, a class 1 brewer license, shall not manufacture more than 930,000 gallons of beer per year, and shall not be a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 930,000 gallons of beer per year. If the first-class wine-manufacturer manufactures spirits, it shall also obtain and shall only be eligible for, in addition to any current license, a class 1 craft distiller license, shall not manufacture more than

50,000 gallons of spirits per year, and shall not be a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 50,000 gallons of spirits per year. A first-class wine-manufacturer shall be permitted to sell wine manufactured at the first-class wine-manufacturer premises to non-licensees. Class 5. A second class wine manufacturer may make sales and deliveries of more than 50,000 gallons of wine to manufacturers, importing distributors and distributors and to no other licensees. Class 6. A first-class wine-maker's license shall allow the manufacture of up to 50,000 gallons of wine per year and the storage and sale of such wine to distributors in the State and to persons without the State, as may be permitted by law. A person who, prior to June 1, 2008 (the effective date of Public Act 95-634), is a holder of a first-class wine-maker's license and annually produces more than 25,000 gallons of its own wine and who distributes its wine to licensed retailers shall cease this practice on or before July 1, 2008 in compliance with Public Act 95-634. If a first-class wine-maker manufactures beer, it shall also obtain and shall only be eligible for, in addition to any current license, a class 1 brewer license, shall not manufacture more than 930,000 gallons of beer per year, and shall not be a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 930,000 gallons of beer per year. If the first-class wine-maker manufactures spirits, it shall also obtain and shall only be eligible for, in addition to any current license, a class 1 craft distiller license, shall not manufacture more than 50,000 gallons of spirits per year, and shall not be a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 50,000 gallons of spirits per year. A first-class wine-maker holding a class 1 brewer license or a class 1 craft distiller license shall not be eligible for a wine-maker's premises license but shall be permitted to sell wine manufactured at the first-class wine-maker premises to non-licensees. Class 7. A second-class wine-maker's license shall allow the manufacture of up to 150,000 gallons of wine per year, and the storage and sale of such wine to distributors in this State and to persons without the State, as may be permitted by law. A person who, prior to June 1, 2008 (the effective date of Public Act 95-634), is a holder of a second-class wine-maker's license and annually produces more than 25,000 gallons of its own wine and who distributes its wine to licensed retailers shall cease this practice on or before July 1, 2008 in compliance with Public Act 95-634. If a second-class wine-maker manufactures beer, it shall also obtain and shall only be eligible for, in addition to any current license, a class 2 brewer license, shall not manufacture more than 3,720,000 gallons of beer per year, and shall not be a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 3,720,000 gallons of beer per year. If a second-class wine-maker manufactures spirits, it shall also obtain and shall only be eligible for, in addition to any current license, a class 2 craft distiller license, shall not manufacture more than 100,000 gallons of spirits per year, and shall not be a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 100,000 gallons of spirits per year. Class 8. A limited wine-manufacturer may make sales and deliveries not to exceed 40,000 gallons of wine per year to distributors, and to non-licensees in accordance with the provisions of this Act. Class 9. A craft distiller license, which may only be held by a class 1 craft distiller licensee or class 2 craft distiller licensee but not held by both a class 1 craft distiller licensee and a class 2 craft distiller licensee, shall grant all rights conveyed by either:

(i) a class 1 craft distiller license if the craft distiller holds a class 1 craft distiller license; or (ii) a class 2 craft distiller licensee if the craft distiller holds a class 2 craft distiller license. Class 10. A class 1 craft distiller license, which may only be issued to a licensed craft distiller or licensed non-resident dealer, shall allow the manufacture of up to 50,000 gallons of spirits per year provided that the class 1 craft distiller licensee does not manufacture more than a combined 50,000 gallons of spirits per year and is not a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 50,000 gallons of spirits per year. If a class 1 craft distiller manufactures beer, it shall also obtain and shall only be eligible for, in addition to any current license, a class 1 brewer license, shall not manufacture more than 930,000 gallons of beer per year, and shall not be a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 930,000 gallons of beer per year. If a class 1 craft distiller manufactures wine, it shall also obtain and shall only be eligible for, in addition to any current license, a first-class wine-manufacturer license or a first-class wine-maker's license, shall not manufacture more than 50,000 gallons of wine per year, and shall not be a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 50,000 gallons of wine per year. A class 1 craft distiller licensee may make sales and deliveries to importing distributors and distributors and to retail licensees in accordance with the conditions set forth in paragraph

(19) of subsection

(a) of Section 3-12 of this Act. However, the aggregate amount of spirits sold to non-licensees and sold or delivered to retail licensees may not exceed 5,000 gallons per year. A class 1 craft distiller licensee may sell up to 5,000 gallons of such spirits to non-licensees to the extent permitted by any exemption approved by the State Commission pursuant to Section 6-4 of this Act. A class 1 craft distiller license holder may store such spirits at a non-contiguous licensed location,

but at no time shall a class 1 craft distiller license holder directly or indirectly produce in the aggregate more than 50,000 gallons of spirits per year. A class 1 craft distiller licensee may hold more than one class 1 craft distiller's license. However, a class 1 craft distiller that holds more than one class 1 craft distiller license shall not manufacture, in the aggregate, more than 50,000 gallons of spirits by distillation per year and shall not sell, in the aggregate, more than 5,000 gallons of such spirits to non-licensees in accordance with an exemption approved by the State Commission pursuant to Section 6-4 of this Act. Class 11. A class 2 craft distiller license, which may only be issued to a licensed craft distiller or licensed non-resident dealer, shall allow the manufacture of up to 100,000 gallons of spirits per year provided that the class 2 craft distiller licensee does not manufacture more than a combined 100,000 gallons of spirits per year and is not a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 100,000 gallons of spirits per year. If a class 2 craft distiller manufactures beer, it shall also obtain and shall only be eligible for, in addition to any current license, a class 2 brewer license, shall not manufacture more than 3,720,000 gallons of beer per year, and shall not be a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 3,720,000 gallons of beer per year. If a class 2 craft distiller manufactures wine, it shall also obtain and shall only be eligible for, in addition to any current license, a second-class wine-maker's license, shall not manufacture more than 150,000 gallons of wine per year, and shall not be a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 150,000 gallons of wine per year. A class 2 craft distiller licensee may make sales and deliveries to importing distributors and distributors, but shall not make sales or deliveries to any other licensee. If the State Commission provides prior approval, a class 2 craft distiller licensee may annually transfer up to 100,000 gallons of spirits manufactured by that class 2 craft distiller licensee to the premises of a licensed class 2 craft distiller wholly owned and operated by the same licensee. A class 2 craft distiller may transfer spirits to a distilling pub wholly owned and operated by the class 2 craft distiller subject to the following limitations and restrictions:

(i) the transfer shall not annually exceed more than 5,000 gallons; (ii) the annual amount transferred shall reduce the distilling pub's annual permitted production limit; (iii) all spirits transferred shall be subject to Article VIII of this Act; (iv) a written record shall be maintained by the distiller and distilling pub specifying the amount, date of delivery, and receipt of the product by the distilling pub; and

(v) the distilling pub shall be located no farther than 80 miles from the class 2 craft distiller's licensed location. A class 2 craft distiller shall, prior to transferring spirits to a distilling pub wholly owned by the class 2 craft distiller, furnish a written notice to the State Commission of intent to transfer spirits setting forth the name and address of the distilling pub and shall annually submit to the State Commission a verified report identifying the total gallons of spirits transferred to the distilling pub wholly owned by the class 2 craft distiller. A class 2 craft distiller license holder may store such spirits at a non-contiguous licensed location, but at no time shall a class 2 craft distiller license holder directly or indirectly produce in the aggregate more than 100,000 gallons of spirits per year. Class 12. A class 1 brewer license, which may only be issued to a licensed brewer or licensed non-resident dealer, shall allow the manufacture of up to 930,000 gallons of beer per year provided that the class 1 brewer licensee does not manufacture more than a combined 930,000 gallons of beer per year and is not a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 930,000 gallons of beer per year. If a class 1 brewer manufactures spirits, it shall also obtain and shall only be eligible for, in addition to any current license, a class 1 craft distiller license, shall not manufacture more than 50,000 gallons of spirits per year, and shall not be a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 50,000 gallons of spirits per year. If a class 1 craft brewer manufactures wine, it shall also obtain and shall only be eligible for, in addition to any current license, a first-class wine-manufacturer license or a first-class wine-maker's license, shall not manufacture more than 50,000 gallons of wine per year, and shall not be a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 50,000 gallons of wine per year. A class 1 brewer licensee may make sales and deliveries to importing distributors and distributors and to retail licensees in accordance with the conditions set forth in paragraph

(18) of subsection

(a) of Section 3-12 of this Act. If the State Commission provides prior approval, a class 1 brewer may annually transfer up to 930,000 gallons of beer manufactured by that class 1 brewer to the premises of a licensed class 1 brewer wholly owned and operated by the same licensee. Class 13. A class 2 brewer license, which may only be issued to a licensed brewer or licensed non-resident dealer, shall allow the manufacture of up to 3,720,000 gallons of beer per year provided that the class 2 brewer licensee does not manufacture more than a combined 3,720,000 gallons of beer per year and is not a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 3,720,000 gallons of beer per year. If a class 2 brewer manufactures spirits, it shall also obtain and shall only be eligible for, in addition to any

current license, a class 2 craft distiller license, shall not manufacture more than 100,000 gallons of spirits per year, and shall not be a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 100,000 gallons of spirits per year. If a class 2 craft distiller manufactures wine, it shall also obtain and shall only be eligible for, in addition to any current license, a second-class wine-maker's license, shall not manufacture more than 150,000 gallons of wine per year, and shall not be a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 150,000 gallons of wine a year. A class 2 brewer licensee may make sales and deliveries to importing distributors and distributors, but shall not make sales or deliveries to any other licensee. If the State Commission provides prior approval, a class 2 brewer licensee may annually transfer up to 3,720,000 gallons of beer manufactured by that class 2 brewer licensee to the premises of a licensed class 2 brewer wholly owned and operated by the same licensee. A class 2 brewer may transfer beer to a brew pub wholly owned and operated by the class 2 brewer subject to the following limitations and restrictions:

(i) the transfer shall not annually exceed more than 31,000 gallons; (ii) the annual amount transferred shall reduce the brew pub's annual permitted production limit; (iii) all beer transferred shall be subject to Article VIII of this Act; (iv) a written record shall be maintained by the brewer and brew pub specifying the amount, date of delivery, and receipt of the product by the brew pub; and

(v) the brew pub shall be located no farther than 80 miles from the class 2 brewer's licensed location. A class 2 brewer shall, prior to transferring beer to a brew pub wholly owned by the class 2 brewer, furnish a written notice to the State Commission of intent to transfer beer setting forth the name and address of the brew pub and shall annually submit to the State Commission a verified report identifying the total gallons of beer transferred to the brew pub wholly owned by the class 2 brewer. Class 14. A class 3 brewer license, which may be issued to a brewer or a non-resident dealer, shall allow the manufacture of no more than 465,000 gallons of beer per year and no more than 155,000 gallons at a single brewery premises, and shall allow the sale of no more than 6,200 gallons of beer from each in-state or out-of-state class 3 brewery premises, or 18,600 gallons in the aggregate, to retail licensees, class 1 brewers, class 2 brewers, and class 3 brewers as long as the class 3 brewer licensee does not manufacture more than a combined 465,000 gallons of beer per year and is not a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 465,000 gallons of beer per year to make sales to importing distributors, distributors, retail licensees, brewers, class 1 brewers, class 2 brewers, and class 3 brewers in accordance with the conditions set forth in paragraph

(20) of subsection

(a) of Section 3-12. If the State Commission provides prior approval, a class 3 brewer may annually transfer up to 155,000 gallons of beer manufactured by that class 3 brewer to the premises of a licensed class 3 brewer wholly owned and operated by the same licensee. A class 3 brewer shall manufacture beer at the brewer's class 3 designated licensed premises, and may sell beer as otherwise provided in this Act. (a-1) A manufacturer that is licensed in this State to make sales or deliveries of alcoholic liquor to licensed distributors or importing distributors and which enlists agents, representatives, or individuals acting on its behalf who contact licensed retailers on a regular and continual basis in this State must register those agents, representatives, or persons acting on its behalf with the State Commission. Registration of agents, representatives, or persons acting on behalf of a manufacturer is fulfilled by submitting a form to the State Commission. The form shall be developed by the State Commission and shall include the name and address of the applicant, the name and address of the manufacturer he or she represents, the territory or areas assigned to sell to or discuss pricing terms of alcoholic liquor, and any other questions deemed appropriate and necessary. All statements in the forms required to be made by law or by rule shall be deemed material, and any person who knowingly misstates any material fact under oath in an application is guilty of a Class B misdemeanor. Fraud, misrepresentation, false statements, misleading statements, evasions, or suppression of material facts in the securing of a registration are grounds for suspension or revocation of the registration. The State Commission shall post a list of registered agents on the State Commission's website.

(b) A distributor's license shall allow

(i) the wholesale purchase and storage of alcoholic liquors and sale of alcoholic liquors to licensees in this State and to persons without the State, as may be permitted by law; (ii) the sale of beer, cider, mead, or any combination thereof to brewers, class 1 brewers, and class 2 brewers that, pursuant to subsection

(e) of Section 6-4 of this Act, sell beer, cider, mead, or any combination thereof to non-licensees at their breweries; (iii) the sale of vermouth to class 1 craft distillers and class 2 craft distillers that, pursuant to subsection

(e) of Section 6-4 of this Act, sell spirits, vermouth, or both spirits and vermouth to non-licensees at their distilleries; or (iv) as otherwise provided in this Act. No person licensed as a distributor shall be granted a non-resident dealer's license.

(c) An importing distributor's license may be issued to and held by those only who are duly licensed distributors, upon the filing of an application by a duly licensed distributor, with the State Commission and the State Commission shall, without the payment of any fee, immediately issue such importing distributor's license to the applicant, which shall allow the importation of alcoholic liquor by the licensee into this State from any point in the United States outside this State, and the purchase of alcoholic liquor in barrels, casks, or other bulk containers and the bottling of such alcoholic liquors before resale thereof, but all bottles or containers so filled shall be sealed, labeled, stamped, and otherwise made to comply with all provisions, rules, and regulations governing manufacturers in the preparation and bottling of alcoholic liquors. The importing distributor's license shall permit such licensee to purchase alcoholic liquor from Illinois licensed non-resident dealers and foreign importers only. No person licensed as an importing distributor shall be granted a non-resident dealer's license.

(d) A retailer's license shall allow the licensee to sell and offer for sale at retail, in or from the premises specified in the license, alcoholic liquor for use or consumption, but not for resale in any form except as otherwise provided in this Act. Except as provided in Section 6-16, 6-29, or 6-29.1, nothing in this Act shall deny, limit, remove, or restrict the ability of a holder of a retailer's license to transfer or ship alcoholic liquor to the purchaser for use or consumption subject to any applicable local law or ordinance. For the purposes of this Section, "shipping" means the movement of alcoholic liquor from a licensed retailer to a consumer via a common carrier. Except as provided in Section 6-16, 6-29, or 6-29.1, nothing in this Act shall deny, limit, remove, or restrict the ability of a holder of a retailer's license to deliver alcoholic liquor to the purchaser for use or consumption. The delivery shall be made only within 12 hours from the time the alcoholic liquor leaves the licensed premises of the retailer for delivery. For the purposes of this Section, "delivery" means the movement of alcoholic liquor purchased from a licensed retailer to a consumer through the following methods:

(1) delivery within licensed retailer's parking lot, including curbside, for pickup by the consumer;

(2) delivery by an owner, officer, director, shareholder, or employee of the licensed retailer; or

(3) delivery by a third-party contractor, independent contractor, or agent with whom the licensed retailer has contracted to make deliveries of alcoholic liquors. Under paragraph (1), (2), or (3), delivery shall not include the use of common carriers. A retail licensee may use any website, mobile application, or similar platform that facilitates the sale or delivery of food, beverages, or goods and is owned or operated by the retail licensee, third-party contractor, an independent contractor, or an agent with whom the licensed retailer has contracted to facilitate deliveries or sales of alcoholic liquors under this Section. The use of any website, mobile application, or similar platform to facilitate deliveries or sales of alcoholic liquors shall not be considered an illegal sale, resale, transfer, barter, or exchange of alcohol under this Act. Any retail license issued to a manufacturer shall only permit the manufacturer to sell beer at retail on the premises actually occupied by the manufacturer. For the purpose of further describing the type of business conducted at a retail licensed premises, a retailer's licensee may be designated by the State Commission as

(i) an on premise consumption retailer, (ii) an off premise sale retailer, or (iii) a combined on premise consumption and off premise sale retailer. Except for a municipality with a population of more than 1,000,000 inhabitants, a home rule unit may not regulate the delivery of alcoholic liquor or require a retail licensee to obtain a separate or additional license for the delivery alcoholic liquor. This paragraph is a limitation under subsection

(i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State. A non-home rule municipality may not regulate the delivery of alcoholic liquor or require a retail licensee to obtain a separate or additional license for the delivery of alcoholic liquor. Notwithstanding any other provision of this subsection (d), a retail licensee may sell alcoholic liquors to a special event retailer licensee for resale to the extent permitted under subsection (e). The requirements in subsection (b-5) of Section 6-29 apply only to a winery shipper licensee that ships wine via common carrier and do not apply to a winery shipper licensee or a retail licensee that delivers, or causes to be delivered, alcohol pursuant to the methods outlined in item (1), (2), or

(3) of this subsection. Except as provided in this Section, for a manufacturer with a retail license, nothing in this Section shall be construed to prohibit an on-premises consumption retailer, off-premises sale retailer, or combined on-premises consumption and off-premises sale retailer from delivering alcohol pursuant to this Section. A retail licensee shall contract only with a third-party contractor, independent contractor, or agent to facilitate or make deliveries of alcoholic liquors that has a policy to verify the age of the person to whom the alcoholic liquor is being delivered based on the person's valid proof of identity indicating the person is age 21 or over. A retail licensee shall not be civilly liable for sales or deliveries

made to intoxicated persons or persons under the age of 21 if the delivery of alcoholic liquor was conducted by a third-party contractor, independent contractor, or agent with whom the licensed retailer has contracted to make deliveries of alcoholic liquor.

(e) A special event retailer's license (not-for-profit) shall permit the licensee to purchase alcoholic liquors from an Illinois licensed distributor (unless the licensee purchases less than \$500 of alcoholic liquors for the special event, in which case the licensee may purchase the alcoholic liquors from a licensed retailer) and shall allow the licensee to sell and offer for sale, at retail, alcoholic liquors for use or consumption, but not for resale in any form and only at the location and on the specific dates designated for the special event in the license. An applicant for a special event retailer license must

(i) furnish with the application: (A) a resale number issued under Section 2c of the Retailers' Occupation Tax Act or evidence that the applicant is registered under Section 2a of the Retailers' Occupation Tax Act, (B) a current, valid exemption identification number issued under Section 1g of the Retailers' Occupation Tax Act and a certification to the State Commission that the purchase of alcoholic liquors will be a tax-exempt purchase, or (C) a statement that the applicant is not registered under Section 2a of the Retailers' Occupation Tax Act, does not hold a resale number under Section 2c of the Retailers' Occupation Tax Act, and does not hold an exemption number under Section 1g of the Retailers' Occupation Tax Act, in which event the State Commission shall set forth on the special event retailer's license a statement to that effect; (ii) submit with the application proof satisfactory to the State Commission that the applicant will provide dram shop liability insurance in the maximum limits; and (iii) show proof satisfactory to the State Commission that the applicant has obtained local authority approval. Nothing in this Act prohibits an Illinois licensed distributor from offering credit or a refund for unused, salable alcoholic liquors to a holder of a special event retailer's license or the special event retailer's licensee from accepting the credit or refund of alcoholic liquors at the conclusion of the event specified in the license.

(f) A railroad license shall permit the licensee to import alcoholic liquors into this State from any point in the United States outside this State and to store such alcoholic liquors in this State; to make wholesale purchases of alcoholic liquors directly from manufacturers, foreign importers, distributors and importing distributors from within or outside this State; and to store such alcoholic liquors in this State; provided that the above powers may be exercised only in connection with the importation, purchase or storage of alcoholic liquors to be sold or dispensed on a club, buffet, lounge, or dining car operated on an electric, gas, or steam railway in this State; and provided further, that railroad licensees exercising the above powers shall be subject to all provisions of Article VIII of this Act as applied to importing distributors. A railroad license shall also permit the licensee to sell or dispense alcoholic liquors on any club, buffet, lounge, or dining car operated on an electric, gas, or steam railway regularly operated by a common carrier in this State, but shall not permit the sale for resale of any alcoholic liquors to any licensee within this State. A license shall be obtained for each car in which such sales are made.

(g) A boat license shall allow the sale of alcoholic liquor in individual drinks on any passenger boat regularly operated as a common carrier on navigable waters in this State or on any riverboat operated under the Illinois Gambling Act, which boat or riverboat maintains a public dining room or restaurant thereon.

(h) A non-beverage user's license shall allow the licensee to purchase alcoholic liquor from a licensed manufacturer or importing distributor, without the imposition of any tax upon the business of such licensed manufacturer or importing distributor as to such alcoholic liquor to be used by such licensee solely for the non-beverage purposes set forth in subsection

(a) of Section 8-1 of this Act, and such licenses shall be divided and classified and shall permit the purchase, possession, and use of limited and stated quantities of alcoholic liquor as follows: Class 1, not to exceed
500 gallons Class 2, not to exceed 1,000 gallons Class 3, not to exceed
. . . 5,000 gallons Class 4, not to exceed 10,000 gallons Class 5, not to exceed
. 50,000 gallons

(i) A wine-maker's premises license shall allow a licensee that concurrently holds a first-class wine-maker's license to sell and offer for sale at retail in the premises specified in such license not more than 50,000 gallons of the first-class wine-maker's wine that is made at the first-class wine-maker's licensed premises per year for use or consumption, but not for resale in any form. A wine-maker's premises license shall allow a licensee who concurrently holds a second-class wine-maker's license to sell and offer for sale at retail in the premises specified in such license up to 100,000 gallons of the second-class wine-maker's wine that is made at the second-class wine-maker's licensed premises per year for use or consumption but not for resale in any form. A first-class wine-maker that concurrently holds a class 1 brewer license or a

class 1 craft distiller license shall not be eligible to hold a wine-maker's premises license. A wine-maker's premises license shall allow a licensee that concurrently holds a first-class wine-maker's license or a second-class wine-maker's license to sell and offer for sale at retail at the premises specified in the wine-maker's premises license, for use or consumption but not for resale in any form, any beer, wine, and spirits purchased from a licensed distributor. Upon approval from the State Commission, a wine-maker's premises license shall allow the licensee to sell and offer for sale at (i) the wine-maker's licensed premises and (ii) up to 2 additional locations for use and consumption and not for resale. Each location shall require additional licensing per location as specified in Section 5-3 of this Act. A wine-maker's premises licensee shall secure liquor liability insurance coverage in an amount at least equal to the maximum liability amounts set forth in subsection

(a) of Section 6-21 of this Act.

(j) An airplane license shall permit the licensee to import alcoholic liquors into this State from any point in the United States outside this State and to store such alcoholic liquors in this State; to make wholesale purchases of alcoholic liquors directly from manufacturers, foreign importers, distributors, and importing distributors from within or outside this State; and to store such alcoholic liquors in this State; provided that the above powers may be exercised only in connection with the importation, purchase, or storage of alcoholic liquors to be sold or dispensed on an airplane; and provided further, that airplane licensees exercising the above powers shall be subject to all provisions of Article VIII of this Act as applied to importing distributors. An airplane licensee shall also permit the sale or dispensing of alcoholic liquors on any passenger airplane regularly operated by a common carrier in this State, but shall not permit the sale for resale of any alcoholic liquors to any licensee within this State. A single airplane license shall be required of an airline company if liquor service is provided on board aircraft in this State. The annual fee for such license shall be as determined in Section 5-3.

(k) A foreign importer's license shall permit such licensee to purchase alcoholic liquor from Illinois licensed non-resident dealers only, and to import alcoholic liquor other than in bulk from any point outside the United States and to sell such alcoholic liquor to Illinois licensed importing distributors and to no one else in Illinois; provided that

(i) the foreign importer registers with the State Commission every brand of alcoholic liquor that it proposes to sell to Illinois licensees during the license period, (ii) the foreign importer complies with all of the provisions of Section 6-9 of this Act with respect to registration of such Illinois licensees as may be granted the right to sell such brands at wholesale, and (iii) the foreign importer complies with the provisions of Sections 6-5 and 6-6 of this Act to the same extent that these provisions apply to manufacturers.

(l)

(i) A broker's license shall be required of all persons who solicit orders for, offer to sell, or offer to supply alcoholic liquor to retailers in the State of Illinois, or who offer to retailers to ship or cause to be shipped or to make contact with distillers, craft distillers, rectifiers, brewers or manufacturers or any other party within or without the State of Illinois in order that alcoholic liquors be shipped to a distributor, importing distributor, or foreign importer, whether such solicitation or offer is consummated within or without the State of Illinois. No holder of a retailer's license issued by the Illinois Liquor Control Commission shall purchase or receive any alcoholic liquor, the order for which was solicited or offered for sale to such retailer by a broker unless the broker is the holder of a valid broker's license. The broker shall, upon the acceptance by a retailer of the broker's solicitation of an order or offer to sell or supply or deliver or have delivered alcoholic liquors, promptly forward to the Illinois Liquor Control Commission a notification of said transaction in such form as the State Commission may by regulations prescribe. (ii) A broker's license shall be required of a person within this State, other than a retail licensee, who, for a fee or commission, promotes, solicits, or accepts orders for alcoholic liquor, for use or consumption and not for resale, to be shipped from this State and delivered to residents outside of this State by an express company, common carrier, or contract carrier. This Section does not apply to any person who promotes, solicits, or accepts orders for wine as specifically authorized in Section 6-29 of this Act. A broker's license under this subsection

(l) shall not entitle the holder to buy or sell any alcoholic liquors for his own account or to take or deliver title to such alcoholic liquors. This subsection

(l) shall not apply to distributors, employees of distributors, or employees of a manufacturer who has registered the trademark, brand, or name of the alcoholic liquor pursuant to Section 6-9 of this Act, and who regularly sells such alcoholic liquor in the State of Illinois only to its registrants thereunder. Any agent, representative, or person subject to registration pursuant to subsection (a-1) of this Section shall not be eligible to receive a broker's license.

(m) A non-resident dealer's license shall permit such licensee to ship into and warehouse alcoholic liquor into this State from any point outside of this State, and to sell such alcoholic liquor to Illinois licensed foreign importers and importing distributors and to no one else in this State; provided that

(i) said non-resident dealer shall register with the Illinois Liquor Control Commission each and every brand of alcoholic liquor which it proposes to sell to Illinois licensees during the license period, (ii) it shall comply with all of the provisions of Section 6-9 hereof with respect to registration of such Illinois licensees as may be granted the right to sell such brands at wholesale by duly filing such registration statement, thereby authorizing the non-resident dealer to proceed to sell such brands at wholesale, and (iii) the non-resident dealer shall comply with the provisions of Sections 6-5 and 6-6 of this Act to the same extent that these provisions apply to manufacturers. No person licensed as a non-resident dealer shall be granted a distributor's or importing distributor's license.

(n) A brew pub license shall allow the licensee to only

(i) manufacture up to 155,000 gallons of beer per year only on the premises specified in the license, (ii) make sales of the beer manufactured on the premises or, with the approval of the State Commission, beer manufactured on another brew pub licensed premises that is wholly owned and operated by the same licensee to importing distributors, distributors, and non-licensees for use and consumption, (iii) store the beer upon the premises, (iv) sell and offer for sale at retail from the licensed premises for off-premises consumption no more than 155,000 gallons per year so long as such sales are only made in-person,

(v) sell and offer for sale at retail for use and consumption on the premises specified in the license any form of alcoholic liquor purchased from a licensed distributor or importing distributor, (vi) with the prior approval of the State Commission, annually transfer no more than 155,000 gallons of beer manufactured on the premises to a licensed brew pub wholly owned and operated by the same licensee, and (vii) notwithstanding item

(i) of this subsection, brew pubs wholly owned and operated by the same licensee may combine each location's production limit of 155,000 gallons of beer per year and allocate the aggregate total between the wholly owned, operated, and licensed locations. A brew pub licensee shall not under any circumstance sell or offer for sale beer manufactured by the brew pub licensee to retail licensees. A person who holds a class 2 brewer license may simultaneously hold a brew pub license if the class 2 brewer

(i) does not, under any circumstance, sell or offer for sale beer manufactured by the class 2 brewer to retail licensees; (ii) does not hold more than 3 brew pub licenses in this State; (iii) does not manufacture more than a combined 3,720,000 gallons of beer per year, including the beer manufactured at the brew pub; and (iv) is not a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 3,720,000 gallons of beer per year or any other alcoholic liquor. Notwithstanding any other provision of this Act, a licensed brewer, class 2 brewer, or non-resident dealer who before July 1, 2015 manufactured less than 3,720,000 gallons of beer per year and held a brew pub license on or before July 1, 2015 may

(i) continue to qualify for and hold that brew pub license for the licensed premises and (ii) manufacture more than 3,720,000 gallons of beer per year and continue to qualify for and hold that brew pub license if that brewer, class 2 brewer, or non-resident dealer does not simultaneously hold a class 1 brewer license and is not a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 3,720,000 gallons of beer per year or that produces any other alcoholic liquor. A brew pub licensee may apply for a class 3 brewer license and, upon meeting all applicable qualifications of this Act and relinquishing all commonly owned brew pub or retail licenses, shall be issued a class 3 brewer license. Nothing in this Act shall prohibit the issuance of a class 3 brewer license if the applicant:

(1) has a valid retail license on or before May 1, 2021;

(2) has an ownership interest in at least 2 brew pubs licenses on or before May 1, 2021;

(3) the brew pub licensee applies for a class 3 brewer license on or before October 1, 2022 and relinquishes all commonly owned brew pub licenses; and

(4) relinquishes all commonly owned retail licenses on or before December 31, 2022. If a brew pub licensee is issued a class 3 brewer license, the class 3 brewer license shall expire on the same date as the existing brew pub license and the State Commission shall not require a class 3 brewer licensee to obtain a brewer license or, in the alternative, to pay a fee for a brewer license, until the date the brew pub license of the applicant would have expired.

(o) A caterer retailer license shall allow the holder to serve alcoholic liquors as an incidental part of a food service that serves prepared meals which excludes the serving of snacks as the primary meal, either on or off-site whether licensed or

unlicensed. A caterer retailer license shall allow the holder, a distributor, or an importing distributor to transfer any inventory to and from the holder's retail premises and shall allow the holder to purchase alcoholic liquor from a distributor or importing distributor to be delivered directly to an off-site event. Nothing in this Act prohibits a distributor or importing distributor from offering credit or a refund for unused, salable beer to a holder of a caterer retailer license or a caterer retailer licensee from accepting a credit or refund for unused, salable beer, in the event an act of God is the sole reason an off-site event is canceled and if:

(i) the holder of a caterer retailer license has not transferred alcoholic liquor from its caterer retailer premises to an off-site location; (ii) the distributor or importing distributor offers the credit or refund for the unused, salable beer that it delivered to the off-site premises and not for any unused, salable beer that the distributor or importing distributor delivered to the caterer retailer's premises; and (iii) the unused, salable beer would likely spoil if transferred to the caterer retailer's premises. A caterer retailer license shall allow the holder to transfer any inventory from any off-site location to its caterer retailer premises at the conclusion of an off-site event or engage a distributor or importing distributor to transfer any inventory from any off-site location to its caterer retailer premises at the conclusion of an off-site event, provided that the distributor or importing distributor issues bona fide charges to the caterer retailer licensee for fuel, labor, and delivery and the distributor or importing distributor collects payment from the caterer retailer licensee prior to the distributor or importing distributor transferring inventory to the caterer retailer premises. For purposes of this subsection (o), an "act of God" means an unforeseeable event, such as a rain or snow storm, hail, a flood, or a similar event, that is the sole cause of the cancellation of an off-site, outdoor event.

(p) An auction liquor license shall allow the licensee to sell and offer for sale at auction wine and spirits for use or consumption, or for resale by an Illinois liquor licensee in accordance with provisions of this Act. An auction liquor license will be issued to a person and it will permit the auction liquor licensee to hold the auction anywhere in the State. An auction liquor license must be obtained for each auction at least 14 days in advance of the auction date.

(q) A special use permit license shall allow an Illinois licensed retailer to transfer a portion of its alcoholic liquor inventory from its retail licensed premises to the premises specified in the license hereby created; to purchase alcoholic liquor from a distributor or importing distributor to be delivered directly to the location specified in the license hereby created; and to sell or offer for sale at retail, only in the premises specified in the license hereby created, the transferred or delivered alcoholic liquor for use or consumption, but not for resale in any form. A special use permit license may be granted for the following time periods: one day or less; 2 or more days to a maximum of 15 days per location in any 12-month period. An applicant for the special use permit license must also submit with the application proof satisfactory to the State Commission that the applicant will provide dram shop liability insurance to the maximum limits and have local authority approval. A special use permit license shall allow the holder to transfer any inventory from the holder's special use premises to its retail premises at the conclusion of the special use event or engage a distributor or importing distributor to transfer any inventory from the holder's special use premises to its retail premises at the conclusion of an off-site event, provided that the distributor or importing distributor issues bona fide charges to the special use permit licensee for fuel, labor, and delivery and the distributor or importing distributor collects payment from the retail licensee prior to the distributor or importing distributor transferring inventory to the retail premises. Nothing in this Act prohibits a distributor or importing distributor from offering credit or a refund for unused, salable beer to a special use permit licensee or a special use permit licensee from accepting a credit or refund for unused, salable beer at the conclusion of the event specified in the license if:

(i) the holder of the special use permit license has not transferred alcoholic liquor from its retail licensed premises to the premises specified in the special use permit license; (ii) the distributor or importing distributor offers the credit or refund for the unused, salable beer that it delivered to the premises specified in the special use permit license and not for any unused, salable beer that the distributor or importing distributor delivered to the retailer's premises; and (iii) the unused, salable beer would likely spoil if transferred to the retailer premises.

(r) A winery shipper's license shall allow a person with a first-class or second-class wine manufacturer's license, a first-class or second-class wine-maker's license, or a limited wine manufacturer's license or who is licensed to make wine under the laws of another state to ship wine made by that licensee directly to a resident of this State who is 21 years of age or older for that resident's personal use and not for resale. Prior to receiving a winery shipper's license, an applicant for the license must provide the State Commission with a true copy of its current license in any state in which it is licensed as a manufacturer of wine. An applicant for a winery shipper's license must also complete an application form that provides any other information the State Commission deems necessary. The application form shall include all addresses

from which the applicant for a winery shipper's license intends to ship wine, including the name and address of any third party, except for a common carrier, authorized to ship wine on behalf of the manufacturer. The application form shall include an acknowledgment consenting to the jurisdiction of the State Commission, the Illinois Department of Revenue, and the courts of this State concerning the enforcement of this Act and any related laws, rules, and regulations, including authorizing the Department of Revenue and the State Commission to conduct audits for the purpose of ensuring compliance with Public Act 95-634, and an acknowledgment that the wine manufacturer is in compliance with Section 6-2 of this Act. Any third party, except for a common carrier, authorized to ship wine on behalf of a first-class or second-class wine manufacturer's licensee, a first-class or second-class wine-maker's licensee, a limited wine manufacturer's licensee, or a person who is licensed to make wine under the laws of another state shall also be disclosed by the winery shipper's licensee, and a copy of the written appointment of the third-party wine provider, except for a common carrier, to the wine manufacturer shall be filed with the State Commission as a supplement to the winery shipper's license application or any renewal thereof. The winery shipper's license holder shall affirm under penalty of perjury, as part of the winery shipper's license application or renewal, that he or she only ships wine, either directly or indirectly through a third-party provider, from the licensee's own production. Except for a common carrier, a third-party provider shipping wine on behalf of a winery shipper's license holder is the agent of the winery shipper's license holder and, as such, a winery shipper's license holder is responsible for the acts and omissions of the third-party provider acting on behalf of the license holder. A third-party provider, except for a common carrier, that engages in shipping wine into Illinois on behalf of a winery shipper's license holder shall consent to the jurisdiction of the State Commission and the State. Any third-party, except for a common carrier, holding such an appointment shall, by February 1 of each calendar year and upon request by the State Commission or the Department of Revenue, file with the State Commission a statement detailing each shipment made to an Illinois resident. The statement shall include the name and address of the third-party provider filing the statement, the time period covered by the statement, and the following information:

(1) the name, address, and license number of the winery shipper on whose behalf the shipment was made;

(2) the quantity of the products delivered; and

(3) the date and address of the shipment. If the Department of Revenue or the State Commission requests a statement under this paragraph, the third-party provider must provide that statement no later than 30 days after the request is made. Any books, records, supporting papers, and documents containing information and data relating to a statement under this paragraph shall be kept and preserved for a period of 3 years, unless their destruction sooner is authorized, in writing, by the Director of Revenue, and shall be open and available to inspection by the Director of Revenue or the State Commission or any duly authorized officer, agent, or employee of the State Commission or the Department of Revenue, at all times during business hours of the day. Any person who violates any provision of this paragraph or any rule of the State Commission for the administration and enforcement of the provisions of this paragraph is guilty of a Class C misdemeanor. In case of a continuing violation, each day's continuance thereof shall be a separate and distinct offense. The State Commission shall adopt rules as soon as practicable to implement the requirements of Public Act 99-904 and shall adopt rules prohibiting any such third-party appointment of a third-party provider, except for a common carrier, that has been deemed by the State Commission to have violated the provisions of this Act with regard to any winery shipper licensee. A winery shipper licensee must pay to the Department of Revenue the State liquor gallonage tax under Section 8-1 for all wine that is sold by the licensee and shipped to a person in this State. For the purposes of Section 8-1, a winery shipper licensee shall be taxed in the same manner as a manufacturer of wine. A licensee who is not otherwise required to register under the Retailers' Occupation Tax Act must register under the Use Tax Act to collect and remit use tax to the Department of Revenue for all gallons of wine that are sold by the licensee and shipped to persons in this State. If a licensee fails to remit the tax imposed under this Act in accordance with the provisions of Article VIII of this Act, the winery shipper's license shall be revoked in accordance with the provisions of Article VII of this Act. If a licensee fails to properly register and remit tax under the Use Tax Act or the Retailers' Occupation Tax Act for all wine that is sold by the winery shipper and shipped to persons in this State, the winery shipper's license shall be revoked in accordance with the provisions of Article VII of this Act. A winery shipper licensee must collect, maintain, and submit to the State Commission on a semi-annual basis the total number of cases per resident of wine shipped to residents of this State. A winery shipper licensed under this subsection

(r) must comply with the requirements of Section 6-29 of this Act. Pursuant to paragraph (5.1) or (5.3) of subsection

(a) of Section 3-12, the State Commission may receive, respond to, and investigate any complaint and impose any of the remedies specified in paragraph

(1) of subsection

(a) of Section 3-12. As used in this subsection, "third-party provider" means any entity that provides fulfillment house services, including warehousing, packaging, distribution, order processing, or shipment of wine, but not the sale of wine, on behalf of a licensed winery shipper.

(s) A craft distiller tasting permit license shall allow an Illinois licensed class 1 craft distiller or class 2 craft distiller to transfer a portion of its alcoholic liquor inventory from its class 1 craft distiller or class 2 craft distiller licensed premises to the premises specified in the license hereby created and to conduct a sampling, only in the premises specified in the license hereby created, of the transferred alcoholic liquor in accordance with subsection

(c) of Section 6-31 of this Act. The transferred alcoholic liquor may not be sold or resold in any form. An applicant for the craft distiller tasting permit license must also submit with the application proof satisfactory to the State Commission that the applicant will provide dram shop liability insurance to the maximum limits and have local authority approval.

(t) A brewer warehouse permit may be issued to the holder of a class 1 brewer license or a class 2 brewer license. If the holder of the permit is a class 1 brewer licensee, the brewer warehouse permit shall allow the holder to store or warehouse up to 930,000 gallons of tax-determined beer manufactured by the holder of the permit at the premises specified on the permit. If the holder of the permit is a class 2 brewer licensee, the brewer warehouse permit shall allow the holder to store or warehouse up to 3,720,000 gallons of tax-determined beer manufactured by the holder of the permit at the premises specified on the permit. Sales to non-licensees are prohibited at the premises specified in the brewer warehouse permit.

(u) A distilling pub license shall allow the licensee to only

(i) manufacture up to 5,000 gallons of spirits per year only on the premises specified in the license, (ii) make sales of the spirits manufactured on the premises or, with the approval of the State Commission, spirits manufactured on another distilling pub licensed premises that is wholly owned and operated by the same licensee to importing distributors and distributors and to non-licensees for use and consumption, (iii) store the spirits upon the premises, (iv) sell and offer for sale at retail from the licensed premises for off-premises consumption no more than 5,000 gallons per year so long as such sales are only made in-person,

(v) sell and offer for sale at retail for use and consumption on the premises specified in the license any form of alcoholic liquor purchased from a licensed distributor or importing distributor, and (vi) with the prior approval of the State Commission, annually transfer no more than 5,000 gallons of spirits manufactured on the premises to a licensed distilling pub wholly owned and operated by the same licensee. A distilling pub licensee shall not under any circumstance sell or offer for sale spirits manufactured by the distilling pub licensee to retail licensees. A person who holds a class 2 craft distiller license may simultaneously hold a distilling pub license if the class 2 craft distiller

(i) does not, under any circumstance, sell or offer for sale spirits manufactured by the class 2 craft distiller to retail licensees; (ii) does not hold more than 3 distilling pub licenses in this State; (iii) does not manufacture more than a combined 100,000 gallons of spirits per year, including the spirits manufactured at the distilling pub; and (iv) is not a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 100,000 gallons of spirits per year or any other alcoholic liquor.

(v) A craft distiller warehouse permit may be issued to the holder of a class 1 craft distiller or class 2 craft distiller license. The craft distiller warehouse permit shall allow the holder to store or warehouse up to 500,000 gallons of spirits manufactured by the holder of the permit at the premises specified on the permit. Sales to non-licensees are prohibited at the premises specified in the craft distiller warehouse permit.

(w) A beer showcase permit license shall allow an Illinois-licensed distributor to transfer a portion of its beer inventory from its licensed premises to the premises specified in the beer showcase permit license, and, in the case of a class 3 brewer, transfer only beer the class 3 brewer manufactures from its licensed premises to the premises specified in the beer showcase permit license; and to sell or offer for sale at retail, only in the premises specified in the beer showcase permit license, the transferred or delivered beer for on or off premise consumption, but not for resale in any form and to sell to non-licensees not more than 96 fluid ounces of beer per person. A beer showcase permit license may be granted for the following time periods: one day or less; or 2 or more days to a maximum of 15 days per location in any 12-month period. An applicant for a beer showcase permit license must also submit with the application proof satisfactory to the State Commission that the applicant will provide dram shop liability insurance to the maximum limits and have local authority approval. The State Commission shall require the beer showcase applicant to comply with Section 6-27.1.

235 ILCS 5/5-2

Sec. 5-2. All licenses, except a non-beverage user's, a special use permit, and a special event retailer's license, issued by the State Commission, shall be valid from the date of issuance through the last day of the eleventh month that begins after the month in which the license is issued unless sooner revoked or suspended as provided in this Act. A non-beverage user's license shall expire only when the quantity of alcoholic liquor which may be purchased under it has been exhausted. A special use permit license and a special event retailer's license (not-for-profit) shall be issued for a specific time period, not to exceed 15 days per licensee per location in any 12 month period. Licenses shall state thereon the class to which they belong, the names of the licensees and the addresses and description of the premises for which they are granted, or in the case of caterer retailers, auctions, railroads, airplanes and boats, a designation thereof by number or name; and shall state the dates of their issuance and expiration.

235 ILCS 5/5-3 — License fees

Sec. 5-3. License fees. Except as otherwise provided herein, at the time application is made to the State Commission for a license of any class, the applicant shall pay to the State Commission the fee hereinafter provided for the kind of license applied for. The fee for licenses issued by the State Commission shall be as follows: Online Initial renewal license or non-online renewal For a manufacturer's license: Class 1. Distiller \$4,000 \$5,000 Class 2. Rectifier 4,000 5,000 Class 3. Brewer 1,200 1,500 Class 4. First-class Wine Manufacturer 750 900 Class 5. Second-class Wine Manufacturer 1,500 1,750 Class 6. First-class wine-maker . . . 750 900 Class 7. Second-class wine-maker . . 1,500 1,750 Class 8. Limited Wine Manufacturer 250 350 Class 9. Craft Distiller 2,000 2,500 Class 10. Class 1 Craft Distiller . 50 75 Class 11. Class 2 Craft Distiller . 75 100 Class 12. Class 1 Brewer 50 75 Class 13. Class 2 Brewer 75 100 Class 14. Class 3 Brewer 25 50 For a Brew Pub License 1,200 1,500 For a Distilling Pub License 1,200 1,500 For a caterer retailer's license . . . 350 500 For a foreign importer's license . . 25 25 For an importing distributor's license 25 25 For a distributor's license (11,250,000 gallons or over) 1,450 2,200 For a distributor's license (over 4,500,000 gallons, but under 11,250,000 gallons) . . . 950 1,450 For a distributor's license (4,500,000 gallons or under) . . 300 450 For a non-resident dealer's license (500,000 gallons or over) or with self-distribution privileges 1,200 1,500 For a non-resident dealer's license (under 500,000 gallons) 250 350 For a wine-maker's premises license 250 500 For a winery shipper's license (under 250,000 gallons) 200 350 For a winery shipper's license (250,000 or over, but under 500,000 gallons) 750 1,000 For a winery shipper's license (500,000 gallons or over) 1,200 1,500 For a wine-maker's premises license, second location 500 1,000 For a wine-maker's premises license, third location 500 1,000 For a retailer's license 600 750 For a special event retailer's license, (not-for-profit) . . . 25 25 For a beer showcase permit, one day only 100 150 2 days or more 150 250 For a special use permit license, one day only 100 150 2 days or more 150 250 For a railroad license 100 150 For a boat license 500 1,000 For an airplane license, times the licensee's maximum number of aircraft in flight, serving liquor over the State at any given time, which either originate, terminate, or make an intermediate stop in the State 100 150 For a non-beverage user's license: Class 1 24 24 Class 2 60 60 Class 3 120 120 Class 4 240 240 Class 5 600 600 For a broker's license 750 1,000 For an auction liquor license . . . 100 150 For a homebrewer special event permit 25 25 For a craft distiller tasting permit 25 25 For a BASSET trainer license 300 350 For a tasting representative license 200 300 For a brewer warehouse permit . . . 25 25 For a craft distiller warehouse permit 25 25 Fees collected under this Section shall be paid into the Dram Shop Fund. The State Commission shall waive license renewal fees for those retailers' licenses that are designated as "1A" by the State Commission and expire on or after July 1, 2022, and on or before June 30, 2023. One-half of the funds received for a retailer's license shall be paid into the Dram Shop Fund and one-half of the funds received for a retailer's license shall be paid into the General Revenue Fund. No fee shall be paid for licenses issued by the State Commission to the following non-beverage users:

- (a) Hospitals, sanitariums, or clinics when their use of alcoholic liquor is exclusively medicinal, mechanical, or scientific.
 - (b) Universities, colleges of learning, or schools when their use of alcoholic liquor is exclusively medicinal, mechanical, or scientific.
 - (c) Laboratories when their use is exclusively for the purpose of scientific research. (Text of Section after amendment by P.A. 104-451)
- Sec. 5-3. License fees. Except as otherwise provided herein, at the time application is made to the State Commission for a license of any class, the applicant shall pay to the State Commission the fee hereinafter provided for

the kind of license applied for. The fee for licenses issued by the State Commission shall be as follows: Online Initial renewal license or non-online renewal For a manufacturer's license: Class 1. Distiller \$4,000 \$5,000 Class 2. Rectifier 4,000 5,000 Class 3. Brewer 1,200 1,500 Class 4. First-class Wine Manufacturer 750 900 Class 5. Second-class Wine Manufacturer 1,500 1,750 Class 6. First-class wine-maker 750 900 Class 7. Second-class wine-maker 1,500 1,750 Class 8. Limited Wine Manufacturer 250 350 Class 9. Craft Distiller 2,000 2,500 Class 10. Class 1 Craft Distiller 50 75 Class 11. Class 2 Craft Distiller 75 100 Class 12. Class 1 Brewer 50 75 Class 13. Class 2 Brewer 75 100 Class 14. Class 3 Brewer 25 50 Class 15. Class 3 Craft Distiller 175 200 For a Brew Pub License 1,200 1,500 For a Distilling Pub License 1,200 1,500 For a caterer retailer's license 350 500 For a foreign importer's license 25 25 For an importing distributor's license 25 25 For a distributor's license (11,250,000 gallons or over) 1,450 2,200 For a distributor's license (over 4,500,000 gallons, but under 11,250,000 gallons) 950 1,450 For a distributor's license (4,500,000 gallons or under) 300 450 For a non-resident dealer's license (500,000 gallons or over) or with self-distribution privileges 1,200 1,500 For a non-resident dealer's license (under 500,000 gallons) 250 350 For a wine-maker's premises license 250 500 For a winery shipper's license (under 250,000 gallons) 200 350 For a winery shipper's license (250,000 or over, but under 500,000 gallons) 750 1,000 For a winery shipper's license (500,000 gallons or over) 1,200 1,500 For a wine-maker's premises license, second location 500 1,000 For a wine-maker's premises license, third location 500 1,000 For a retailer's license 600 750 For a special event retailer's license, (not-for-profit) 25 25 For a beer showcase permit, one day only 100 150 2 days or more 150 250 For a spirits showcase permit, one day only 100 150 2 days or more 150 250 For a special use permit license, one day only 100 150 2 days or more 150 250 For a railroad license 100 150 For a boat license 500 1,000 For an airplane license, times the licensee's maximum number of aircraft in flight, serving liquor over the State at any given time, which either originate, terminate, or make an intermediate stop in the State 100 150 For a non-beverage user's license: Class 1 24 24 Class 2 60 60 Class 3 120 120 Class 4 240 240 Class 5 600 600 For a broker's license 750 1,000 For an auction liquor license 100 150 For a homebrewer special event permit 25 25 For a craft distiller tasting permit 25 25 For a BASSET trainer license 300 350 For a tasting representative license 200 300 For a brewer warehouse permit 25 25 For a craft distiller warehouse permit 25 25 Fees collected under this Section shall be paid into the Dram Shop Fund. The State Commission shall waive license renewal fees for those retailers' licenses that are designated as "1A" by the State Commission and expire on or after July 1, 2022, and on or before June 30, 2023. One-half of the funds received for a retailer's license shall be paid into the Dram Shop Fund and one-half of the funds received for a retailer's license shall be paid into the General Revenue Fund. No fee shall be paid for licenses issued by the State Commission to the following non-beverage users:

- (a) Hospitals, sanitariums, or clinics when their use of alcoholic liquor is exclusively medicinal, mechanical, or scientific.
- (b) Universities, colleges of learning, or schools when their use of alcoholic liquor is exclusively medicinal, mechanical, or scientific.
- (c) Laboratories when their use is exclusively for the purpose of scientific research.

235 ILCS 5/5-4 — Duplicate license; fee

Sec. 5-4. Duplicate license; fee. In the event of the loss or destruction of a license issued pursuant to this Article the State Commission, upon written application stating such fact and accompanied by the required fee, shall issue a duplicate of such license. A duplicate license must also be obtained if a licensee is transferring a license pursuant to Section 7-14. The fee for the issuance of a duplicate license shall be \$12 if the original license fee was \$200 or less, and \$24 if the original license fee was more than \$200.

235 ILCS 5/5-5 — Late filing fees

Sec. 5-5. Late filing fees. In the event that a liquor license holder fails to submit a license renewal application to the Commission before or on the expiration date of the current license, the licensee will be assessed a late filing fee of \$25. Late applications and instruments of payment will be returned to the licensee. Late filing fees will be in addition to any fines or penalties ordered for operating without a valid license. Late filing fees shall not apply to a liquor license holder whose business or business operations have been suspended in any capacity due to any executive order issued on or after March 16, 2020 or any subsequent rule established by the Department of Public Health or any other agency of the

State as a result of COVID-19. The late filing fee waiver shall remain in effect for 6 months after whichever of the following dates occurs the latest:

- (1) the day on which the region in which the liquor licensee is located enters Phase 4 of the Governor's Restore Illinois Plan as issued on May 5, 2020;
- (2) the day after the expiration of the latest executive order that limits or interrupts the business or business operations as a result of the COVID-19 pandemic; or
- (3) the day after the expiration of any rules established by the Department of Public Health or any other agency of the State that limit or interrupt the business or business operations as a result of the COVID-19 pandemic.

235 ILCS 5/5-6 — FDA grant funds

Sec. 5-6. FDA grant funds. Grant funds received from the Food and Drug Administration of the U.S. Department of Health and Human Services for conducting unannounced investigations of Illinois tobacco vendors shall be deposited into the Dram Shop Fund until June 30, 2018.

235 ILCS 5/5-7 — Temporary liquor license fee deferral

Sec. 5-7. Temporary liquor license fee deferral. A liquor license holder whose business or business operations have been suspended in any capacity due to any executive order issued on or after March 16, 2020 or any subsequent rule established by the Department of Public Health or any other agency of the State as a result of COVID-19 shall be allowed to defer liquor license fees under this Section. The liquor license holder shall be allowed to defer the payment of liquor license fees for 6 months after whichever of the following dates occurs the latest:

- (1) the day on which the region in which the liquor licensee is located enters Phase 4 of the Governor's Restore Illinois Plan as issued on May 5, 2020;
- (2) the day after the expiration of the latest executive order that limits or interrupts the business or business operations as a result of the COVID-19 pandemic; or
- (3) the day after the expiration of any rules established by the Department of Public Health or any other agency of the State that limit or interrupt the business or business operations as a result of the COVID-19 pandemic.

235 ILCS 5/6-1 — Privilege granted by license; nature as to property; transferability; tax delinquencies

Sec. 6-1. Privilege granted by license; nature as to property; transferability; tax delinquencies. A license shall be purely a personal privilege, good for not to exceed one year after issuance, except a non-beverage user's license, unless sooner revoked as in this Act provided, and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee, provided that executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale or manufacture of alcoholic liquor under order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy until the expiration of such license but not longer than six months after the death, bankruptcy or insolvency of such licensee. Except in the case of a non-beverage user's license, a refund shall be made of that portion of the license fees paid for any period in which the licensee shall be prevented from operating under such license in accordance with the provisions of this paragraph. Any licensee may renew his license at the expiration thereof, provided he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purpose; and provided further that the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the city council or village president and board of trustees or county board, as the case may be, from decreasing the number of licenses to be issued within its jurisdiction. No retailer's license shall be renewed if the Department of Revenue has reported to the Illinois Liquor Control Commission that such retailer is delinquent in filing any required tax returns or paying any amounts owed to the State of Illinois until the applicant is issued a certificate by the Department of Revenue stating that all delinquent returns or amounts owed have been paid by guaranteed remittance or the payment agreement to pay all amounts owed has been accepted by the Department. No retailer's license issued by a local liquor control commissioner shall be renewed unless the applicant provides documentation that any tax owed to

(i) the municipality in which the applicant is located (in the case of a license issued by the mayor or president of the board of trustees of a city, village or incorporated town acting as local liquor control commissioner) or (ii) the county in which the applicant is located (in the case of a license issued by the president or chairman of a county board acting as local liquor control commissioner) by the applicant has been satisfied by payment in the form of a cashier's check, certified check, money order, or cash. For a liquor license holder whose business or business operations have been suspended in any capacity due to any executive order issued on or after March 16, 2020 or any subsequent rule established by the Department of Public Health or any other agency of the State as a result of COVID-19, renewal of the license shall be automatically approved and the license shall be extended without limitation for 120 days after whichever of the following dates occurs the latest:

(1) the day on which the region in which the liquor licensee is located enters Phase 4 of the Governor's Restore Illinois Plan as issued on May 5, 2020;

(2) the day after the expiration of the latest executive order that limits or interrupts the business or business operations as a result of the COVID-19 pandemic; or

(3) the day after the expiration of any rules established by the Department of Public Health or any other agency of the State that limit or interrupt the business or business operations as a result of the COVID-19 pandemic. The renewal shall be based upon the most recent liquor license application or application for renewal that was approved and received by the State Commission prior to the limitations or interruptions implemented by the Executive Order on March 16, 2020. A negotiable instrument received as payment for a license fee, transfer fee, late fee, offer in compromise, pre-disciplinary conference settlement, or fine imposed by order that is dishonored on presentation shall not be considered payment and shall be cause for disciplinary action.

235 ILCS 5/6-1.5 — Three-tier regulatory system; public policy and rule of statutory construction

Sec. 6-1.5. Three-tier regulatory system; public policy and rule of statutory construction. The General Assembly hereby restates that it is the policy of this State that the primary purpose of this Act is to protect the health, safety, and welfare of this State through the sound and careful control and regulation of the manufacture, distribution, and sale of alcoholic liquor through a 3-tier regulatory system. To ensure and maintain a 3-tier regulatory system, the General Assembly finds that it is the obligation and duty of the State Commission to construe the provisions of this Act in a manner that conforms to State policy and this Act's primary purpose as articulated in this Section and to exercise its statutory authority in a manner consistent with that purpose whether or not the provisions of this Act are unambiguous or capable of one or more reasonable constructions.

235 ILCS 5/6-2 — Issuance of licenses to certain persons prohibited

Sec. 6-2. Issuance of licenses to certain persons prohibited.

(a) Except as otherwise provided in subsection

(b) of this Section and in paragraph

(1) of subsection

(a) of Section 3-12, no license of any kind issued by the State Commission or any local commission shall be issued to:

(1) A person who is not a resident of any city, village or county in which the premises covered by the license are located; except in case of railroad or boat licenses.

(2) A person who is not of good character and reputation in the community in which he resides.

(3) (Blank).

(4) A person who has been convicted of a felony under any Federal or State law, unless the Commission determines that such person will not be impaired by the conviction in engaging in the licensed practice after considering matters set forth in such person's application in accordance with Section 6-2.5 of this Act and the Commission's investigation.

(5) A person who has been convicted of keeping a place of prostitution or keeping a place of commercial sexual exploitation of a child, promoting prostitution that involves keeping a place of prostitution, or promoting commercial sexual exploitation of a child that involves keeping a place of commercial sexual exploitation of a child.

(6) A person who has been convicted of pandering.

(7) A person whose license issued under this Act has been revoked for cause.

(8) A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application.

(9) A copartnership, if any general partnership thereof, or any limited partnership thereof, owning more than 5% of the aggregate limited partner interest in such copartnership would not be eligible to receive a license hereunder for any reason other than residence within the political subdivision, unless residency is required by local ordinance.

(10) A corporation or limited liability company, if any member, officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than 5% of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than residence within the political subdivision. (10a) A corporation or limited liability company unless it is incorporated or organized in Illinois, or unless it is a foreign corporation or foreign limited liability company which is qualified under the Business Corporation Act of 1983 or the Limited Liability Company Act to transact business in Illinois. The Commission shall permit and accept from an applicant for a license under this Act proof prepared from the Secretary of State's website that the corporation or limited liability company is in good standing and is qualified under the Business Corporation Act of 1983 or the Limited Liability Company Act to transact business in Illinois.

(11) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required by the licensee.

(12) A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to the passage of this Act or has forfeited his bond to appear in court to answer charges for any such violation, unless the Commission determines, in accordance with Section 6-2.5 of this Act, that the person will not be impaired by the conviction in engaging in the licensed practice.

(13) A person who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued.

(14) Any law enforcing public official, including members of local liquor control commissions, any mayor, alderperson, or member of the city council or commission, any president of the village board of trustees, any member of a village board of trustees, or any president or member of a county board; and no such official shall have a direct interest in the manufacture, sale, or distribution of alcoholic liquor, except that a license may be granted to such official in relation to premises that are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the State Liquor Control Commission and except that a license may be granted, in a city or village with a population of 55,000 or less, to any alderperson, member of a city council, or member of a village board of trustees in relation to premises that are located within the territory subject to the jurisdiction of that official if

(i) the sale of alcoholic liquor pursuant to the license is incidental to the selling of food, (ii) the issuance of the license is approved by the State Commission, (iii) the issuance of the license is in accordance with all applicable local ordinances in effect where the premises are located, and (iv) the official granted a license does not vote on alcoholic liquor issues pending before the board or council to which the license holder is elected. Notwithstanding any provision of this paragraph

(14) to the contrary, an alderperson or member of a city council or commission, a member of a village board of trustees other than the president of the village board of trustees, or a member of a county board other than the president of a county board may have a direct interest in the manufacture, sale, or distribution of alcoholic liquor as long as he or she is not a law enforcing public official, a mayor, a village board president, or president of a county board. To prevent any conflict of interest, the elected official with the direct interest in the manufacture, sale, or distribution of alcoholic liquor shall not participate in any meetings, hearings, or decisions on matters impacting the manufacture, sale, or distribution of alcoholic liquor. Furthermore, the mayor of a city with a population of 55,000 or less or the president of a village with a population of 55,000 or less may have an interest in the manufacture, sale, or distribution of alcoholic liquor as long as the council or board over which he or she presides has made a local liquor control commissioner appointment that complies with the requirements of Section 4-2 of this Act.

(15) A person who is not a beneficial owner of the business to be operated by the licensee.

(16) A person who has been convicted of a gambling offense as proscribed by any of subsections

(a)

(3) through

(a)

(11) of Section 28-1 of, or as proscribed by Section 28-1.1 or 28-3 of, the Criminal Code of 1961 or the Criminal Code of 2012, or as proscribed by a statute replaced by any of the aforesaid statutory provisions.

(17) A person or entity to whom a federal wagering stamp has been issued by the federal government, unless the person or entity is eligible to be issued a license under the Raffles and Poker Runs Act or the Illinois Pull Tabs and Jar Games Act.

(18) A person who intends to sell alcoholic liquors for use or consumption on his or her licensed retail premises who does not have liquor liability insurance coverage for that premises in an amount that is at least equal to the maximum liability amounts set out in subsection

(a) of Section 6-21.

(19) A person who is licensed by any licensing authority as a manufacturer of beer, or any partnership, corporation, limited liability company, or trust or any subsidiary, affiliate, or agent thereof, or any other form of business enterprise licensed as a manufacturer of beer, having any legal, equitable, or beneficial interest, directly or indirectly, in a person licensed in this State as a distributor or importing distributor. For purposes of this paragraph (19), a person who is licensed by any licensing authority as a "manufacturer of beer" shall also mean a brewer and a non-resident dealer who is also a manufacturer of beer, including a partnership, corporation, limited liability company, or trust or any subsidiary, affiliate, or agent thereof, or any other form of business enterprise licensed as a manufacturer of beer.

(20) A person who is licensed in this State as a distributor or importing distributor, or any partnership, corporation, limited liability company, or trust or any subsidiary, affiliate, or agent thereof, or any other form of business enterprise licensed in this State as a distributor or importing distributor having any legal, equitable, or beneficial interest, directly or indirectly, in a person licensed as a manufacturer of beer by any licensing authority, or any partnership, corporation, limited liability company, or trust or any subsidiary, affiliate, or agent thereof, or any other form of business enterprise, except for a person who owns, on or after the effective date of this amendatory Act of the 98th General Assembly, no more than 5% of the outstanding shares of a manufacturer of beer whose shares are publicly traded on an exchange within the meaning of the Securities Exchange Act of 1934. For the purposes of this paragraph (20), a person who is licensed by any licensing authority as a "manufacturer of beer" shall also mean a brewer and a non-resident dealer who is also a manufacturer of beer, including a partnership, corporation, limited liability company, or trust or any subsidiary, affiliate, or agent thereof, or any other form of business enterprise licensed as a manufacturer of beer.

(b) A criminal conviction of a corporation is not grounds for the denial, suspension, or revocation of a license applied for or held by the corporation if the criminal conviction was not the result of a violation of any federal or State law concerning the manufacture, possession or sale of alcoholic liquor, the offense that led to the conviction did not result in any financial gain to the corporation and the corporation has terminated its relationship with each director, officer, employee, or controlling shareholder whose actions directly contributed to the conviction of the corporation. The Commission shall determine if all provisions of this subsection

(b) have been met before any action on the corporation's license is initiated.

235 ILCS 5/6-2.5 — Applicant convictions

Sec. 6-2.5. Applicant convictions.

(a) The Commission shall not require applicants to report the following information and shall not consider the following criminal history records in connection with an application for a license under this Act:

(1) Juvenile adjudications of delinquent minors as defined in Section 5-105 of the Juvenile Court Act of 1987, subject to the restrictions set forth in Section 5-130 of the Juvenile Court Act of 1987.

(2) Law enforcement records, court records, and conviction records of an individual who was 17 years old at the time of the offense and before January 1, 2014, unless the nature of the offense required the individual to be tried as an adult.

(3) Records of arrest not followed by a conviction.

(4) Convictions overturned by a higher court.

(5) Convictions or arrests that have been sealed or expunged.

(b) The Commission, upon a finding that an applicant for a license was convicted of a felony or a violation of any federal or State law concerning the manufacture, possession or sale of alcoholic liquor, shall consider any evidence of rehabilitation and mitigating factors contained in the applicant's record, including any of the following factors and

evidence, to determine if the conviction will impair the ability of the applicant to engage in the position for which a license is sought:

- (1) the lack of direct relation of the offense for which the applicant was previously convicted to the duties, functions, and responsibilities of the position for which a license is sought;
 - (2) whether 5 years since a felony conviction or 3 years since release from confinement for the conviction, whichever is later, have passed without a subsequent conviction;
 - (3) if the applicant was previously licensed or employed in this State or other states or jurisdictions, then the lack of prior misconduct arising from or related to the licensed position or position of employment;
 - (4) the age of the person at the time of the criminal offense;
 - (5) successful completion of sentence and, for applicants serving a term of parole or probation, a progress report provided by the applicant's probation or parole officer that documents the applicant's compliance with conditions of supervision;
 - (6) evidence of the applicant's present fitness and professional character;
 - (7) evidence of rehabilitation or rehabilitative effort during or after incarceration, or during or after a term of supervision, including, but not limited to, a certificate of good conduct under Section 5-5.5-25 of the Unified Code of Corrections or a certificate of relief from disabilities under Section 5-5.5-10 of the Unified Code of Corrections; and
 - (8) any other mitigating factors that contribute to the person's potential and current ability to perform the duties and responsibilities of the position for which a license or employment is sought.
- (c) If the Commission refuses to issue a license to an applicant, then the Commission shall notify the applicant of the denial in writing with the following included in the notice of denial:
- (1) a statement about the decision to refuse to issue a license;
 - (2) a list of the convictions that the Commission determined will impair the applicant's ability to engage in the position for which a license is sought;
 - (3) a list of convictions that formed the sole or partial basis for the refusal; and
 - (4) a summary of the appeal process or the earliest the applicant may reapply for a license, whichever is applicable.
- (d) No later than May 1 of each year, the Commission must prepare, publicly announce, and publish a report of summary statistical information relating to new and renewal license applications during the preceding calendar year. Each report shall show, at a minimum:
- (1) the number of applicants for a new or renewal license under this Act within the previous calendar year;
 - (2) the number of applicants for a new or renewal license under this Act within the previous calendar year who had any criminal conviction;
 - (3) the number of applicants for a new or renewal license under this Act in the previous calendar year who were granted a license;
 - (4) the number of applicants for a new or renewal license with a criminal conviction who were granted a license under this Act within the previous calendar year;
 - (5) the number of applicants for a new or renewal license under this Act within the previous calendar year who were denied a license; and
 - (6) the number of applicants for a new or renewal license with a criminal conviction who were denied a license under this Act in the previous calendar year in whole or in part because of a prior conviction.

235 ILCS 5/6-3 — Violation of tax Acts; refusal, revocation, or suspension of license

Sec. 6-3. Violation of tax Acts; refusal, revocation, or suspension of license.

- (a) In addition to other grounds specified in this Act, the State Commission or the local liquor control commissioner, on complaint of the Department, shall refuse the issuance or renewal of a license, or suspend or revoke the license, of any person, for any of the following violations of any tax Act administered by the Department: 1. Failure to make a tax return. 2. The filing of a fraudulent return. 3. Failure to pay all or part of any tax or penalty finally determined to be due. 4. Failure to keep books and records. 5. Failure to secure and display a certificate or sub-certificates of registration, if required. 6. Wilful violation of any rule or regulation of the Department relating to the administration and enforcement of tax liability.

(b) Upon receiving notice from the Department that a violation of any of items 1 through 6 of subsection

(a) have been corrected or otherwise resolved to the Department's satisfaction, the Commission may vacate an Order of Revocation.

235 ILCS 5/6-4

Sec. 6-4.

(a) No person licensed by any licensing authority as a distiller, or a wine manufacturer, or any subsidiary or affiliate thereof, or any officer, associate, member, partner, representative, employee, agent or shareholder owning more than 5% of the outstanding shares of such person shall be issued an importing distributor's or distributor's license, nor shall any person licensed by any licensing authority as an importing distributor, distributor or retailer, or any subsidiary or affiliate thereof, or any officer or associate, member, partner, representative, employee, agent or shareholder owning more than 5% of the outstanding shares of such person be issued a distiller's license, a craft distiller's license, or a wine manufacturer's license; and no person or persons licensed as a distiller, craft distiller, class 1 craft distiller, or class 2 craft distiller by any licensing authority shall have any interest, directly or indirectly, with such distributor or importing distributor. However, an importing distributor or distributor, which on January 1, 1985 is owned by a brewer, or any subsidiary or affiliate thereof or any officer, associate, member, partner, representative, employee, agent or shareholder owning more than 5% of the outstanding shares of the importing distributor or distributor referred to in this paragraph, may own or acquire an ownership interest of more than 5% of the outstanding shares of a wine manufacturer and be issued a wine manufacturer's license by any licensing authority.

(b) The foregoing provisions shall not apply to any person licensed by any licensing authority as a distiller or wine manufacturer, or to any subsidiary or affiliate of any distiller or wine manufacturer who shall have been heretofore licensed by the State Commission as either an importing distributor or distributor during the annual licensing period expiring June 30, 1947, and shall actually have made sales regularly to retailers.

(c) Provided, however, that in such instances where a distributor's or importing distributor's license has been issued to any distiller or wine manufacturer or to any subsidiary or affiliate of any distiller or wine manufacturer who has, during the licensing period ending June 30, 1947, sold or distributed as such licensed distributor or importing distributor alcoholic liquors and wines to retailers, such distiller or wine manufacturer or any subsidiary or affiliate of any distiller or wine manufacturer holding such distributor's or importing distributor's license may continue to sell or distribute to retailers such alcoholic liquors and wines which are manufactured, distilled, processed or marketed by distillers and wine manufacturers whose products it sold or distributed to retailers during the whole or any part of its licensing periods; and such additional brands and additional products may be added to the line of such distributor or importing distributor, provided, that such brands and such products were not sold or distributed by any distributor or importing distributor licensed by the State Commission during the licensing period ending June 30, 1947, but can not sell or distribute to retailers any other alcoholic liquors or wines.

(d) It shall be unlawful for any distiller licensed anywhere to have any stock ownership or interest in any distributor's or importing distributor's license wherein any other person has an interest therein who is not a distiller and does not own more than 5% of any stock in any distillery. Nothing herein contained shall apply to such distillers or their subsidiaries or affiliates, who had a distributor's or importing distributor's license during the licensing period ending June 30, 1947, which license was owned in whole by such distiller, or subsidiaries or affiliates of such distiller.

(e) Any person licensed as a brewer, class 1 brewer, or class 2 brewer shall be permitted to sell on the licensed premises to non-licensees for on or off-premises consumption for the premises in which he or she actually conducts such business:

(i) beer manufactured by the brewer, class 1 brewer, class 2 brewer, or class 3 brewer; (ii) beer manufactured by any other brewer, class 1 brewer, class 2 brewer, or class 3 brewer; and (iii) cider or mead. Any person licensed as a class 3 brewer shall be permitted to sell on the licensed premises to non-licensees for on or off premises consumption for the premises in which he or she actually conducts such business:

(i) beer manufactured by the class 3 brewer on the premises; (ii) beer manufactured by any other brewer, class 1 brewer, class 2 brewer, or class 3 brewer; and (iii) cider, wine, and spirits. All products sold under this subsection that are not manufactured on premises must be purchased through a licensed distributor, importing distributor, or manufacturer with self-distribution privileges. Such sales shall be limited to on-premises, in-person sales only, for lawful consumption on or off premises. Such authorization shall be considered a privilege granted by the brewer license and, other than a manufacturer of beer as stated above, no manufacturer or distributor or importing distributor, excluding airplane licensees

exercising powers provided in paragraph

(i) of Section 5-1 of this Act, or any subsidiary or affiliate thereof, or any officer, associate, member, partner, representative, employee or agent, or shareholder shall be issued a retailer's license, nor shall any person having a retailer's license, excluding airplane licensees exercising powers provided in paragraph

(i) of Section 5-1 of this Act, or any subsidiary or affiliate thereof, or any officer, associate, member, partner, representative or agent, or shareholder be issued a manufacturer's license or importing distributor's license. A manufacturer of beer that imports or transfers beer into this State must comply with Sections 6-8 and 8-1 of this Act. A person who holds a class 2 brewer license and is authorized by this Section to sell beer to non-licensees shall not sell beer to non-licensees from more than 3 total brewer or commonly owned brew pub licensed locations in this State. The class 2 brewer shall designate to the State Commission the brewer or brew pub locations from which it will sell beer to non-licensees. A person licensed as a class 1 craft distiller or a class 2 craft distiller, including a person who holds more than one class 1 craft distiller or class 2 craft distiller license, not affiliated with any other person manufacturing spirits may be authorized by the State Commission to sell

(1) up to 5,000 gallons of spirits produced by the person to non-licensees for on or off-premises consumption for the premises in which he or she actually conducts business permitting only the retail sale of spirits manufactured at such premises and

(2) vermouth purchased through a licensed distributor for on-premises consumption. Such sales shall be limited to on-premises, in-person sales only, for lawful consumption on or off premises, and such authorization shall be considered a privilege granted by the class 1 craft distiller or class 2 craft distiller license. A class 1 craft distiller or class 2 craft distiller licensed for retail sale shall secure liquor liability insurance coverage in an amount at least equal to the maximum liability amounts set forth in subsection

(a) of Section 6-21 of this Act. A class 1 craft distiller or class 2 craft distiller license holder shall not deliver any alcoholic liquor to any non-licensee off the licensed premises. A class 1 craft distiller or class 2 craft distiller shall affirm in its annual license application that it does not produce more than 50,000 or 100,000 gallons of distilled spirits annually, whichever is applicable, and that the craft distiller does not sell more than 5,000 gallons of spirits to non-licensees for on or off-premises consumption. In the application, which shall be sworn under penalty of perjury, the class 1 craft distiller or class 2 craft distiller shall state the volume of production and sales for each year since the class 1 craft distiller's or class 2 craft distiller's establishment. A person who holds a class 1 craft distiller or class 2 craft distiller license and is authorized by this Section to sell spirits to non-licensees shall not sell spirits to non-licensees from more than 3 total distillery or commonly owned distilling pub licensed locations in this State. The class 1 craft distiller or class 2 craft distiller shall designate to the State Commission the distillery or distilling pub locations from which it will sell spirits to non-licensees.

(f) (Blank).

(g) Notwithstanding any of the foregoing prohibitions, a limited wine manufacturer may sell at retail at its manufacturing site for on or off premises consumption and may sell to distributors. A limited wine manufacturer licensee shall secure liquor liability insurance coverage in an amount at least equal to the maximum liability amounts set forth in subsection

(a) of Section 6-21 of this Act.

(h) The changes made to this Section by Public Act 99-47 shall not diminish or impair the rights of any person, whether a distiller, wine manufacturer, agent, or affiliate thereof, who requested in writing and submitted documentation to the State Commission on or before February 18, 2015 to be approved for a retail license pursuant to what has heretofore been subsection (f); provided that, on or before that date, the State Commission considered the intent of that person to apply for the retail license under that subsection and, by recorded vote, the State Commission approved a resolution indicating that such a license application could be lawfully approved upon that person duly filing a formal application for a retail license and if that person, within 90 days of the State Commission appearance and recorded vote, first filed an application with the appropriate local commission, which application was subsequently approved by the appropriate local commission prior to consideration by the State Commission of that person's application for a retail license. It is further provided that the State Commission may approve the person's application for a retail license or renewals of such license if such person continues to diligently adhere to all representations made in writing to the State Commission on or before February 18, 2015, or thereafter, or in the affidavit filed by that person with the State Commission to support the issuance of a retail license and to abide by all applicable laws and duly adopted rules.

(i) Notwithstanding any other provision of this Act, the common ownership of a brewery, winery, or a distillery shall not authorize the grant of and aggregation of retail privileges granted to any person or licensees in subsection (e). Any person or licensee with common ownership in a brewery, winery, or a distillery shall be limited to the retail privileges granted to only one of the commonly owned brewery, winery, or distillery. The State Commission is hereby authorized to restrict the locations of any commonly owned brewery, winery, or distillery to prevent the expansion of retail privileges, including, without limitation, restricting a commonly owned brewery, winery, or distillery from operating in adjacent licensed premises or restricting self-distribution privileges. (Text of Section after amendment by P.A. 104-451) Sec. 6-4. Prohibited ownership interests; retail sales by certain manufacturers.

(a) No person licensed by any licensing authority as a distiller, or a wine manufacturer, or any subsidiary or affiliate thereof, or any officer, associate, member, partner, representative, employee, agent or shareholder owning more than 5% of the outstanding shares of such person shall be issued an importing distributor's or distributor's license, nor shall any person licensed by any licensing authority as an importing distributor, distributor or retailer, or any subsidiary or affiliate thereof, or any officer or associate, member, partner, representative, employee, agent or shareholder owning more than 5% of the outstanding shares of such person be issued a distiller's license, a craft distiller's license, or a wine manufacturer's license; and no person or persons licensed as a distiller, craft distiller, class 1 craft distiller, or class 2 craft distiller by any licensing authority shall have any interest, directly or indirectly, with such distributor or importing distributor. However, an importing distributor or distributor, which on January 1, 1985 is owned by a brewer, or any subsidiary or affiliate thereof or any officer, associate, member, partner, representative, employee, agent or shareholder owning more than 5% of the outstanding shares of the importing distributor or distributor referred to in this paragraph, may own or acquire an ownership interest of more than 5% of the outstanding shares of a wine manufacturer and be issued a wine manufacturer's license by any licensing authority.

(b) The foregoing provisions shall not apply to any person licensed by any licensing authority as a distiller or wine manufacturer, or to any subsidiary or affiliate of any distiller or wine manufacturer who shall have been heretofore licensed by the State Commission as either an importing distributor or distributor during the annual licensing period expiring June 30, 1947, and shall actually have made sales regularly to retailers.

(c) Provided, however, that in such instances where a distributor's or importing distributor's license has been issued to any distiller or wine manufacturer or to any subsidiary or affiliate of any distiller or wine manufacturer who has, during the licensing period ending June 30, 1947, sold or distributed as such licensed distributor or importing distributor alcoholic liquors and wines to retailers, such distiller or wine manufacturer or any subsidiary or affiliate of any distiller or wine manufacturer holding such distributor's or importing distributor's license may continue to sell or distribute to retailers such alcoholic liquors and wines which are manufactured, distilled, processed or marketed by distillers and wine manufacturers whose products it sold or distributed to retailers during the whole or any part of its licensing periods; and such additional brands and additional products may be added to the line of such distributor or importing distributor, provided, that such brands and such products were not sold or distributed by any distributor or importing distributor licensed by the State Commission during the licensing period ending June 30, 1947, but can not sell or distribute to retailers any other alcoholic liquors or wines.

(d) It shall be unlawful for any distiller licensed anywhere to have any stock ownership or interest in any distributor's or importing distributor's license wherein any other person has an interest therein who is not a distiller and does not own more than 5% of any stock in any distillery. Nothing herein contained shall apply to such distillers or their subsidiaries or affiliates, who had a distributor's or importing distributor's license during the licensing period ending June 30, 1947, which license was owned in whole by such distiller, or subsidiaries or affiliates of such distiller.

(e) Any person licensed as a brewer, class 1 brewer, or class 2 brewer shall be permitted to sell on the licensed premises to non-licensees for on or off-premises consumption for the premises in which he or she actually conducts such business:

(i) beer manufactured by the brewer, class 1 brewer, class 2 brewer, or class 3 brewer; (ii) beer manufactured by any other brewer, class 1 brewer, class 2 brewer, or class 3 brewer; and (iii) cider or mead. Any person licensed as a class 3 brewer shall be permitted to sell on the licensed premises to non-licensees for on or off premises consumption for the premises in which he or she actually conducts such business:

(i) beer manufactured by the class 3 brewer on the premises; (ii) beer manufactured by any other brewer, class 1 brewer, class 2 brewer, or class 3 brewer; and (iii) cider, wine, and spirits. All products sold under this subsection that are not manufactured on premises must be purchased through a licensed distributor, importing distributor, or manufacturer with self-distribution privileges. Such sales shall be limited to on-premises, in-person sales only, for lawful consumption on or

off premises. Such authorization shall be considered a privilege granted by the brewer license and, other than a manufacturer of beer as stated above, no manufacturer or distributor or importing distributor, excluding airplane licensees exercising powers provided in paragraph

(i) of Section 5-1 of this Act, or any subsidiary or affiliate thereof, or any officer, associate, member, partner, representative, employee or agent, or shareholder shall be issued a retailer's license, nor shall any person having a retailer's license, excluding airplane licensees exercising powers provided in paragraph

(i) of Section 5-1 of this Act, or any subsidiary or affiliate thereof, or any officer, associate, member, partner, representative or agent, or shareholder be issued a manufacturer's license or importing distributor's license. A manufacturer of beer that imports or transfers beer into this State must comply with Sections 6-8 and 8-1 of this Act. A person who holds a class 2 brewer license and is authorized by this Section to sell beer to non-licensees shall not sell beer to non-licensees from more than 3 total brewer or commonly owned brew pub licensed locations in this State. The class 2 brewer shall designate to the State Commission the brewer or brew pub locations from which it will sell beer to non-licensees. A person licensed as a class 1 craft distiller or a class 2 craft distiller, including a person who holds more than one class 1 craft distiller or class 2 craft distiller license, not affiliated with any other person manufacturing spirits may be authorized by the State Commission to sell

(1) up to 5,000 gallons of spirits produced by the person to non-licensees for on or off-premises consumption for the premises in which he or she actually conducts business permitting only the retail sale of spirits manufactured at such premises and

(2) vermouth purchased through a licensed distributor for on-premises consumption. Such sales shall be limited to on-premises, in-person sales only, for lawful consumption on or off premises, and such authorization shall be considered a privilege granted by the class 1 craft distiller or class 2 craft distiller license. A class 1 craft distiller or class 2 craft distiller licensed for retail sale shall secure liquor liability insurance coverage in an amount at least equal to the maximum liability amounts set forth in subsection

(a) of Section 6-21 of this Act. A class 1 craft distiller or class 2 craft distiller license holder shall not deliver any alcoholic liquor to any non-licensee off the licensed premises. A class 1 craft distiller or class 2 craft distiller shall affirm in its annual license application that it does not produce more than 50,000 or 100,000 gallons of distilled spirits annually, whichever is applicable, and that the craft distiller does not sell more than 5,000 gallons of spirits to non-licensees for on or off-premises consumption. In the application, which shall be sworn under penalty of perjury, the class 1 craft distiller or class 2 craft distiller shall state the volume of production and sales for each year since the class 1 craft distiller's or class 2 craft distiller's establishment. A person who holds a class 1 craft distiller or class 2 craft distiller license and is authorized by this Section to sell spirits to non-licensees shall not sell spirits to non-licensees from more than 3 total distillery or commonly owned distilling pub licensed locations in this State. The class 1 craft distiller or class 2 craft distiller shall designate to the State Commission the distillery or distilling pub locations from which it will sell spirits to non-licensees. A class 3 craft distiller license shall allow the licensee to only

(i) manufacture up to 100,000 gallons of spirits per year, (ii) make sales of the spirits manufactured on the premises or, with the approval of the State Commission, spirits manufactured on another class 3 craft distiller's licensed premises that are wholly owned and operated by the same licensee to importing distributors and distributors, to retail licensees in accordance with the conditions set forth in paragraph

(21) of subsection

(a) of Section 3-12 of this Act, and to non-licensees for use and consumption, (iii) store the spirits upon the premises, (iv) sell and offer for sale at retail from the licensed premises for off-premises consumption no more than 5,000 gallons per year so long as such sales are only made in-person,

(v) sell and offer for sale at retail for use and consumption on the premises specified in the license any form of alcoholic liquor purchased from a licensed distributor or importing distributor, and (vi) with the prior approval of the State Commission, annually transfer no more than 2,500 gallons of spirits manufactured on the premises to a second and separate location licensed as a class 3 craft distiller if the second location is wholly owned and operated by the same licensee. The second location may operate with the same retail privileges as the original licensed premises.

(f) (Blank).

(g) Notwithstanding any of the foregoing prohibitions, a limited wine manufacturer may sell at retail at its manufacturing site for on or off premises consumption and may sell to distributors. A limited wine manufacturer licensee shall secure

liquor liability insurance coverage in an amount at least equal to the maximum liability amounts set forth in subsection (a) of Section 6-21 of this Act.

(h) The changes made to this Section by Public Act 99-47 shall not diminish or impair the rights of any person, whether a distiller, wine manufacturer, agent, or affiliate thereof, who requested in writing and submitted documentation to the State Commission on or before February 18, 2015 to be approved for a retail license pursuant to what has heretofore been subsection (f); provided that, on or before that date, the State Commission considered the intent of that person to apply for the retail license under that subsection and, by recorded vote, the State Commission approved a resolution indicating that such a license application could be lawfully approved upon that person duly filing a formal application for a retail license and if that person, within 90 days of the State Commission appearance and recorded vote, first filed an application with the appropriate local commission, which application was subsequently approved by the appropriate local commission prior to consideration by the State Commission of that person's application for a retail license. It is further provided that the State Commission may approve the person's application for a retail license or renewals of such license if such person continues to diligently adhere to all representations made in writing to the State Commission on or before February 18, 2015, or thereafter, or in the affidavit filed by that person with the State Commission to support the issuance of a retail license and to abide by all applicable laws and duly adopted rules.

(i) Notwithstanding any other provision of this Act, the common ownership of a brewery, winery, or a distillery shall not authorize the grant of and aggregation of retail privileges granted to any person or licensees in subsection (e). Any person or licensee with common ownership in a brewery, winery, or a distillery shall be limited to the retail privileges granted to only one of the commonly owned brewery, winery, or distillery. The State Commission is hereby authorized to restrict the locations of any commonly owned brewery, winery, or distillery to prevent the expansion of retail privileges, including, without limitation, restricting a commonly owned brewery, winery, or distillery from operating in adjacent licensed premises or restricting self-distribution privileges.

235 ILCS 5/6-4.5 — Prohibited ownership interests in a distributor, importing distributor, manufacturer of beer, or non-resident dealer

Sec. 6-4.5. Prohibited ownership interests in a distributor, importing distributor, manufacturer of beer, or non-resident dealer.

(a) The General Assembly finds, consistent with Section 6-1.5, that the 3-tier regulatory system is designed to prevent a manufacturer of beer as described in paragraph

(19) of subsection

(a) of Section 6-2 from exercising vertical integration between a manufacturer of beer and a distributor or importing distributor through any ownership interest, or through control of the distributor or importing distributor. The General Assembly further finds, consistent with Section 6-1.5, that the 3-tier regulatory system is designed to prevent a distributor or importing distributor as described in paragraph

(20) of subsection

(a) of Section 6-2 from having any ownership interest in a manufacturer of beer as described in paragraph

(20) of subsection

(a) of Section 6-2 except for the ownership of no more than 5% of the outstanding shares of a manufacturer of beer whose shares are publicly traded on an exchange within the meaning of the Securities Exchange Act of 1934. The General Assembly further finds that it is necessary to have the State Commission undertake an expedited investigation, in accordance with procedural due process, to determine whether any existing manufacturer of beer described in paragraph

(19) of subsection

(a) of Section 6-2 or any existing distributor or importing distributor described in paragraph

(20) of subsection

(a) of Section 6-2 owns a prohibited ownership interest, and an orderly process by which an existing manufacturer of beer, distributor, or importing distributor may divest itself of or sever the prohibited ownership interest by no later than January 1, 2015.

(b) Notwithstanding any provision of this Act to the contrary, no person licensed as a manufacturer of beer as described in paragraph

(19) of subsection

(a) of Section 6-2 shall have any prohibited ownership interest, directly or indirectly, in a person licensed as a distributor or importing distributor. Any person who holds a prohibited ownership interest in a person licensed as a distributor or importing distributor prior to this amendatory Act of the 98th General Assembly shall, in accordance with paragraph

(19) of subsection

(a) of Section 6-2, be ineligible to receive or hold any license issued by the State Commission, unless that person complies with the provisions of this Section.

(c) Notwithstanding any provision of this Act to the contrary, no person licensed in this State as a distributor or importing distributor as described in paragraph

(20) of subsection

(a) of Section 6-2 shall have any prohibited ownership interest, directly or indirectly, in a person licensed as a manufacturer of beer as described in paragraph

(20) of subsection

(a) of Section 6-2. Any person who holds an interest in a person licensed as a distributor or importing distributor in this State prior to this amendatory Act of the 98th General Assembly shall, in accordance with paragraph

(20) of subsection

(a) of Section 6-2, be ineligible to receive or hold a license by the State Commission, unless the person complies with the provisions of this Section. This subsection

(c) shall not apply to a person who owns, on or after the effective date of this amendatory Act of the 98th General Assembly, no more than 5% of the outstanding shares of a manufacturer of beer whose shares are publicly traded on an exchange within the meaning of the Securities Exchange Act of 1934.

(d) Within 30 days after the effective date of this amendatory Act of the 98th General Assembly, the State Commission shall notify in writing all persons licensed by the State Commission as a manufacturer of beer, as described in paragraph

(19) of subsection

(a) of Section 6-2 of the prohibited ownership interest provision set forth in subsection

(b) of this Section and paragraph

(19) of subsection

(a) of Section 6-2. Also within 30 days after the effective date of this amendatory Act of the 98th General Assembly, the State Commission shall notify in writing all persons licensed by the State Commission as a distributor or importing distributor of the prohibited ownership interest provision set forth in subsection

(c) of this Section and paragraph

(20) of subsection

(a) of Section 6-2. The notice provided by the State Commission shall also state for a manufacturer of beer, as described in paragraph

(19) of subsection

(a) of Section 6-2, that it is required to disclose in writing any ownership interest it directly or indirectly possesses in a distributor or importing distributor, as described in paragraph

(20) of subsection

(a) of Section 6-2, the type and amount of ownership interest possessed by it, the length of time the manufacturer of beer has held the ownership interest in the distributor or importing distributor, and any other information specified by the State Commission in its written notice. The notice provided by the State Commission shall also state for a distributor or importing distributor, as described in paragraph

(20) of subsection

(a) of Section 6-2, that it is required to disclose in writing any ownership interest it directly or indirectly possesses in a manufacturer of beer, as described in paragraph

(19) of subsection

(a) of Section 6-2, the type and amount of ownership interest possessed by it, the length of time the manufacturer of beer has held the ownership interest in the distributor or importing distributor, and any other information specified by the State Commission in its written notice.

(e) Within 60 days after the effective date of this amendatory Act of the 98th General Assembly, each manufacturer of beer, distributor, or importing distributor subject to notification under subsection

(d) of this Section shall disclose in writing and under oath the relevant ownership interest and other required information specified in the notification provided by the State Commission pursuant to that subsection. The written disclosure shall, as a mandatory obligation, be tendered to the State Commission by either personal service or via certified or registered mail at the State Commission's Springfield or Chicago office on or before the 60th day during regular business hours. Failure to tender the required written disclosure shall result in the immediate entry of an order by the State Commission suspending the licensee's license within 5 days after the 60th day, and the initiation of proceedings by the State Commission to enter an order to permanently revoke the licensee's license no later than 45 days after providing the licensee with notice and an opportunity for a hearing. Whenever the State Commission has reason to believe that a person has failed to comply with the Commission notice under this Section, it shall notify the Department of Revenue and the Attorney General, and shall file a complaint with the State's Attorney of the county where the alcoholic liquor was delivered or with appropriate law enforcement officials. Failure to make the written disclosure required under this subsection shall constitute a business offense for which the person shall be fined not more than \$5,000 for a first offense, not more than \$10,000 for a second offense, and not more than \$15,000 for a third or subsequent offense.

(f) Within 180 days after the effective date of this amendatory Act of the 98th General Assembly, the State Commission shall review each of the disclosures tendered to the State Commission by licensees pursuant to subsection

(e) and enter an order determining whether or not each licensee is in compliance with subsection

(b) or

(c) of this Section, whichever is applicable, after providing each licensee with notice and an opportunity for a hearing. As part of making its determination, the State Commission shall also consider any information otherwise admissible under Section 10-40 of the Illinois Administrative Procedure Act.

(g) If the State Commission determines, based on a preponderance of record evidence, that a manufacturer of beer, distributor, or importing distributor has no prohibited ownership interest in a licensee in violation of subsection

(b) or

(c) of this Section, then the State Commission shall enter an order finding that the manufacturer of beer, distributor, or importing distributor is in compliance with this Section, record the matter as closed, and serve a copy of the order of compliance on the licensee and each person with an ownership interest in the licensee. If the State Commission determines, based on a preponderance of record evidence, that a manufacturer of beer, as described in paragraph

(19) of subsection

(a) of Section 6-2, has a prohibited ownership interest as set forth in subsection

(b) of this Section, then the State Commission shall enter an order finding that the manufacturer of beer is not in compliance with this Section and that the manufacturer of beer shall divest itself of that interest on or before January 1, 2015, subject to the State Commission's approval of the successive owner pursuant to the State Commission's authority provided in this Act. In addition, the State Commission shall find that the relevant distributor or importing distributor is not in compliance with this Section and that the distributor or importing distributor is required to sever the prohibited ownership interest possessed by the relevant manufacturer of beer on or before January 1, 2015, subject to the State Commission's approval of the successive owner pursuant to the State Commission's authority provided in this Act. If the State Commission determines, based on a preponderance of record evidence, that a distributor or importing distributor, as described in paragraph

(20) of subsection

(a) of Section 6-2, has a prohibited ownership interest as set forth in subsection

(c) of this Section, then the State Commission shall enter an order finding that the relevant distributor or importing distributor is not in compliance with this Section and that the relevant distributor or importing distributor shall divest itself of that interest on or before January 1, 2015, subject to the State Commission's approval of the successive owner pursuant to the State Commission's authority provided in this Act. In addition, the State Commission shall find that the

manufacturer of beer is not in compliance with this Section and that the manufacturer of beer shall sever the prohibited ownership interest possessed by the distributor or importing distributor on or before January 1, 2015, subject to the State Commission's approval of the successive owner pursuant to the State Commission's authority provided in this Act. The State Commission's order shall further find that the continued ownership of the prohibited ownership interest beyond January 1, 2015 by the manufacturer of beer, distributor, or importing distributor is against the public interest and a violation of this Section and Section 6-1.5 of the Act. The State Commission's order shall further find for a manufacturer of beer, as described in paragraph

(19) of subsection

(a) of Section 6-2, found in non-compliance with subsection

(b) of this Section that its license is revoked on January 16, 2015 as to the transport, transfer, or sale of any alcoholic liquor to the relevant distributor or importing distributor that the manufacturer of beer has a prohibited ownership interest in if that interest is not properly divested on January 1, 2015, subject to the State Commission's approval of the successive owner pursuant to the State Commission's authority provided in this Act. In addition, the State Commission shall find that the license of a distributor or importing distributor that is subject to the prohibited ownership interest of the manufacturer of beer is revoked on January 16, 2015 as to the transport, transfer, or sale of alcoholic liquor from the relevant manufacturer of beer to any retailer if that ownership interest is not properly severed on January 1, 2015, subject to the State Commission's approval of the successive owner pursuant to the State Commission's authority provided in this Act. The State Commission's order shall further find for a distributor or importing distributor, as described in paragraph

(20) of subsection

(a) of Section 6-2, found in non-compliance with subsection

(c) of this Section, that its license is revoked on January 16, 2015 as to the transport, transfer, or sale of any alcoholic liquor from the relevant manufacturer of beer to any retailer if that prohibited ownership interest in the manufacturer of beer is not properly divested on January 1, 2015, subject to the State Commission's approval of the successive owner pursuant to the State Commission's authority provided in this Act. In addition, the State Commission shall find that the license of the manufacturer of beer that is subject to the prohibited ownership interest of a distributor or importing distributor is revoked on January 16, 2015 as to the transport, transfer, or sale of alcoholic liquor to the distributor or importing distributor if that ownership interest is not properly severed on January 1, 2015, subject to the State Commission's approval of the successive owner pursuant to the State Commission's authority provided in this Act. The State Commission shall serve a copy of the order of non-compliance on the licensee and each person with an ownership interest in the licensee.

(h) If a person with a prohibited ownership interest in a licensee under subsection

(b) or

(c) of this Section succeeds in divesting itself of or severing that interest and obtains the State Commission's approval of the successive owner pursuant to its authority provided in this Act on or before January 1, 2015, then the State Commission shall enter an order finding that the licensee is in compliance, record the matter as closed, and serve a copy of the order of compliance on the licensee and each person with an ownership interest in the licensee. If a person with a prohibited ownership interest in violation of subsection

(b) or

(c) of this Section fails to divest itself of or sever that interest and obtain the State Commission's approval of the successive owner pursuant to the State Commission's authority provided in this Act on or before January 1, 2015, then the State Commission shall, after notice and an opportunity for a hearing, revoke each licensee's license as specified in subsection

(g) of this Section on January 16, 2015. The State Commission, when entering the order, shall give notice to the person by certified mail to cease and desist all shipments of alcoholic liquor into or within this State and to withdraw from this State within 5 working days after receipt of the notice all shipments of alcoholic liquor in transit. Whenever the State Commission has reason to believe that a person has failed to comply with the State Commission's notice under this Section, it shall notify the Department of Revenue and the Attorney General, and shall file a complaint with the State's Attorney of the county where the alcoholic liquor was delivered, or with appropriate law enforcement officials. Failure to comply with the notice issued by the State Commission under this Section is against the public interest and constitutes a business offense for which the person shall be fined not more than \$5,000 for a first offense, not more than \$10,000 for a

second offense, and not more than \$15,000 for a third or subsequent offense. Each shipment or transfer of alcoholic liquor in violation of the cease and desist notice shall constitute a separate offense.

(i) The power and authority granted to the State Commission under this Section is in addition to any existing power or authority the State Commission has under this Act and its exercise shall be accorded precedence on the State Commission's meeting agenda so as to fully accommodate the schedule for any proceeding under the provisions of this Section. Nothing in this Act shall be construed as limiting or otherwise impairing the ability of the State Commission to conduct future investigations and proceedings sua sponte or pursuant to a complaint to ensure compliance with this Section or paragraph

(19) or

(20) of subsection

(a) of Section 6-2 of this Act. Any future investigations and proceedings shall be conducted by the State Commission on an expedited basis and pursuant to an initiating order entered by the State Commission. The State Commission shall enter its initiating order within 30 days after the receipt of a complaint. The initiating order shall set forth a schedule by which the required notices, disclosures, determinations, or orders specified in subsections (d), (e), (f), (g), and

(h) shall be made or entered, and the period of time by which a licensee shall divest itself of or sever a prohibited ownership interest, which shall be no later than 540 days after the entry of the initiating order.

(j) Any association or non-profit corporation representing beer distributors in this State shall have standing to intervene and otherwise participate as a party in any proceeding undertaken by the State Commission under this Section to review and determine compliance or non-compliance with this Section.

(k) For purposes of this Section, the term "ownership interest" means a legal, equitable, or beneficial interest recognized under Illinois law. The term "prohibited ownership interest" means an ownership interest in a distributor, importing distributor, or manufacturer of beer as specified in this Section.

235 ILCS 5/6-5

Sec. 6-5. Except as otherwise provided in this Section, it is unlawful for any person having a retailer's license or any officer, associate, member, representative or agent of such licensee to accept, receive or borrow money, or anything else of value, or accept or receive credit (other than merchandising credit in the ordinary course of business for a period not to exceed 30 days) directly or indirectly from any manufacturer, importing distributor or distributor of alcoholic liquor, or from any person connected with or in any way representing, or from any member of the family of, such manufacturer, importing distributor, distributor or wholesaler, or from any stockholders in any corporation engaged in manufacturing, distributing or wholesaling of such liquor, or from any officer, manager, agent or representative of said manufacturer. Except as provided below, it is unlawful for any manufacturer or distributor or importing distributor to give or lend money or anything of value, or otherwise loan or extend credit (except such merchandising credit) directly or indirectly to any retail licensee or to the manager, representative, agent, officer or director of such licensee. A manufacturer, distributor or importing distributor may furnish free advertising, posters, signs, brochures, hand-outs, or other promotional devices or materials to any unit of government owning or operating any auditorium, exhibition hall, recreation facility or other similar facility holding a retailer's license, provided that the primary purpose of such promotional devices or materials is to promote public events being held at such facility. A unit of government owning or operating such a facility holding a retailer's license may accept such promotional devices or materials designed primarily to promote public events held at the facility. No retail licensee delinquent beyond the 30 day period specified in this Section shall solicit, accept or receive credit, purchase or acquire alcoholic liquors, directly or indirectly from any other licensee, and no manufacturer, distributor or importing distributor shall knowingly grant or extend credit, sell, furnish or supply alcoholic liquors to any such delinquent retail licensee; provided that the purchase price of all beer sold to a retail licensee shall be paid by the retail licensee in cash on or before delivery of the beer, and unless the purchase price payable by a retail licensee for beer sold to him in returnable bottles shall expressly include a charge for the bottles and cases, the retail licensee shall, on or before delivery of such beer, pay the seller in cash a deposit in an amount not less than the deposit required to be paid by the distributor to the brewer; but where the brewer sells direct to the retailer, the deposit shall be an amount no less than that required by the brewer from his own distributors; and provided further, that in no instance shall this deposit be less than 50 cents for each case of beer in pint or smaller bottles and 60 cents for each case of beer in quart or half-gallon bottles; and provided further, that the purchase price of all beer sold to an importing distributor or distributor shall be paid by such importing distributor or distributor in cash on or before the 15th day (Sundays and holidays excepted) after delivery of such beer to such

purchaser; and unless the purchase price payable by such importing distributor or distributor for beer sold in returnable bottles and cases shall expressly include a charge for the bottles and cases, such importing distributor or distributor shall, on or before the 15th day (Sundays and holidays excepted) after delivery of such beer to such purchaser, pay the seller in cash a required amount as a deposit to assure the return of such bottles and cases. Nothing herein contained shall prohibit any licensee from crediting or refunding to a purchaser the actual amount of money paid for bottles, cases, kegs or barrels returned by the purchaser to the seller or paid by the purchaser as a deposit on bottles, cases, kegs or barrels, when such containers or packages are returned to the seller. Nothing herein contained shall prohibit any manufacturer, importing distributor or distributor from extending usual and customary credit for alcoholic liquor sold to customers or purchasers who live in or maintain places of business outside of this State when such alcoholic liquor is actually transported and delivered to such points outside of this State. A manufacturer, distributor, or importing distributor may furnish free social media advertising to a retail licensee if the social media advertisement does not contain the retail price of any alcoholic liquor and the social media advertisement complies with any applicable rules or regulations issued by the Alcohol and Tobacco Tax and Trade Bureau of the United States Department of the Treasury. A manufacturer, distributor, or importing distributor may list the names of one or more unaffiliated retailers in the advertisement of alcoholic liquor through social media. Nothing in this Section shall prohibit a retailer from communicating with a manufacturer, distributor, or importing distributor on social media or sharing media on the social media of a manufacturer, distributor, or importing distributor. A retailer may request free social media advertising from a manufacturer, distributor, or importing distributor. Nothing in this Section shall prohibit a manufacturer, distributor, or importing distributor from sharing, reposting, or otherwise forwarding a social media post by a retail licensee, so long as the sharing, reposting, or forwarding of the social media post does not contain the retail price of any alcoholic liquor. No manufacturer, distributor, or importing distributor shall pay or reimburse a retailer, directly or indirectly, for any social media advertising services, except as specifically permitted in this Act. No retailer shall accept any payment or reimbursement, directly or indirectly, for any social media advertising services offered by a manufacturer, distributor, or importing distributor, except as specifically permitted in this Act. For the purposes of this Section, "social media" means a service, platform, or site where users communicate with one another and share media, such as pictures, videos, music, and blogs, with other users free of charge. No right of action shall exist for the collection of any claim based upon credit extended to a distributor, importing distributor or retail licensee contrary to the provisions of this Section. Every manufacturer, importing distributor and distributor shall submit or cause to be submitted, to the State Commission, not later than Thursday of each calendar week, a verified written list of the names and respective addresses of each retail licensee purchasing spirits or wine from such manufacturer, importing distributor or distributor who, on the first business day of that calendar week, was delinquent beyond the above mentioned permissible merchandising credit period of 30 days; or, if such is the fact, a verified written statement that no retail licensee purchasing spirits or wine was then delinquent beyond such permissible merchandising credit period of 30 days. Every manufacturer, importing distributor and distributor shall submit or cause to be submitted, to the State Commission, a verified written list of the names and respective addresses of each previously reported delinquent retail licensee who has cured such delinquency by payment, which list shall be submitted not later than the close of the second full business day following the day such delinquency was so cured. The written list of delinquent retail licensees shall be developed, administered, and maintained only by the State Commission. The State Commission shall notify each retail licensee that it has been placed on the delinquency list. Determinations of delinquency or nondelinquency shall be made only by the State Commission. Such written verified reports required to be submitted by this Section shall be posted by the State Commission in each of its offices in places available for public inspection not later than the day following receipt thereof by the State Commission. The reports so posted shall constitute notice to every manufacturer, importing distributor and distributor of the information contained therein. Actual notice to manufacturers, importing distributors and distributors of the information contained in any such posted reports, however received, shall also constitute notice of such information. The 30-day merchandising credit period allowed by this Section shall commence with the day immediately following the date of invoice and shall include all successive days including Sundays and holidays to and including the 30th successive day. In addition to other methods allowed by law, payment by check or credit card during the period for which merchandising credit may be extended under the provisions of this Section shall be considered payment. All checks received in payment for alcoholic liquor shall be promptly deposited for collection. A post dated check or a check dishonored on presentation for payment shall not be deemed payment. A credit card payment in dispute by a retailer shall not be deemed payment, and the debt uncured for merchandising credit shall be reported as delinquent. Nothing in this Section shall prevent a distributor, self-distributing manufacturer, or importing distributor from assessing a usual and customary transaction fee representative of the actual finance charges incurred for processing a credit card payment. This transaction fee shall be disclosed on the invoice. It shall be considered unlawful for a distributor, importing distributor,

or self-distributing manufacturer to waive finance charges for retailers. A retail licensee shall not be deemed to be delinquent in payment for any alleged sale to him of alcoholic liquor when there exists a bona fide dispute between such retailer and a manufacturer, importing distributor or distributor with respect to the amount of indebtedness existing because of such alleged sale. A retail licensee shall not be deemed to be delinquent under this provision and 11 Ill. Adm. Code 100.90 until 30 days after the date on which the region in which the retail licensee is located enters Phase 4 of the Governor's Restore Illinois Plan as issued on May 5, 2020. A delinquent retail licensee who engages in the retail liquor business at 2 or more locations shall be deemed to be delinquent with respect to each such location. The license of any person who violates any provision of this Section shall be subject to suspension or revocation in the manner provided by this Act. If any part or provision of this Article or the application thereof to any person or circumstances shall be adjudged invalid by a court of competent jurisdiction, such judgment shall be confined by its operation to the controversy in which it was mentioned and shall not affect or invalidate the remainder of this Article or the application thereof to any other person or circumstance and to this and the provisions of this Article are declared severable.

235 ILCS 5/6-5.5 — Consignment sales prohibited; retailer returns

Sec. 6-5.5. Consignment sales prohibited; retailer returns.

(a) In this Section, "retailer" means a retailer, special event retailer, special use permit licensee, caterer retailer, or brew pub.

(b) It is unlawful for a manufacturer with self-distribution privileges, importing distributor, or distributor to sell, offer for sale, or contract to sell to any retailer, or for any such retailer to purchase, offer to purchase, or contract to purchase any products:

(1) on consignment or conditional sale, pursuant to which the retailer has no obligation to pay for the product until sold;

(2) with the privilege of return unless expressly authorized in this Act;

(3) on any basis other than a bona fide sale; or

(4) if any part of the sale involves, directly or indirectly, the acquisition by the retailer of other products from a manufacturer with self-distribution privileges, importing distributor, or distributor, or an agreement to acquire other products from the manufacturer with self-distribution privileges, importing distributor, or distributor.

(c) Transactions involving the bona fide return of products for ordinary and usual commercial reasons arising after the product has been sold are not prohibited.

(d) Unless there is a bona fide business reason for replacement of an alcoholic liquor product when delivered, the alcoholic liquor product may not be replaced free of charge to a retailer. Replacement of an alcoholic liquor product damaged while in a retailer's possession constitutes the providing of something of value and is a violation of Sections 6-4, 6-5, and 6-6 of this Act. A manufacturer with self-distribution privileges, importing distributor, or distributor is not required to accept the return of products for the reasons stated in items

(1) through

(7) of subsection (f).

(1) A manufacturer with self-distribution privileges, importing distributor, or distributor may not accept the return of alcoholic liquor products as breakage if the product was damaged after delivery and while in the possession of the retailer. The manufacturer with self-distribution privileges, importing distributor, or distributor may replace damaged cartons, packaging, or carrying containers of alcoholic liquor at any time.

(2) Alcoholic liquor products or other compensation shall not be furnished to a retailer for product breakage that occurs as a result of handling by the retailer or its agents, employees, or customers.

(3) If an alcoholic liquor product has been damaged prior to or at the time of actual delivery, the product may only be exchanged for an equal quantity of identical product or returned for credit. If an identical product is unavailable, a similar type of product, including a similarly priced product, may be exchanged.

(4) If an alcoholic liquor product has been damaged prior to or at the time of actual delivery, the product may be exchanged no later than 15 days after delivery under the following conditions: (A) If the pre-delivery damage is visible at the time of delivery, the retailer must identify the damaged product immediately. (B) If the damage is latent and not visible at the time of delivery, the retailer must notify the manufacturer with self-distribution privileges, importing distributor, or distributor of the pre-delivery damage within 15 days after delivery, or the date of invoice, whichever is later.

(e) It is unlawful to sell, offer to sell, or contract to sell alcoholic liquor products with the privilege of return for any reason, other than those considered to be ordinary and usual commercial reasons, arising after the product has been sold. A manufacturer with self-distribution privileges, importing distributor, or distributor is under no obligation to accept a return or make an exchange for any product. A manufacturer with self-distribution privileges, importing distributor, or distributor that elects to make an authorized exchange of a product or return of a product for cash or credit does so at its sole discretion and must maintain proper books and records of the transaction in accordance with 11 Ill. Adm. Code 100.130.

(f) Ordinary and usual commercial reasons for the return of alcoholic liquor products are limited to the following:

(1) Defective products. Products that are unmarketable because of product deterioration, leaking containers, damaged labels, or missing or mutilated tamper evident closures may be exchanged for an equal quantity of identical or similar products, including similarly priced products, or credit against outstanding indebtedness.

(2) Error in products delivered. Any discrepancy between products ordered and products delivered may be corrected, within 15 days after the date of delivery or date of invoice, whichever is later, by exchange of the products delivered for those that were ordered or by a return for credit against outstanding indebtedness.

(3) Products that may no longer be lawfully sold. Products that may no longer be lawfully sold may be returned for credit against outstanding indebtedness. This includes situations in which, due to a change in regulation or administrative procedure over which a retailer has no control, a particular size or brand is no longer permitted to be sold.

(4) Termination of business. Products on hand at the time a retailer terminates operations may be returned for cash or credit against outstanding indebtedness. This does not include a temporary seasonal shutdown.

(5) Change in products. A retailer's inventory of a product that has been changed in formula, proof, label, or container may be exchanged for equal quantities of the new version of that product.

(6) Discontinued products. If a manufacturer, non-resident dealer, foreign importer, or importing distributor discontinues the production or importation of a product, a retailer may return its inventory of that product for cash or credit against outstanding indebtedness.

(7) Seasonal dealers. Manufacturers with self-distribution privileges, importing distributors, or distributors may accept the return of product from retailers who are only open a portion of the year if the products are likely to spoil during the off-season. These returns shall be for cash or credit against outstanding indebtedness.

(g) Without limitation, the following are not considered ordinary and commercial reasons to justify a return of an alcoholic liquor product:

(1) Overstocked and slow-moving alcoholic liquor products. The return or exchange of a product because it is overstocked or slow moving does not constitute a return for ordinary and usual commercial reasons.

(2) Seasonal alcoholic liquor products. The return for cash or credit or exchange of wine or spirits for which there is only a limited or seasonal demand, such as holiday decanters and certain distinctive bottles, does not constitute a return for ordinary and usual commercial reasons. Nothing in this item

(2) prohibits the exchange of seasonal beer products for similarly priced beer products.

(h) Nothing in this Section prohibits a manufacturer with self-distribution privileges, importing distributor, or distributor from accepting the return of beer from a retailer if the beer is near or beyond its freshness date, code date, pull date, or other similar date marking the deterioration or freshness of the beer if:

(1) the brewer has policies and procedures in place that specify the date the retailer must pull the product;

(2) the brewer's freshness return or exchange policies and procedures are readily verifiable and consistently followed by the brewer; and

(3) the container has identifying markings that correspond with this date. Returns under this subsection may be accepted in return for credit against indebtedness or equal amounts of the same or similar beer, including a similarly priced product. For purposes of this Section, beer is near code on any date on or before the freshness or code date not to exceed 30 days prior to the freshness or code date. If near-code beer is returned, a manufacturer with self-distribution privileges, importing distributor, or distributor may sell near-code beer to another retailer who may reasonably sell the beer on or before the expiration of the freshness or code date. No beer shall be returned as near-code prior to 30 days of the freshness or code date. It is a violation of this Section for a retailer to hold beer for the purpose of returning beer as out of code.

235 ILCS 5/6-6

Sec. 6-6. Except as otherwise provided in this Act no manufacturer or distributor or importing distributor shall, directly or indirectly, sell, supply, furnish, give or pay for, or loan or lease, any furnishing, fixture or equipment on the premises of a place of business of another licensee authorized under this Act to sell alcoholic liquor at retail, either for consumption on or off the premises, nor shall he or she, directly or indirectly, pay for any such license, or advance, furnish, lend or give money for payment of such license, or purchase or become the owner of any note, mortgage, or other evidence of indebtedness of such licensee or any form of security therefor, nor shall such manufacturer, or distributor, or importing distributor, directly or indirectly, be interested in the ownership, conduct or operation of the business of any licensee authorized to sell alcoholic liquor at retail, nor shall any manufacturer, or distributor, or importing distributor be interested directly or indirectly or as owner or part owner of said premises or as lessee or lessor thereof, in any premises upon which alcoholic liquor is sold at retail. No manufacturer or distributor or importing distributor shall, directly or indirectly or through a subsidiary or affiliate, or by any officer, director or firm of such manufacturer, distributor or importing distributor, furnish, give, lend or rent, install, repair or maintain, to or for any retail licensee in this State, any signs or inside advertising materials except as provided in this Section and Section 6-5. With respect to retail licensees, other than any government owned or operated auditorium, exhibition hall, recreation facility or other similar facility holding a retailer's license as described in Section 6-5, a manufacturer, distributor, or importing distributor may furnish, give, lend or rent and erect, install, repair and maintain to or for any retail licensee, for use at any one time in or about or in connection with a retail establishment on which the products of the manufacturer, distributor or importing distributor are sold, the following signs and inside advertising materials as authorized in subparts (i), (ii), (iii), and (iv):

(i) Permanent outside signs shall cost not more than \$3,000 per brand, exclusive of erection, installation, repair and maintenance costs, and permit fees and shall bear only the manufacturer's name, brand name, trade name, slogans, markings, trademark, or other symbols commonly associated with and generally used in identifying the product including, but not limited to, "cold beer", "on tap", "carry out", and "packaged liquor". (ii) Temporary outside signs shall include, but not be limited to, banners, flags, pennants, streamers, and other items of a temporary and non-permanent nature, and shall cost not more than \$1,000 per manufacturer. Each temporary outside sign must include the manufacturer's name, brand name, trade name, slogans, markings, trademark, or other symbol commonly associated with and generally used in identifying the product. Temporary outside signs may also include, for example, the product, price, packaging, date or dates of a promotion and an announcement of a retail licensee's specific sponsored event, if the temporary outside sign is intended to promote a product, and provided that the announcement of the retail licensee's event and the product promotion are held simultaneously. However, temporary outside signs may not include names, slogans, markings, or logos that relate to the retailer. Nothing in this subpart (ii) shall prohibit a distributor or importing distributor from bearing the cost of creating or printing a temporary outside sign for the retail licensee's specific sponsored event or from bearing the cost of creating or printing a temporary sign for a retail licensee containing, for example, community goodwill expressions, regional sporting event announcements, or seasonal messages, provided that the primary purpose of the temporary outside sign is to highlight, promote, or advertise the product. In addition, temporary outside signs provided by the manufacturer to the distributor or importing distributor may also include, for example, subject to the limitations of this Section, preprinted community goodwill expressions, sporting event announcements, seasonal messages, and manufacturer promotional announcements. However, a distributor or importing distributor shall not bear the cost of such manufacturer preprinted signs. (iii) Permanent inside signs, whether visible from the outside or the inside of the premises, include, but are not limited to: alcohol lists and menus that may include names, slogans, markings, or logos that relate to the retailer; neons; illuminated signs; clocks; table lamps; mirrors; tap handles; decalcomanias; window painting; and window trim. All neons, illuminated signs, clocks, table lamps, mirrors, and tap handles are the property of the manufacturer and shall be returned to the manufacturer or its agent upon request. All permanent inside signs in place and in use at any one time shall cost in the aggregate not more than \$6,000 per manufacturer. A permanent inside sign must include the manufacturer's name, brand name, trade name, slogans, markings, trademark, or other symbol commonly associated with and generally used in identifying the product. However, permanent inside signs may not include names, slogans, markings, or logos that relate to the retailer. For the purpose of this subpart (iii), all permanent inside signs may be displayed in an adjacent courtyard or patio commonly referred to as a "beer garden" that is a part of the retailer's licensed premises. (iv) Temporary inside signs shall include, but are not limited to, lighted chalk boards, acrylic table tent beverage or hors d'oeuvre list holders, banners, flags, pennants, streamers, and inside advertising materials such as posters, placards, bowling sheets, table tents, inserts for acrylic table tent beverage or hors d'oeuvre list holders, sports schedules, or similar printed or illustrated materials and product displays, such as display racks, bins, barrels, or similar

items, the primary function of which is to temporarily hold and display alcoholic beverages; however, such items, for example, as coasters, trays, napkins, glassware, growlers, crowlers, and cups shall not be deemed to be inside signs or advertising materials and may only be sold to retailers at fair market value, which shall be no less than the cost of the item to the manufacturer, distributor, or importing distributor. All temporary inside signs and inside advertising materials in place and in use at any one time shall cost in the aggregate not more than \$1,000 per manufacturer. Nothing in this subpart (iv) prohibits a distributor or importing distributor from paying the cost of printing or creating any temporary inside banner or inserts for acrylic table tent beverage or hors d'oeuvre list holders for a retail licensee, provided that the primary purpose for the banner or insert is to highlight, promote, or advertise the product. For the purpose of this subpart (iv), all temporary inside signs and inside advertising materials may be displayed in an adjacent courtyard or patio commonly referred to as a "beer garden" that is a part of the retailer's licensed premises. The restrictions contained in this Section 6-6 do not apply to signs, or promotional or advertising materials furnished by manufacturers, distributors or importing distributors to a government owned or operated facility holding a retailer's license as described in Section 6-5. No distributor or importing distributor shall directly or indirectly or through a subsidiary or affiliate, or by any officer, director or firm of such manufacturer, distributor or importing distributor, furnish, give, lend or rent, install, repair or maintain, to or for any retail licensee in this State, any signs or inside advertising materials described in subparts (i), (ii), (iii), or (iv) of this Section except as the agent for or on behalf of a manufacturer, provided that the total cost of any signs and inside advertising materials including but not limited to labor, erection, installation and permit fees shall be paid by the manufacturer whose product or products said signs and inside advertising materials advertise and except as follows: A distributor or importing distributor may purchase from or enter into a written agreement with a manufacturer or a manufacturer's designated supplier and such manufacturer or the manufacturer's designated supplier may sell or enter into an agreement to sell to a distributor or importing distributor permitted signs and advertising materials described in subparts (ii), (iii), or (iv) of this Section for the purpose of furnishing, giving, lending, renting, installing, repairing, or maintaining such signs or advertising materials to or for any retail licensee in this State. Any purchase by a distributor or importing distributor from a manufacturer or a manufacturer's designated supplier shall be voluntary and the manufacturer may not require the distributor or the importing distributor to purchase signs or advertising materials from the manufacturer or the manufacturer's designated supplier. A distributor or importing distributor shall be deemed the owner of such signs or advertising materials purchased from a manufacturer or a manufacturer's designated supplier. The provisions of Public Act 90-373 concerning signs or advertising materials delivered by a manufacturer to a distributor or importing distributor shall apply only to signs or advertising materials delivered on or after August 14, 1997. A manufacturer, distributor, or importing distributor may furnish free social media advertising to a retail licensee if the social media advertisement does not contain the retail price of any alcoholic liquor and the social media advertisement complies with any applicable rules or regulations issued by the Alcohol and Tobacco Tax and Trade Bureau of the United States Department of the Treasury. A manufacturer, distributor, or importing distributor may list the names of one or more unaffiliated retailers in the advertisement of alcoholic liquor through social media. Nothing in this Section shall prohibit a retailer from communicating with a manufacturer, distributor, or importing distributor on social media or sharing media on the social media of a manufacturer, distributor, or importing distributor. A retailer may request free social media advertising from a manufacturer, distributor, or importing distributor. Nothing in this Section shall prohibit a manufacturer, distributor, or importing distributor from sharing, reposting, or otherwise forwarding a social media post by a retail licensee, so long as the sharing, reposting, or forwarding of the social media post does not contain the retail price of any alcoholic liquor. No manufacturer, distributor, or importing distributor shall pay or reimburse a retailer, directly or indirectly, for any social media advertising services, except as specifically permitted in this Act. No retailer shall accept any payment or reimbursement, directly or indirectly, for any social media advertising services offered by a manufacturer, distributor, or importing distributor, except as specifically permitted in this Act. For the purposes of this Section, "social media" means a service, platform, or site where users communicate with one another and share media, such as pictures, videos, music, and blogs, with other users free of charge. No person engaged in the business of manufacturing, importing or distributing alcoholic liquors shall, directly or indirectly, pay for, or advance, furnish, or lend money for the payment of any license for another. Any licensee who shall permit or assent, or be a party in any way to any violation or infringement of the provisions of this Section shall be deemed guilty of a violation of this Act, and any money loaned contrary to a provision of this Act shall not be recovered back, or any note, mortgage or other evidence of indebtedness, or security, or any lease or contract obtained or made contrary to this Act shall be unenforceable and void. This Section shall not apply to airplane licensees exercising powers provided in paragraph

(i) of Section 5-1 of this Act.

235 ILCS 5/6-6.1 — Stocking, rotation, resetting, and pricing services

Sec. 6-6.1. Stocking, rotation, resetting, and pricing services.

(a) In this Section: "Reset" means the large-scale rearrangement of the alcoholic liquor products at a retailer's premises. "Rotation" means moving newer, fresher products from a storage area to a point-of-sale area and the replenishing of the point-of-sale area with fresh products. "Stocking" means the placing of alcoholic liquors where they are to be stored or where they are offered for sale.

(b) Manufacturers, distributors, or importing distributors may stock at retail licensed establishments alcoholic liquors they sell, provided that the alcoholic liquor products of other manufacturers, distributors, or importing distributors are not moved, altered, or disturbed. This stocking may be done one time either during the normal course of, 24 hours before, or within 24 hours after a regular sales call or one time either during the normal course of, 24 hours before, or within 24 hours after delivery to the retailer. The stocking is considered service incidental to a sales call or delivery.

(c) Manufacturers, distributors, or importing distributors may rotate their own alcoholic liquor products at a retailer's premises one time either during the normal course of, 24 hours before, or within 24 hours after a regular sales call or one time either during the normal course of, 24 hours before, or within 24 hours after delivery to the retailer. Rotation may be performed at any location within a retailer's premises.

(d) Manufacturers, distributors, or importing distributors may participate in or be present at merchandising resets conducted at a retailer's premises no more than 4 times per year. During resets, manufacturers, distributors, or importing distributors may stock or restock entire sections of point-of-sale locations at the retailer's premises. No reset shall occur without at least 14 days' prior notice made by the retailer to all manufacturers, distributors, or importing distributors whose alcoholic liquor products are carried by the retailer. Manufacturers, distributors, or importing distributors may only move, alter, disturb, or displace their alcoholic liquor products and the products of properly notified, but nonattending, manufacturers, distributors, or importing distributors.

(e) Manufacturers, distributors, or importing distributors may provide to retailers recommended diagrams, shelf plans, or shelf schematics that suggest beneficial display locations for their alcoholic liquor products at the retailer's premises. Manufacturers, distributors, or importing distributors may not condition pricing discounts, credits, rebates, access to brands, or the provision of any other item or activity permissible under this Act upon a retailer's choice to implement or not implement diagrams, shelf plans, or shelf schematics.

(f) Manufacturers, distributors, or importing distributors may not affix prices to products on behalf of retailers. This prohibition includes the indirect affixing of prices to product, including entering prices into a retailer's computer system. This prohibition does not prohibit manufacturers, distributors, or importing distributors, after stocking a shelf, from affixing shelf tags that identify the product and price of the alcoholic liquor; however, at no time may manufacturers, distributors, or importing distributors delegate or contract this service to a third party. Shelf tags are considered point-of-sale advertising materials and are subject to Section 6-6. If permitted stocking by manufacturers, distributors, or importing distributors involves movement and a change in the placement of its product on the retailer's shelf, shelf tags may be moved to the new position of the product.

235 ILCS 5/6-6.3 — Non-alcoholic merchandise

Sec. 6-6.3. Non-alcoholic merchandise.

(a) Nothing in this Act shall authorize the Illinois Liquor Control Commission to regulate or exercise jurisdiction over any action, transaction, and business of manufacturers, distributors, or retailers engaged in any transaction involving the furnishing, selling, or offering for sale of non-alcoholic merchandise by manufacturers, distributors, or retailers, unless the transaction involves expressed or implied agreements or understandings prohibited by this Act.

(b) Non-alcoholic merchandise may be sold by a manufacturer class license holder, non-resident dealer, foreign importer, importing distributor, or distributor to a retail licensee if:

(1) the manufacturer class license holder, non-resident dealer, foreign importer, importing distributor, or distributor is also in business as a bona fide producer or vendor of other merchandise;

(2) the merchandise is sold at its fair market value;

(3) the non-alcoholic merchandise is not sold in combination with alcoholic liquor or conditioned on the sale of alcoholic liquor;

(4) the manufacturer class license holder's, non-resident dealer's, foreign importer's, importing distributor's, or distributor's acquisition or production costs of the non-alcoholic merchandise appear on the manufacturer class license holder's, non-resident dealer's, foreign importer's, importing distributor's, or distributor's purchase invoices or other records;

(5) the individual selling prices of the non-alcoholic merchandise and alcoholic liquor sold in a single transaction can be determined from commercial documents covering the sales transaction if non-alcoholic merchandise is sold in the same transaction as alcoholic liquor; and

(6) the price is collected by the manufacturer class license holder, non-resident dealer, foreign importer, or distributor within 30 days of the date of the sale, unless other terms are established in writing between the parties.

(c) The State Commission may not prohibit the sale of non-alcoholic merchandise if it is sold in the manner in which the non-alcoholic merchandise is sold by a manufacturer or distributor that is not licensed by the State Commission; provided, however, that all invoices for non-alcoholic merchandise sold by a manufacturer class license holder, non-resident dealer, foreign importer, importing distributor, or distributor that is also in business as a bona fide producer or vendor of other merchandise must be in compliance with the books and records requirements of 11 Ill. Adm. Code 100.130. If the non-alcoholic merchandise is sold on the same invoice as an alcoholic liquor product, the 30-day merchandising credit provisions of Section 6-5 of this Act shall apply to the entire transaction, including the non-alcoholic merchandise.

(d) Except as provided in subsection (f), a manufacturer class license holder, non-resident dealer, foreign importer, importing distributor, or distributor that is also in business as a bona fide producer or vendor of non-alcoholic merchandise shall not condition the sale of its alcoholic liquor on the sale of its non-alcoholic merchandise and shall not combine the sale of its alcoholic liquor with the sale of its non-alcoholic merchandise. A manufacturer class license holder, non-resident dealer, foreign importer, importing distributor, or distributor that is also in business as a bona fide producer or vendor of non-alcoholic merchandise may sell, market, and promote non-alcoholic merchandise in the same manner in which the non-alcoholic merchandise is sold, marketed, or promoted by a manufacturer or distributor not licensed by the State Commission.

(e) Notwithstanding the prohibited furnishing or providing of fixtures, equipment, and furnishings to retailers as contained in Section 6-6 of this Act, the act of a manufacturer class license holder, non-resident dealer, foreign importer, importing distributor, or distributor furnishing or providing retailers with fixtures, equipment, or furnishings for the limited purpose of storing, servicing, displaying, advertising, furnishing, selling, or aiding in the sale of non-alcoholic merchandise is permitted, only to the extent allowed by this Section, and such fixtures, equipment, and furnishings shall not be used by the retail licensee to store, service, display, advertise, furnish, sell, or aid in the sale of alcoholic liquors. All such fixtures, equipment, or furnishings shall be identified by the retail licensee as being furnished by a manufacturer class license holder, non-resident dealer, foreign importer, importing distributor, or distributor licensed by the State Commission and, if purchased by the retail licensee and sold on the same invoice as alcoholic liquor products, the price must be collected by the manufacturer class license holder, non-resident dealer, foreign importer, importing distributor, or distributor selling the same within 30 days of the date of sale.

(f) Notwithstanding any provision of this Act to the contrary, a manufacturer class license holder, non-resident dealer, foreign importer, importing distributor, or distributor may package and distribute alcoholic liquor in combination with other non-alcoholic merchandise products if the alcoholic liquor and non-alcoholic merchandise was originally packaged together for ultimate sale to consumers by the manufacturer or agent of the manufacturer as originally packaged by the manufacturer or agent of the manufacturer for ultimate sale to consumers.

235 ILCS 5/6-6.5 — Sanitation and use of growlers and crowlers

Sec. 6-6.5. Sanitation and use of growlers and crowlers.

(a) A manufacturer, distributor, or importing distributor may not provide for free, but may sell coil cleaning services and installation services, including labor costs, to a retail licensee at fair market cost. A manufacturer, distributor, or importing distributor may not provide for free, but may sell dispensing accessories to retail licensees at a price not less than the cost to the manufacturer, distributor, or importing distributor who initially purchased them. Dispensing accessories include, but are not limited to, items such as standards, faucets, cold plates, rods, vents, taps, tap standards, hoses, washers, couplings, gas gauges, vent tongues, shanks, glycol draught systems, pumps, and check valves. A manufacturer, distributor, or importing distributor may service, balance, or inspect draft beer, wine, or distilled spirits systems at regular intervals and may provide labor to replace or install dispensing accessories. Coil cleaning supplies consisting of detergents, cleaning chemicals, brushes, or similar type cleaning devices may be sold at a price not less than the cost to

the manufacturer, distributor, or importing distributor. (a-5) A manufacturer of beer licensed under subsection (e) of Section 6-4 or a brew pub may transfer any beer manufactured or sold on its licensed premises to a growler or crowler and sell those growlers or crowlers to non-licensees for consumption off the premises. A manufacturer of beer under subsection

(e) of Section 6-4 or a brew pub is not subject to subsection

(b) of this Section.

(b) An on-premises retail licensee may transfer beer to a growler or crowler, which is not an original manufacturer container, but is a reusable rigid container that holds up to 128 fluid ounces of beer and is designed to be sealed on premises by the licensee for off-premises consumption, if the following requirements are met:

(1) the beer is transferred within the licensed premises by an employee of the licensed premises at the time of sale;

(2) the person transferring the alcohol to be sold to the end consumer is 21 years of age or older;

(3) the growler or crowler holds no more than 128 fluid ounces;

(4) the growler or crowler bears a twist-type closure, cork, stopper, or plug and includes a one-time use tamper-proof seal;

(5) the growler or crowler is affixed with a label or tag that contains the following information: (A) the brand name of the product dispensed; (B) the name of the brewer or bottler; (C) the type of product, such as beer, ale, lager, bock, stout, or other brewed or fermented beverage; (D) the net contents; (E) the name and address of the business that cleaned, sanitized, labeled, and filled or refilled the growler or crowler; and (F) the date the growler or crowler was filled or refilled;

(5.5) the growler or crowler has been purged with CO₂ prior to sealing the container;

(6) the on-premises retail licensee complies with the sanitation requirements under subsections

(a) through

(c) of 11 Ill. Adm. Code 100.160 when sanitizing the dispensing equipment used to draw beer to fill the growler or crowler or refill the growler;

(7) before filling the growler or crowler or refilling the growler, the on-premises retail licensee or licensee's employee shall clean and sanitize the growler or crowler in one of the following manners: (A) By manual washing in a 3-compartment sink.

(i) Before sanitizing the growler or crowler, the sinks and work area shall be cleaned to remove any chemicals, oils, or grease from other cleaning activities. (ii) Any residual liquid from the growler shall be emptied into a drain. A growler shall not be emptied into the cleaning water. (iii) The growler and cap shall be cleaned in water and detergent. The water temperature shall be, at a minimum, 110 degrees Fahrenheit or the temperature specified on the cleaning agent manufacturer's label instructions. The detergent shall not be fat-based or oil-based. (iv) Any residues on the interior and exterior of the growler shall be removed.

(v) The growler and cap shall be rinsed with water in the middle compartment. Rinsing may be from the spigot with a spray arm, from a spigot, or from a tub as long as the water for rinsing is not stagnant but is continually refreshed. (vi) The growler shall be sanitized in the third compartment. Chemical sanitizer shall be used in accordance with the United States Environmental Protection Agency-registered label use instructions and shall meet the minimum water temperature requirements of that chemical. (vii) A test kit or other device that accurately measures the concentration in milligrams per liter of chemical sanitizing solutions shall be provided and be readily accessible for use. (B) By using a mechanical washing and sanitizing machine.

(i) Mechanical washing and sanitizing machines shall be provided with an easily accessible and readable data plate affixed to the machine by the manufacturer and shall be used according to the machine's design and operation specifications. (ii) Mechanical washing and sanitizing machines shall be equipped with chemical or hot water sanitization. (iii) The concentration of the sanitizing solution or the water temperature shall be accurately determined by using a test kit or other device. (iv) The machine shall be regularly serviced based upon the manufacturer's or installer's guidelines. (C) By transferring beer to a growler or crowler with a tube.

(i) Beer may be transferred to a growler or crowler from the bottom of the growler or crowler to the top with a tube that is attached to the tap and extends to the bottom of the growler or crowler or with a commercial filling machine. (ii) Food grade sanitizer shall be used in accordance with the United States Environmental Protection Agency-registered label use instructions. (iii) A container of liquid food grade sanitizer shall be maintained for no more than 10 malt beverage taps that

will be used for filling growlers or crowlers and refilling growlers. (iv) Each container shall contain no less than 5 tubes that will be used only for filling growlers or crowlers and refilling growlers.

(v) The growler or crowler must be inspected visually for contamination. (vi) After each transfer of beer to a growler or crowler, the tube shall be immersed in the container with the liquid food grade sanitizer. (vii) A different tube from the container must be used for each fill of a growler or crowler or refill of a growler.

(c) Growlers and crowlers that comply with items

(4) and

(5) of subsection

(b) shall not be deemed an unsealed container for purposes of Section 11-502 of the Illinois Vehicle Code.

(d) Growlers and crowlers, as described and authorized under this Section, are not original packages for the purposes of this Act. Upon a consumer taking possession of a growler or crowler from an on-premises retail licensee, the growler or crowler and its contents are deemed to be in the sole custody, control, and care of the consumer.

235 ILCS 5/6-6.6 — Giving, selling, and leasing dispensing equipment

Sec. 6-6.6. Giving, selling, and leasing dispensing equipment. Notwithstanding any provision of this Act to the contrary, a manufacturer, distributor, or importing distributor may:

(1) give dispensing equipment free of charge to a retailer, special use permit licensee, or caterer retailer one time per year for a one-day period. A manufacturer, distributor, or importing distributor shall not supply a retailer, special use permit licensee, or caterer retailer with free beer, wine, spirits, or any other item of value for the same one-day period the dispensing equipment is given, except as otherwise provided in this Act or the Illinois Administrative Code;

(2) give dispensing equipment free of charge to a special event retailer only for the duration of the licensed special event. A manufacturer, distributor, or importing distributor shall not supply a special event retailer with free beer, wine, or distilled spirits for the event the dispensing equipment is given, except as otherwise provided in this Act or the Illinois Administrative Code; or

(3) sell dispensing equipment to a retailer, special event retailer, special use permit licensee, or caterer retailer for a price that is not less than the cost to the manufacturer, distributor, or importing distributor. For purposes of this paragraph (3), the cost of dispensing equipment is the amount that the manufacturer, distributor, or importing distributor paid for the dispensing equipment. If the manufacturer, distributor, or importing distributor did not pay for the dispensing equipment but was given the equipment, the cost of the dispensing equipment is equal to

(i) the amount another manufacturer, distributor, or importing distributor paid for the dispensing equipment, (ii) the cost of manufacturing or producing the dispensing equipment, or (iii) the fair market value of the dispensing equipment. A manufacturer, distributor, or importing distributor may also enter into a written lease for the fair market value of the dispensing equipment to retailers, special event retailers, special use permit licensees, or caterer retailers. The manufacturer, distributor, or importing distributor shall invoice and collect the sale price or payment for the entire lease period from the retailer, special event retailer, special use permit licensee, or caterer retailer within 30 days of the date of the invoice or from the date the lease is executed. The term of any lease for dispensing equipment shall not exceed 180 days in the aggregate in one calendar year, and no lease shall be renewed automatically. There shall be a lapse of 90 consecutive days before the beginning of a new lease term. At the direction of the manufacturer, distributor, or importing distributor, the retailer, special event retailer, special use permit licensee, or caterer retailer shall return the equipment or the manufacturer, distributor, or importing distributor shall retrieve the dispensing equipment at the termination of the lease. In this Section, "dispensing equipment" means any portable or temporary unit the primary purpose of which is to pour alcoholic liquor or to maintain the alcoholic liquor in a consumable state. "Dispensing equipment" includes courtesy wagons, beer wagons, beer trailers, ice bins, draft coolers, coil boxes, portable bars, and kiosks. "Dispensing equipment" does not include permanent tap systems, permanent refrigeration systems, or any other built-in or physically attached fixture of the retailer, special event retailer, special use permit licensee, or caterer retailer. In this Section, "fair market value" for the purposes of leasing dispensing equipment means

(i) the cost of depreciation of the dispensing equipment to the manufacturer, distributor, or importing distributor for the same period of the lease or (ii) the cost of depreciation the manufacturer, distributor, or importing distributor would have incurred based upon the market value of the dispensing equipment if the manufacturer, distributor, or importing distributor did not pay for the dispensing equipment or if the dispensing equipment is fully depreciated.

235 ILCS 5/6-7

Sec. 6-7. No manufacturer or distributor or importing distributor or foreign importer shall sell or deliver any package containing alcoholic liquor manufactured or distributed by him unless the same shall have affixed thereto all cancelled revenue stamps which may be provided by Federal law, and shall also bear thereon a clear and legible label containing the name and address of the manufacturer, the kind of alcoholic liquor contained therein, and in the case of alcoholic liquor (other than beer and imported Scotch whiskey and brandy 4 years old or more) the date when manufactured and the minimum alcoholic content thereof. No person or persons, corporation, partnership or firm shall label alcoholic liquor as "whiskey" or "gin" or shall import for sale or shall sell in this State alcoholic liquor labeled as "whiskey" or "gin" unless the entire alcoholic content thereof, except flavoring materials, is a distillate of fermented mash of grain or mixture of grains. Alcoholic liquor of the type of whiskey or gin not conforming to this requirement must be labeled "imitation whiskey" or "imitation gin" (as the case may be). No spirits shall contain any substance, compound or ingredient which is injurious to health or deleterious for human consumption. No package shall be delivered by any manufacturer or distributor or importing distributor or foreign importer unless the same shall be securely sealed so that the contents thereof cannot be removed without breaking the seal so placed thereon by said manufacturer, and no other licensee shall sell, have in his possession, or use any package or container which does not comply with this Section or does not bear evidence that said package, when delivered to him, complied herewith.

235 ILCS 5/6-8

Sec. 6-8. Each manufacturer or importing distributor or foreign importer shall keep an accurate record of all alcoholic liquors manufactured, distributed, sold, used, or delivered by him in this State during each month, showing therein to whom sold, and shall furnish a copy thereof or a report thereon to the State Commission, as the State Commission may, request. Each importing distributor or manufacturer to whom alcoholic liquors imported into this State have been consigned shall effect possession and physical control thereof by storing such alcoholic liquors in the premises wherein such importing distributor or manufacturer is licensed to engage in such business as an importing distributor or manufacturer and to make such alcoholic liquors together with accompanying invoices, bills of lading and receiving tickets available for inspection by an agent or representative of the Department of Revenue and of the State Commission. All alcoholic liquor imported into this State must be off-loaded from the common carrier, vehicle, or mode of transportation by which the alcoholic liquor was delivered into this State. The alcoholic liquor shall be stored at the licensed premises of the importing distributor before sale and delivery to licensees in this State. A distributor or importing distributor, upon application to the Commission, may secure a waiver of the provisions of this Section for purposes of delivering beer directly to a licensee holding or otherwise participating in a special event sponsored by a unit of government or a not-for-profit organization. A manufacturer of beer that imports or transfers beer into this State must comply with the provisions of this Section.

235 ILCS 5/6-9 — Registration of trade marks; sale within geographical area; delivery to authorized persons

Sec. 6-9. Registration of trade marks; sale within geographical area; delivery to authorized persons. The Legislature hereby finds and declares that for purposes of ensuring the preservation and enhancement of interbrand competition in the alcoholic liquor industry within the State, ensuring that importation and distribution of alcoholic liquor in the State will be subject to thorough and inexpensive monitoring by the State, reducing the importation of illicit or untaxed alcoholic liquor into the State, excluding misbranded alcoholic liquor products from the State, providing incentives to distributors to service and sell to larger numbers of retail licensees in the geographic area where such distributors are engaged in business, and reducing the amount of spoiled and overaged alcoholic liquor products sold to consumers, it is necessary to restrict the purchase of alcoholic liquors at wholesale in the State to those persons selected by the manufacturer, distributor, importing distributor or foreign importer who owns or controls the trade mark, brand or name of the alcoholic liquor products sold to such persons, and to restrict the geographic area or areas within which such persons sell such alcoholic liquor at wholesale, as provided in this Section. Each manufacturer, non-resident dealer, distributor, importing distributor, or foreign importer who owns or controls the trade mark, brand or name of any alcoholic liquor shall register with the State Commission, in the Chicago office, on or before the effective date, the name of each person to whom such manufacturer, non-resident dealer, distributor, importing distributor, or foreign importer grants the right to sell at wholesale in this State any such alcoholic liquor, specifying the particular trade mark, brand or name of alcoholic liquor as to which such right is granted, the geographical area or areas for which such right is granted and the period of time for which such rights are granted to such person. Each manufacturer, non-resident dealer, distributor or importing distributor, or foreign

importer who is required to register under this Section must furnish a copy of the registration statement at the time of appointment to the person who has been granted the right to sell alcoholic liquor at wholesale. However, if a person who has been appointed the right to sell alcoholic liquor at wholesale does not receive a copy of the registration statement as required under this Section, such person may file a registration statement with the State Commission, provided that the person furnishes a copy of that registration statement to the manufacturer, non-resident dealer, distributor, importing distributor, or foreign importer within 30 days of filing the registration statement. The registration statement shall state:

- (1) the name of the person appointed;
- (2) the name of the manufacturer, non-resident dealer, distributor, importing distributor, or foreign importer from whom the person received the right to sell alcoholic liquor;
- (3) the particular trade mark, brand, or name of alcoholic liquor as to which the right to sell at wholesale is granted; and
- (4) the geographical areas for which the right to sell at wholesale is granted. Such manufacturer, non-resident dealer, distributor, importing distributor, or foreign importer may grant the right to sell at wholesale any trade mark, brand or name of any alcoholic liquor in any geographical area to more than one person. If the registration is received after the effective date, the Commission shall treat the date the registration was received in the Chicago office as the effective date. Such registration shall be made on a form prescribed by the State Commission and the State Commission may require such registration to be on a form provided by it. A non-resident dealer or foreign importer who is not a manufacturer shall file the registration statement jointly with the manufacturer identifying the person authorized by the manufacturer to sign the registration statement on behalf of the manufacturer. No such registration shall be made in any other manner than as is provided in this Section and only those persons registered by the manufacturer, non-resident dealer, distributor, importing distributor or foreign importer, shall have the right to sell at wholesale in this State, the brand of alcoholic liquor specified on the registration form. However, a licensed Illinois distributor who has not been registered to sell a brand of alcoholic liquor, but for a period of 2 years prior to November 8, 1979 has been engaged in the purchase of a brand for resale from a licensed Illinois distributor who has the right to sell that brand at wholesale, may continue to purchase and resell the brand at wholesale, and may purchase from the same distributor and resell at wholesale any new brands of the same manufacturer, provided that:

- (1) Within 60 days after November 8, 1979 he identifies the brand which he so purchased to the State Commission and the Commission within 30 days thereafter verifies that the purchases have occurred;
- (2) Thereafter, he notifies the State Commission in writing of any brands of the same manufacturer which he wishes to purchase from the same distributor that were not available for distribution on or before November 8, 1979, and that the Commission within 30 days of such notification verifies that the brand is a new brand of the same manufacturer, and that the same licensed Illinois distributor has the right to sell the new brand at wholesale;
- (3) His licensed business address is within the geographical area for which the licensed Illinois distributor from whom the purchases are made has the right to sell said brand or brands of alcoholic liquor; and
- (4) His sales are made within the geographical area for which the licensed Illinois distributor from whom the purchases are made has the right to sell the brand or brands of alcoholic liquor and only to retail licensees whose licensed premises are located within the aforementioned geographical area. No person to whom such right is granted shall sell at wholesale in this State any alcoholic liquor bearing such trade mark, brand or name outside of the geographical area for which such person holds such selling right, as registered with the State Commission, nor shall he sell such alcoholic liquor within such geographical area to a retail licensee if the premises specified in such retailer's license are located outside such geographical area. Any licensed Illinois distributor who has not been granted the right to sell any alcoholic liquor at wholesale and is purchasing alcoholic liquor from a person who has been granted the right to sell at wholesale may sell and deliver only to retail licensees whose licensed premises are within the same geographical area as the person who has been granted the right to sell at wholesale. No manufacturer, importing distributor, distributor, non-resident dealer, or foreign importer shall sell or deliver any package containing alcoholic liquor manufactured or distributed by him for resale, unless the person to whom such package is sold or delivered is authorized to receive such package in accordance with the provisions of this Act.

235 ILCS 5/6-9.1 — Deliveries to retail establishments

Sec. 6-9.1. Deliveries to retail establishments.

(a) A distributor of wine or spirits shall deliver to any retailer within any geographic area in which that distributor has been granted by a wholesaler the right to sell its trademark, brand, or name at least once every 2 weeks if

(i) in the case of a retailer located in a county with a population of at least 3,000,000 inhabitants or in a county adjacent to a county with at least 3,000,000 inhabitants, the retailer agrees to purchase at least \$200 of wine or spirits from the distributor every 2 weeks; or (ii) in the case of a retailer located in a county with a population of less than 3,000,000 that is not adjacent to a county with a population of at least 3,000,000 inhabitants, the retailer agrees to purchase at least \$50 of wine or spirits from the distributor every 2 weeks.

(b) On January 1, 2002 and every 2 years thereafter, the dollar amounts in items

(i) and (ii) of subsection

(a) shall be increased or decreased by a percentage equal to the percentage increase or decrease in the Consumer Price Index during the previous 2 years according to the most recent available data.

(c) Any brewer or non-resident dealer which holds self-distribution privileges pursuant to a class 1 brewer license or a class 3 brewer license under this Act shall deliver beer to any retailer in the brewer's wholly owned or leased vehicles or through a freight forwarding service, excluding common carriers such as Federal Express, United Parcel Service, or similar common carriers, and shall provide services to the retailer upon the request of the retailer if such services are permitted under this Act and the rules of the Commission.

235 ILCS 5/6-9.5 — Definitions

Sec. 6-9.5. Definitions. As used in this Section through Section 6-9.15: "Common ownership" means any ownership interest of more than 5% of the total ownership interest of 2 or more retail licensees. "Cooperative agent" means a person or persons with the authority to contract for the purchase and delivery of wine and spirits on behalf of a cooperative purchase group. "Cooperative purchase group" means a group of 2 or more individually owned or commonly owned retail licensees who join together to enter into a cooperative purchase agreement. "Cooperative purchasing agreement" means an agreement entered into between 2 or more individually owned, commonly owned, or not commonly owned retail licensees for the purpose of purchasing wine or spirits, excluding any product fermented with malt or any substitute for malt, from a distributor or importing distributor. "Quantity discounting" means a sales program between a wine or spirits distributor or importing distributor and a retail licensee, retail licensees, or a cooperative purchase group in which the primary purpose of the program is to increase product sales to retail licensees and is not a subterfuge to provide prohibited things of value as inducements to retail licensees or to the members of a cooperative purchasing group. "Quantity discounting" includes circumstances in which a wine or spirits distributor or importing distributor offers a retail licensee, retail licensees, or a cooperative purchase group a discount based upon an agreement by which the retail licensee, retail licensees, or a cooperative purchase group may purchase a predetermined number of products in return for receiving a discount on the goods purchased that may be applied either as a price reduction at the time of sale or as a rebate or credit following the sale.

235 ILCS 5/6-9.10 — Cooperative purchasing agreements

Sec. 6-9.10. Cooperative purchasing agreements.

(a) A cooperative purchasing agreement shall only be valid if the following conditions are met:

(1) the agreement is in writing and signed by all parties to the agreement;

(2) the agreement contains the complete license information for all parties to the agreement, including State and local license numbers and expiration dates as well as the date on which the retail member joined the cooperative purchase group;

(3) a retail licensee that is a party to the agreement must not be a party to any other related cooperative purchasing agreement;

(4) the agreement identifies and designates the name and address of the agent or agents with the authority to contract for the purchase and delivery of wine or spirits on behalf of the cooperative purchase group;

(5) a copy of the executed agreement, including any amendments, deletions, or additions, is kept on the premises of each party to the agreement for a period of 3 years;

(6) a copy of the executed agreement, including any amendments, deletions, or additions, is delivered to the relevant licensee with distribution privileges and to the State Commission before making any purchases under the agreement; any

amendments, deletions, or additions must be submitted to the State Commission within 7 business days after the amendment, deletion, or addition is executed; and

(7) the agreement must designate whether the cooperative purchasing group is comprised of retail licenses engaged in the sale of wine or spirits on or off the premises.

(b) A retail licensee may, pursuant to a cooperative purchasing agreement, make purchases as a member of a cooperative purchase group or independently of any such group. Nothing in this Section or any other Section of this Act shall be construed to prohibit commonly or not commonly owned retail licensees from making purchases separate and apart from any membership in a cooperative purchase group.

(c) A retailer may only be a member of one cooperative purchase group at a time. A retail licensee may change to a different cooperative purchase group no more than twice in a 12-month period. However, if an existing cooperative purchase group member purchases a retail location from a member of another cooperative purchase group, the new owner of the retail location may move the membership of the retail licensee to a different cooperative purchasing group.

(d) When a retail licensee joins an existing cooperative purchasing group, the new member must be a member for a period of 7 days before being able to participate in any quantity discount programs.

(e) Cooperative purchasing group members must be either all on-premises retail licensees or all off-premises retail licensees.

(f) Any individual retail licensee that is a member of a cooperative purchase group that fails to comply with the terms and conditions of this Section may be deemed to be in violation of Section 6-5. Any distributor or importing distributor that fails to comply with this Section may be deemed to be in violation of Section 6-5.

(g) The State Commission shall keep a list of the members of each cooperative purchase group and shall make that list available on its website.

(h) A retail licensee that is a member of a cooperative purchase group shall not have an ownership interest, directly or indirectly, in any entity licensed by this Act other than a retailer.

(i) It is unlawful for a distributor or importing distributor to furnish, give, or lend money or anything of value to a cooperative agent.

(j) It is the duty of each retail licensee of the cooperative purchase group to make books and records available upon reasonable notice for the purpose of investigation and control by the State Commission or any local liquor control commission having jurisdiction over the retail licensee of the cooperative purchase group.

(k) A cooperative agent shall not have an ownership interest, directly or indirectly, in an entity licensed under any other license category under this Act.

(l) A retailer, manufacturer, importing distributor, distributor, or cooperative agent shall remain in compliance with federal law pursuant to the prohibitions and exceptions provided in 27 CFR Part 6 and any promulgated rules thereof. A cooperative agent that is compliant with Sections 6-5 and 6-6 shall not receive cash or anything of value from both the retail licensee and an importing distributor or distributor, non-resident dealer or manufacturers as part of a cooperative purchasing group agreement.

235 ILCS 5/6-9.15 — Quantity discounting terms for wine or spirits cooperative purchase agreements

Sec. 6-9.15. Quantity discounting terms for wine or spirits cooperative purchase agreements.

(a) All wine or spirits quantity discount programs offered to consumption off the premises retailers must be offered to all consumption off the premises cooperative groups and cooperative agents, and all quantity discount programs offered to consumption on the premises retailers shall be offered to all consumption on the premises cooperative groups and cooperative agents. Quantity discount programs shall:

(1) be open and available for acceptance for 7 business days;

(2) be designed and implemented to produce product volume growth with retail licensees;

(3) be based on the volume of product purchased; however, discounts may include price reductions, cash, and credits, and no-charge wine or spirits products may be given instead of a discount;

(4) be documented on related sales invoices or credit memoranda;

- (5) not require a retail licensee to take and dispose of any quota of wine or spirits; however, bona fide quantity discounts shall not be deemed to be quota sales; and
- (6) not require a retail licensee to purchase one product in order to purchase another; this includes combination sales if one or more products may be purchased only in combination with other products and not individually.
- (b) A distributor or importing distributor that makes quantity discount sales to participating members of a cooperative purchase group shall issue customary invoices to each participating retail licensee itemizing the wine or spirit sold and delivered as part of a quantity discount program to each participating retail licensee.
- (c) If a distributor or importing distributor offers a quantity discount for wine or spirits, excluding any product fermented with malt or any substitute for malt, cooperative purchase groups shall purchase a minimum of 250 cases in each quantity discount program. Each individual participating member of a cooperative purchase group purchasing product through a quantity discount program may be required to purchase the following minimum amounts:
- (1) 2% of cases of any quantity discount program of 500 or fewer cases.
 - (2) 1.5% of cases of any quantity discount program of at least 501 and not more than 2,000 cases.
 - (3) 1% of cases of any quantity discount program of 2,001 or more cases.
- (d) The cooperative agent shall place each cooperative purchase order under the name of the cooperative purchase group and shall identify each participating retail member involved with the purchase, the quantity of product purchased, the price attributable to each retailer member's purchase, and a requested delivery date. A retail licensee may make purchases through a cooperative purchasing group or independently of such group. Nothing in this Section shall be construed to prohibit retail licensees from making purchases separate and apart from any cooperative purchasing group.
- (e) Each distributor or importing distributor shall separately invoice each participating cooperative purchase group member for the purchase made on behalf of such participating member.
- (f) A cooperative purchasing group shall maintain the records of each cooperative purchase order placed for 90 days. The records shall include:
- (1) the date the cooperative purchasing group order was placed and the date of any amendments to the order;
 - (2) the distributor or importing distributor with which the cooperative purchasing group placed the order;
 - (3) the names and license numbers of each cooperative purchasing group member participating in the order;
 - (4) the price discounts and net price of all wine or spirits ordered by each cooperative purchase group member; and
 - (5) the requested delivery date for the order.
- (g) A cooperative purchase group is subject to the books and records requirements of Section 6-10 and subsection (e) of 11 Ill. Adm. Code 100.130.
- (h) A cooperative purchasing group shall retain a surety bond at all times for no less than \$250,000. If a cooperative purchasing group member is delinquent in payment pursuant to Section 6-5, the surety shall immediately pay the importing distributor or distributor the delinquent amount. The surety bond required by this Section may be acquired from a company, agent, or broker of the cooperative purchase group's choice. If the surety bond does not cure the indebtedness, the 30-day merchandising credit requirements of Section 6-5 shall apply jointly to each cooperative purchasing group until the indebtedness is cured. The cooperative purchasing group is responsible for all costs and fees related to the surety bond.
- (i) Any licensee that fails to comply with the terms and conditions of this Section may be deemed to be in violation of this Act.
- (j) Nothing in this Section shall apply to quantity discount programs offered for any product fermented with malt or any substitute for malt. Nothing in this Section shall be construed to prohibit, limit, or interfere with quantity discount, credit, or rebate programs offered for any product fermented with malt or any substitute for malt.

235 ILCS 5/6-10 — Books and records available for investigation and control; maintenance

Sec. 6-10. Books and records available for investigation and control; maintenance. It shall be the duty of every retail licensee to make books and records available upon reasonable notice for the purpose of investigation and control by the Illinois Liquor Control Commission or any local liquor control commission having jurisdiction over the licensee. Such books and records need not be maintained on the licensed premises, but must be maintained in the State of Illinois;

however, if access is available electronically, the books and records may be maintained out of state. However, all original invoices or copies thereof covering purchases of alcoholic liquor must be retained on the licensed premises for a period of 90 days after such purchase, unless the Commission has granted a waiver in response to a written request in cases where records are kept at a central business location within the State of Illinois or in cases where books and records that are available electronically are maintained out of state.

235 ILCS 5/6-11 — Sale near churches, schools, and hospitals

Sec. 6-11. Sale near churches, schools, and hospitals.

(a) No license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of any church, school other than an institution of higher learning, hospital, home for aged or indigent persons or for veterans, their spouses or children or any military or naval station, provided, that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops or other places where sale of alcoholic liquors is not the principal business carried on if the place of business so exempted is not located in a municipality of more than 500,000 persons, unless required by local ordinance; nor to the renewal of a license for the sale at retail of alcoholic liquor on premises within 100 feet of any church or school where the church or school has been established within such 100 feet since the issuance of the original license. In the case of a church, the distance of 100 feet shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries. (a-5) Notwithstanding any provision of this Section to the contrary, a local liquor control commissioner may grant an exemption to the prohibition in subsection

(a) of this Section if a local rule or ordinance authorizes the local liquor control commissioner to grant that exemption.

(b) Nothing in this Section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor to a restaurant, the primary business of which is the sale of goods baked on the premises if

(i) the restaurant is newly constructed and located on a lot of not less than 10,000 square feet, (ii) the restaurant costs at least \$1,000,000 to construct, (iii) the licensee is the titleholder to the premises and resides on the premises, and (iv) the construction of the restaurant is completed within 18 months of July 10, 1998 (the effective date of Public Act 90-617).

(c) Nothing in this Section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor incidental to a restaurant if

(1) the primary business of the restaurant consists of the sale of food where the sale of liquor is incidental to the sale of food and the applicant is a completely new owner of the restaurant,

(2) the immediately prior owner or operator of the premises where the restaurant is located operated the premises as a restaurant and held a valid retail license authorizing the sale of alcoholic liquor at the restaurant for at least part of the 24 months before the change of ownership, and

(3) the restaurant is located 75 or more feet from a school.

(d) In the interest of further developing Illinois' economy in the area of commerce, tourism, convention, and banquet business, nothing in this Section shall prohibit issuance of a retail license authorizing the sale of alcoholic beverages to a restaurant, banquet facility, grocery store, or hotel having not fewer than 150 guest room accommodations located in a municipality of more than 500,000 persons, notwithstanding the proximity of such hotel, restaurant, banquet facility, or grocery store to any church or school, if the licensed premises described on the license are located within an enclosed mall or building of a height of at least 6 stories, or 60 feet in the case of a building that has been registered as a national landmark, or in a grocery store having a minimum of 56,010 square feet of floor space in a single story building in an open mall of at least 3.96 acres that is adjacent to a public school that opened as a boys technical high school in 1934, or in a grocery store having a minimum of 31,000 square feet of floor space in a single story building located a distance of more than 90 feet but less than 100 feet from a high school that opened in 1928 as a junior high school and became a senior high school in 1933, and in each of these cases if the sale of alcoholic liquors is not the principal business carried on by the licensee. For purposes of this Section, a "banquet facility" is any part of a building that caters to private parties and where the sale of alcoholic liquors is not the principal business.

(e) Nothing in this Section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors.

(f) Nothing in this Section shall prohibit a church or church affiliated school located in a home rule municipality or in a municipality with 75,000 or more inhabitants from locating within 100 feet of a property for which there is a preexisting

license to sell alcoholic liquor at retail. In these instances, the local zoning authority may, by ordinance adopted simultaneously with the granting of an initial special use zoning permit for the church or church affiliated school, provide that the 100-foot restriction in this Section shall not apply to that church or church affiliated school and future retail liquor licenses.

(g) Nothing in this Section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor at premises within 100 feet, but not less than 90 feet, of a public school if

- (1) the premises have been continuously licensed to sell alcoholic liquor for a period of at least 50 years,
- (2) the premises are located in a municipality having a population of over 500,000 inhabitants,
- (3) the licensee is an individual who is a member of a family that has held the previous 3 licenses for that location for more than 25 years,
- (4) the principal of the school and the alderperson of the ward in which the school is located have delivered a written statement to the local liquor control commissioner stating that they do not object to the issuance of a license under this subsection (g), and
- (5) the local liquor control commissioner has received the written consent of a majority of the registered voters who live within 200 feet of the premises.

(h) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor within premises and at an outdoor patio area attached to premises that are located in a municipality with a population in excess of 300,000 inhabitants and that are within 100 feet of a church if:

- (1) the sale of alcoholic liquor at the premises is incidental to the sale of food,
- (2) the sale of liquor is not the principal business carried on by the licensee at the premises,
- (3) the premises are less than 1,000 square feet,
- (4) the premises are owned by the University of Illinois,
- (5) the premises are immediately adjacent to property owned by a church and are not less than 20 nor more than 40 feet from the church space used for worship services, and
- (6) the principal religious leader at the place of worship has indicated his or her support for the issuance of the license in writing.

(i) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license to sell alcoholic liquor at a premises that is located within a municipality with a population in excess of 300,000 inhabitants and is within 100 feet of a church, synagogue, or other place of worship if:

- (1) the primary entrance of the premises and the primary entrance of the church, synagogue, or other place of worship are at least 100 feet apart, on parallel streets, and separated by an alley; and
- (2) the principal religious leader at the place of worship has not indicated his or her opposition to the issuance or renewal of the license in writing.

(j) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor at a theater that is within 100 feet of a church if

- (1) the church owns the theater,
- (2) the church leases the theater to one or more entities, and
- (3) the theater is used by at least 5 different not-for-profit theater groups.

(k) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and is within 100 feet of a school if:

- (1) the primary entrance of the premises and the primary entrance of the school are parallel, on different streets, and separated by an alley;
- (2) the southeast corner of the premises are at least 350 feet from the southwest corner of the school;
- (3) the school was built in 1978;

- (4) the sale of alcoholic liquor at the premises is incidental to the sale of food;
 - (5) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
 - (6) the applicant is the owner of the restaurant and has held a valid license authorizing the sale of alcoholic liquor for the business to be conducted on the premises at a different location for more than 7 years; and
 - (7) the premises is at least 2,300 square feet and sits on a lot that is between 6,100 and 6,150 square feet.
- (l) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and is within 100 feet of a church or school if:
- (1) the primary entrance of the premises and the closest entrance of the church or school is at least 90 feet apart and no greater than 95 feet apart;
 - (2) the shortest distance between the premises and the church or school is at least 80 feet apart and no greater than 85 feet apart;
 - (3) the applicant is the owner of the restaurant and on November 15, 2006 held a valid license authorizing the sale of alcoholic liquor for the business to be conducted on the premises for at least 14 different locations;
 - (4) the sale of alcoholic liquor at the premises is incidental to the sale of food;
 - (5) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
 - (6) the premises is at least 3,200 square feet and sits on a lot that is between 7,150 and 7,200 square feet; and
 - (7) the principal religious leader at the place of worship has not indicated his or her opposition to the issuance or renewal of the license in writing.
- (m) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and is within 100 feet of a church if:
- (1) the premises and the church are perpendicular, and the primary entrance of the premises faces South while the primary entrance of the church faces West and the distance between the two entrances is more than 100 feet;
 - (2) the shortest distance between the premises lot line and the exterior wall of the church is at least 80 feet;
 - (3) the church was established at the current location in 1916 and the present structure was erected in 1925;
 - (4) the premises is a single story, single use building with at least 1,750 square feet and no more than 2,000 square feet;
 - (5) the sale of alcoholic liquor at the premises is incidental to the sale of food;
 - (6) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises; and
 - (7) the principal religious leader at the place of worship has not indicated his or her opposition to the issuance or renewal of the license in writing.
- (n) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and is within 100 feet of a school if:
- (1) the school is a City of Chicago School District 299 school;
 - (2) the school is located within subarea E of City of Chicago Residential Business Planned Development Number 70;
 - (3) the sale of alcoholic liquor is not the principal business carried on by the licensee on the premises;
 - (4) the sale of alcoholic liquor at the premises is incidental to the sale of food; and
 - (5) the administration of City of Chicago School District 299 has expressed, in writing, its support for the issuance of the license.
- (o) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a retail license authorizing the sale of alcoholic liquor at a premises that is located within a municipality in excess of 1,000,000 inhabitants and within 100 feet of a church if:
- (1) the sale of alcoholic liquor at the premises is incidental to the sale of food;
 - (2) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;

- (3) the premises is located on a street that runs perpendicular to the street on which the church is located;
- (4) the primary entrance of the premises is at least 100 feet from the primary entrance of the church;
- (5) the shortest distance between any part of the premises and any part of the church is at least 60 feet;
- (6) the premises is between 3,600 and 4,000 square feet and sits on a lot that is between 3,600 and 4,000 square feet; and
- (7) the premises was built in the year 1909. For purposes of this subsection (o), "premises" means a place of business together with a privately owned outdoor location that is adjacent to the place of business.
- (p) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:
 - (1) the shortest distance between the backdoor of the premises, which is used as an emergency exit, and the church is at least 80 feet;
 - (2) the church was established at the current location in 1889; and
 - (3) liquor has been sold on the premises since at least 1985.
- (q) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor within a premises that is located in a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church-owned property if:
 - (1) the premises is located within a larger building operated as a grocery store;
 - (2) the area of the premises does not exceed 720 square feet and the area of the larger building exceeds 18,000 square feet;
 - (3) the larger building containing the premises is within 100 feet of the nearest property line of a church-owned property on which a church-affiliated school is located;
 - (4) the sale of liquor is not the principal business carried on within the larger building;
 - (5) the primary entrance of the larger building and the premises and the primary entrance of the church-affiliated school are on different, parallel streets, and the distance between the 2 primary entrances is more than 100 feet;
 - (6) the larger building is separated from the church-owned property and church-affiliated school by an alley;
 - (7) the larger building containing the premises and the church building front are on perpendicular streets and are separated by a street; and
 - (8) (Blank).
- (r) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance, renewal, or maintenance of a license authorizing the sale of alcoholic liquor incidental to the sale of food within a restaurant established in a premises that is located in a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:
 - (1) the primary entrance of the church and the primary entrance of the restaurant are at least 100 feet apart;
 - (2) the restaurant has operated on the ground floor and lower level of a multi-story, multi-use building for more than 40 years;
 - (3) the primary business of the restaurant consists of the sale of food where the sale of liquor is incidental to the sale of food;
 - (4) the sale of alcoholic liquor is conducted primarily in the below-grade level of the restaurant to which the only public access is by a staircase located inside the restaurant; and
 - (5) the restaurant has held a license authorizing the sale of alcoholic liquor on the premises for more than 40 years.
- (s) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population more than 5,000 and less than 10,000 and is within 100 feet of a church if:
 - (1) the church was established at the location within 100 feet of the premises after a license for the sale of alcoholic liquor at the premises was first issued;

(2) a license for sale of alcoholic liquor at the premises was first issued before January 1, 2007; and

(3) a license for the sale of alcoholic liquor on the premises has been continuously in effect since January 1, 2007, except for interruptions between licenses of no more than 90 days.

(t) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor incidental to the sale of food within a restaurant that is established in a premises that is located in a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school and a church if:

(1) the restaurant is located inside a five-story building with over 16,800 square feet of commercial space;

(2) the area of the premises does not exceed 31,050 square feet;

(3) the area of the restaurant does not exceed 5,800 square feet;

(4) the building has no less than 78 condominium units;

(5) the construction of the building in which the restaurant is located was completed in 2006;

(6) the building has 10 storefront properties, 3 of which are used for the restaurant;

(7) the restaurant will open for business in 2010;

(8) the building is north of the school and separated by an alley; and

(9) the principal religious leader of the church and either the alderperson of the ward in which the school is located or the principal of the school have delivered a written statement to the local liquor control commissioner stating that he or she does not object to the issuance of a license under this subsection (t).

(u) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license to sell alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school if:

(1) the premises operates as a restaurant and has been in operation since February 2008;

(2) the applicant is the owner of the premises;

(3) the sale of alcoholic liquor is incidental to the sale of food;

(4) the sale of alcoholic liquor is not the principal business carried on by the licensee on the premises;

(5) the premises occupy the first floor of a 3-story building that is at least 90 years old;

(6) the rear lot of the school and the rear corner of the building that the premises occupy are separated by an alley;

(7) the distance from the southwest corner of the property line of the school and the northeast corner of the building that the premises occupy is at least 16 feet, 5 inches;

(8) the distance from the rear door of the premises to the southwest corner of the property line of the school is at least 93 feet;

(9) the school is a City of Chicago School District 299 school;

(10) the school's main structure was erected in 1902 and an addition was built to the main structure in 1959; and

(11) the principal of the school and the alderperson in whose district the premises are located have expressed, in writing, their support for the issuance of the license.

(v) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and is within 100 feet of a school if:

(1) the total land area of the premises for which the license or renewal is sought is more than 600,000 square feet;

(2) the premises for which the license or renewal is sought has more than 600 parking stalls;

(3) the total area of all buildings on the premises for which the license or renewal is sought exceeds 140,000 square feet;

(4) the property line of the premises for which the license or renewal is sought is separated from the property line of the school by a street;

(5) the distance from the school's property line to the property line of the premises for which the license or renewal is sought is at least 60 feet;

(6) as of June 14, 2011 (the effective date of Public Act 97-9), the premises for which the license or renewal is sought is located in the Illinois Medical District.

(w) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license to sell alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

- (1) the sale of alcoholic liquor at the premises is incidental to the sale of food;
- (2) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
- (3) the premises occupy the first floor and basement of a 2-story building that is 106 years old;
- (4) the premises is at least 7,000 square feet and located on a lot that is at least 11,000 square feet;
- (5) the premises is located directly west of the church, on perpendicular streets, and separated by an alley;
- (6) the distance between the property line of the premises and the property line of the church is at least 20 feet;
- (7) the distance between the primary entrance of the premises and the primary entrance of the church is at least 130 feet; and
- (8) the church has been at its location for at least 40 years.

(x) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

- (1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
- (2) the church has been operating in its current location since 1973;
- (3) the premises has been operating in its current location since 1988;
- (4) the church and the premises are owned by the same parish;
- (5) the premises is used for cultural and educational purposes;
- (6) the primary entrance to the premises and the primary entrance to the church are located on the same street;
- (7) the principal religious leader of the church has indicated his support of the issuance of the license;
- (8) the premises is a 2-story building of approximately 23,000 square feet; and
- (9) the premises houses a ballroom on its ground floor of approximately 5,000 square feet.

(y) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school if:

- (1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
- (2) the sale of alcoholic liquor at the premises is incidental to the sale of food;
- (3) according to the municipality, the distance between the east property line of the premises and the west property line of the school is 97.8 feet;
- (4) the school is a City of Chicago School District 299 school;
- (5) the school has been operating since 1959;
- (6) the primary entrance to the premises and the primary entrance to the school are located on the same street;
- (7) the street on which the entrances of the premises and the school are located is a major diagonal thoroughfare;
- (8) the premises is a single-story building of approximately 2,900 square feet; and
- (9) the premises is used for commercial purposes only.

(z) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a mosque if:

- (1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
- (2) the licensee shall only sell packaged liquors at the premises;

- (3) the licensee is a national retail chain having over 100 locations within the municipality;
- (4) the licensee has over 8,000 locations nationwide;
- (5) the licensee has locations in all 50 states;
- (6) the premises is located in the North-East quadrant of the municipality;
- (7) the premises is a free-standing building that has "drive-through" pharmacy service;
- (8) the premises has approximately 14,490 square feet of retail space;
- (9) the premises has approximately 799 square feet of pharmacy space;
- (10) the premises is located on a major arterial street that runs east-west and accepts truck traffic; and
- (11) the alderperson of the ward in which the premises is located has expressed, in writing, his or her support for the issuance of the license. (aa) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:
 - (1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
 - (2) the licensee shall only sell packaged liquors at the premises;
 - (3) the licensee is a national retail chain having over 100 locations within the municipality;
 - (4) the licensee has over 8,000 locations nationwide;
 - (5) the licensee has locations in all 50 states;
 - (6) the premises is located in the North-East quadrant of the municipality;
 - (7) the premises is located across the street from a national grocery chain outlet;
 - (8) the premises has approximately 16,148 square feet of retail space;
 - (9) the premises has approximately 992 square feet of pharmacy space;
 - (10) the premises is located on a major arterial street that runs north-south and accepts truck traffic; and
 - (11) the alderperson of the ward in which the premises is located has expressed, in writing, his or her support for the issuance of the license. (bb) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:
 - (1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
 - (2) the sale of alcoholic liquor at the premises is incidental to the sale of food;
 - (3) the primary entrance to the premises and the primary entrance to the church are located on the same street;
 - (4) the premises is across the street from the church;
 - (5) the street on which the premises and the church are located is a major arterial street that runs east-west;
 - (6) the church is an elder-led and Bible-based Assyrian church;
 - (7) the premises and the church are both single-story buildings;
 - (8) the storefront directly west of the church is being used as a restaurant; and
 - (9) the distance between the northern-most property line of the premises and the southern-most property line of the church is 65 feet. (cc) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school if:
 - (1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
 - (2) the licensee shall only sell packaged liquors at the premises;
 - (3) the licensee is a national retail chain;
 - (4) as of October 25, 2011, the licensee has 1,767 stores operating nationwide, 87 stores operating in the State, and 10 stores operating within the municipality;

(5) the licensee shall occupy approximately 124,000 square feet of space in the basement and first and second floors of a building located across the street from a school;

(6) the school opened in August of 2009 and occupies approximately 67,000 square feet of space; and

(7) the building in which the premises shall be located has been listed on the National Register of Historic Places since April 17, 1970. (dd) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor within a full-service grocery store at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and is within 100 feet of a school if:

(1) the premises is constructed on land that was purchased from the municipality at a fair market price;

(2) the premises is constructed on land that was previously used as a parking facility for public safety employees;

(3) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;

(4) the main entrance to the store is more than 100 feet from the main entrance to the school;

(5) the premises is to be new construction;

(6) the school is a private school;

(7) the principal of the school has given written approval for the license;

(8) the alderperson of the ward where the premises is located has given written approval of the issuance of the license;

(9) the grocery store level of the premises is between 60,000 and 70,000 square feet; and

(10) the owner and operator of the grocery store operates 2 other grocery stores that have alcoholic liquor licenses within the same municipality. (ee) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor within a full-service grocery store at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and is within 100 feet of a school if:

(1) the premises is constructed on land that once contained an industrial steel facility;

(2) the premises is located on land that has undergone environmental remediation;

(3) the premises is located within a retail complex containing retail stores where some of the stores sell alcoholic beverages;

(4) the principal activity of any restaurant in the retail complex is the sale of food, and the sale of alcoholic liquor is incidental to the sale of food;

(5) the sale of alcoholic liquor is not the principal business carried on by the grocery store;

(6) the entrance to any business that sells alcoholic liquor is more than 100 feet from the entrance to the school;

(7) the alderperson of the ward where the premises is located has given written approval of the issuance of the license; and

(8) the principal of the school has given written consent to the issuance of the license. (ff) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school if:

(1) the sale of alcoholic liquor is not the principal business carried on at the premises;

(2) the sale of alcoholic liquor at the premises is incidental to the operation of a theater;

(3) the premises is a one and one-half-story building of approximately 10,000 square feet;

(4) the school is a City of Chicago School District 299 school;

(5) the primary entrance of the premises and the primary entrance of the school are at least 300 feet apart and no more than 400 feet apart;

(6) the alderperson of the ward in which the premises is located has expressed, in writing, his support for the issuance of the license; and

(7) the principal of the school has expressed, in writing, that there is no objection to the issuance of a license under this subsection (ff). (gg) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the

issuance or renewal of a license authorizing the sale of alcoholic liquor incidental to the sale of food within a restaurant or banquet facility established in a premises that is located in a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

- (1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
- (2) the property on which the church is located and the property on which the premises are located are both within a district originally listed on the National Register of Historic Places on February 14, 1979;
- (3) the property on which the premises are located contains one or more multi-story buildings that are at least 95 years old and have no more than three stories;
- (4) the building in which the church is located is at least 120 years old;
- (5) the property on which the church is located is immediately adjacent to and west of the property on which the premises are located;
- (6) the western boundary of the property on which the premises are located is no less than 118 feet in length and no more than 122 feet in length;
- (7) as of December 31, 2012, both the church property and the property on which the premises are located are within 250 feet of City of Chicago Business-Residential Planned Development Number 38;
- (8) the principal religious leader at the place of worship has indicated his or her support for the issuance of the license in writing; and
- (9) the alderperson in whose district the premises are located has expressed his or her support for the issuance of the license in writing. For the purposes of this subsection, "banquet facility" means the part of the building that is located on the floor above a restaurant and caters to private parties and where the sale of alcoholic liquors is not the principal business. (hh) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor within a hotel and at an outdoor patio area attached to the hotel that are located in a municipality with a population in excess of 1,000,000 inhabitants and that are within 100 feet of a hospital if:

- (1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the hotel;
- (2) the hotel is located within the City of Chicago Business Planned Development Number 468; and
- (3) the hospital is located within the City of Chicago Institutional Planned Development Number 3. (ii) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor within a restaurant and at an outdoor patio area attached to the restaurant that are located in a municipality with a population in excess of 1,000,000 inhabitants and that are within 100 feet of a church if:

- (1) the sale of alcoholic liquor at the premises is not the principal business carried on by the licensee and is incidental to the sale of food;
- (2) the restaurant has been operated on the street level of a 2-story building located on a corner lot since 2008;
- (3) the restaurant is between 3,700 and 4,000 square feet and sits on a lot that is no more than 6,200 square feet;
- (4) the primary entrance to the restaurant and the primary entrance to the church are located on the same street;
- (5) the street on which the restaurant and the church are located is a major east-west street;
- (6) the restaurant and the church are separated by a one-way northbound street;
- (7) the church is located to the west of and no more than 65 feet from the restaurant; and
- (8) the principal religious leader at the place of worship has indicated his or her consent to the issuance of the license in writing. (jj) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

- (1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
- (2) the sale of alcoholic liquor is incidental to the sale of food;
- (3) the premises are located east of the church, on perpendicular streets, and separated by an alley;
- (4) the distance between the primary entrance of the premises and the primary entrance of the church is at least 175 feet;

- (5) the distance between the property line of the premises and the property line of the church is at least 40 feet;
- (6) the licensee has been operating at the premises since 2012;
- (7) the church was constructed in 1904;
- (8) the alderperson of the ward in which the premises is located has expressed, in writing, his or her support for the issuance of the license; and
- (9) the principal religious leader of the church has delivered a written statement that he or she does not object to the issuance of a license under this subsection (jj). (kk) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school if:
- (1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
- (2) the licensee shall only sell packaged liquors on the premises;
- (3) the licensee is a national retail chain;
- (4) as of February 27, 2013, the licensee had 1,778 stores operating nationwide, 89 operating in this State, and 11 stores operating within the municipality;
- (5) the licensee shall occupy approximately 169,048 square feet of space within a building that is located across the street from a tuition-based preschool; and
- (6) the alderperson of the ward in which the premises is located has expressed, in writing, his or her support for the issuance of the license. (ll) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school if:
- (1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
- (2) the licensee shall only sell packaged liquors on the premises;
- (3) the licensee is a national retail chain;
- (4) as of February 27, 2013, the licensee had 1,778 stores operating nationwide, 89 operating in this State, and 11 stores operating within the municipality;
- (5) the licensee shall occupy approximately 191,535 square feet of space within a building that is located across the street from an elementary school; and
- (6) the alderperson of the ward in which the premises is located has expressed, in writing, his or her support for the issuance of the license. (mm) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor within premises and at an outdoor patio or sidewalk cafe, or both, attached to premises that are located in a municipality with a population in excess of 1,000,000 inhabitants and that are within 100 feet of a hospital if:
- (1) the primary business of the restaurant consists of the sale of food where the sale of liquor is incidental to the sale of food;
- (2) as a restaurant, the premises may or may not offer catering as an incidental part of food service;
- (3) the primary business of the restaurant is conducted in space owned by a hospital or an entity owned or controlled by, under common control with, or that controls a hospital, and the chief hospital administrator has expressed his or her support for the issuance of the license in writing; and
- (4) the hospital is an adult acute care facility primarily located within the City of Chicago Institutional Planned Development Number 3. (nn) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:
- (1) the sale of alcoholic liquor is not the principal business carried out on the premises;
- (2) the sale of alcoholic liquor at the premises is incidental to the operation of a theater;
- (3) the premises are a building that was constructed in 1913 and opened on May 24, 1915 as a vaudeville theater, and the premises were converted to a motion picture theater in 1935;
- (4) the church was constructed in 1889 with a stone exterior;

- (5) the primary entrance of the premises and the primary entrance of the church are at least 100 feet apart;
- (6) the principal religious leader at the place of worship has indicated his or her consent to the issuance of the license in writing; and
- (7) the alderperson in whose ward the premises are located has expressed his or her support for the issuance of the license in writing. (oo) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a premises that is located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a mosque, church, or other place of worship if:
- (1) the primary entrance of the premises and the primary entrance of the mosque, church, or other place of worship are perpendicular and are on different streets;
- (2) the primary entrance to the premises faces West and the primary entrance to the mosque, church, or other place of worship faces South;
- (3) the distance between the 2 primary entrances is at least 100 feet;
- (4) the mosque, church, or other place of worship was established in a location within 100 feet of the premises after a license for the sale of alcohol at the premises was first issued;
- (5) the mosque, church, or other place of worship was established on or around January 1, 2011;
- (6) a license for the sale of alcohol at the premises was first issued on or before January 1, 1985;
- (7) a license for the sale of alcohol at the premises has been continuously in effect since January 1, 1985, except for interruptions between licenses of no more than 90 days; and
- (8) the premises are a single-story, single-use building of at least 3,000 square feet and no more than 3,380 square feet. (pp) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor incidental to the sale of food within a restaurant or banquet facility established on premises that are located in a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of at least one church if:
- (1) the sale of liquor shall not be the principal business carried on by the licensee at the premises;
- (2) the premises are at least 2,000 square feet and no more than 10,000 square feet and is located in a single-story building;
- (3) the property on which the premises are located is within an area that, as of 2009, was designated as a Renewal Community by the United States Department of Housing and Urban Development;
- (4) the property on which the premises are located and the properties on which the churches are located are on the same street;
- (5) the property on which the premises are located is immediately adjacent to and east of the property on which at least one of the churches is located;
- (6) the property on which the premises are located is across the street and southwest of the property on which another church is located;
- (7) the principal religious leaders of the churches have indicated their support for the issuance of the license in writing; and
- (8) the alderperson in whose ward the premises are located has expressed his or her support for the issuance of the license in writing. For purposes of this subsection (pp), "banquet facility" means the part of the building that caters to private parties and where the sale of alcoholic liquors is not the principal business. (qq) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor on premises that are located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church or school if:
- (1) the primary entrance of the premises and the closest entrance of the church or school are at least 200 feet apart and no greater than 300 feet apart;
- (2) the shortest distance between the premises and the church or school is at least 66 feet apart and no greater than 81 feet apart;

(3) the premises are a single-story, steel-framed commercial building with at least 18,042 square feet, and was constructed in 1925 and 1997;

(4) the owner of the business operated within the premises has been the general manager of a similar supermarket within one mile from the premises, which has had a valid license authorizing the sale of alcoholic liquor since 2002, and is in good standing with the City of Chicago;

(5) the principal religious leader at the place of worship has indicated his or her support to the issuance or renewal of the license in writing;

(6) the alderperson of the ward has indicated his or her support to the issuance or renewal of the license in writing; and

(7) the principal of the school has indicated his or her support to the issuance or renewal of the license in writing. (rr)

Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a club that leases space to a school if:

(1) the sale of alcoholic liquor is not the principal business carried out on the premises;

(2) the sale of alcoholic liquor at the premises is incidental to the operation of a grocery store;

(3) the premises are a building of approximately 1,750 square feet and is rented by the owners of the grocery store from a family member;

(4) the property line of the premises is approximately 68 feet from the property line of the club;

(5) the primary entrance of the premises and the primary entrance of the club where the school leases space are at least 100 feet apart;

(6) the director of the club renting space to the school has indicated his or her consent to the issuance of the license in writing; and

(7) the alderperson in whose district the premises are located has expressed his or her support for the issuance of the license in writing. (ss) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the premises are located within a 15 unit building with 13 residential apartments and 2 commercial spaces, and the licensee will occupy both commercial spaces;

(2) a restaurant has been operated on the premises since June 2011;

(3) the restaurant currently occupies 1,075 square feet, but will be expanding to include 975 additional square feet;

(4) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;

(5) the premises are located south of the church and on the same street and are separated by a one-way westbound street;

(6) the primary entrance of the premises is at least 93 feet from the primary entrance of the church;

(7) the shortest distance between any part of the premises and any part of the church is at least 72 feet;

(8) the building in which the restaurant is located was built in 1910;

(9) the alderperson of the ward in which the premises are located has expressed, in writing, his or her support for the issuance of the license; and

(10) the principal religious leader of the church has delivered a written statement that he or she does not object to the issuance of a license under this subsection (ss). (tt) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;

(2) the sale of alcoholic liquor is incidental to the sale of food;

(3) the sale of alcoholic liquor at the premises was previously authorized by a package goods liquor license;

(4) the premises are at least 40,000 square feet with 25 parking spaces in the contiguous surface lot to the north of the store and 93 parking spaces on the roof;

(5) the shortest distance between the lot line of the parking lot of the premises and the exterior wall of the church is at least 80 feet;

(6) the distance between the building in which the church is located and the building in which the premises are located is at least 180 feet;

(7) the main entrance to the church faces west and is at least 257 feet from the main entrance of the premises; and

(8) the applicant is the owner of 10 similar grocery stores within the City of Chicago and the surrounding area and has been in business for more than 30 years. (uu) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;

(2) the sale of alcoholic liquor is incidental to the operation of a grocery store;

(3) the premises are located in a building that is approximately 68,000 square feet with 157 parking spaces on property that was previously vacant land;

(4) the main entrance to the church faces west and is at least 500 feet from the entrance of the premises, which faces north;

(5) the church and the premises are separated by an alley;

(6) the applicant is the owner of 9 similar grocery stores in the City of Chicago and the surrounding area and has been in business for more than 40 years; and

(7) the alderperson of the ward in which the premises are located has expressed, in writing, his or her support for the issuance of the license. (vv) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the sale of alcoholic liquor is the principal business carried on by the licensee at the premises;

(2) the sale of alcoholic liquor is primary to the sale of food;

(3) the premises are located south of the church and on perpendicular streets and are separated by a driveway;

(4) the primary entrance of the premises is at least 100 feet from the primary entrance of the church;

(5) the shortest distance between any part of the premises and any part of the church is at least 15 feet;

(6) the premises are less than 100 feet from the church center, but greater than 100 feet from the area within the building where church services are held;

(7) the premises are 25,830 square feet and sit on a lot that is 0.48 acres;

(8) the premises were once designated as a Korean American Presbyterian Church and were once used as a Masonic Temple;

(9) the premises were built in 1910;

(10) the alderperson of the ward in which the premises are located has expressed, in writing, his or her support for the issuance of the license; and

(11) the principal religious leader of the church has delivered a written statement that he or she does not object to the issuance of a license under this subsection (vv). For the purposes of this subsection (vv), "premises" means a place of business together with a privately owned outdoor location that is adjacent to the place of business. (ww) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school if:

(1) the school is located within Sub Area III of City of Chicago Residential-Business Planned Development Number 523, as amended; and

(2) the premises are located within Sub Area I, Sub Area II, or Sub Area IV of City of Chicago Residential-Business Planned Development Number 523, as amended. (xx) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church

if:

- (1) the sale of wine or wine-related products is the exclusive business carried on by the licensee at the premises;
- (2) the primary entrance of the premises and the primary entrance of the church are at least 100 feet apart and are located on different streets;
- (3) the building in which the premises are located and the building in which the church is located are separated by an alley;
- (4) the premises consists of less than 2,000 square feet of floor area dedicated to the sale of wine or wine-related products;
- (5) the premises are located on the first floor of a 2-story building that is at least 99 years old and has a residential unit on the second floor; and
- (6) the principal religious leader at the church has indicated his or her support for the issuance or renewal of the license in writing. (yy) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

- (1) the premises are a 27-story hotel containing 191 guest rooms;
- (2) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises and is limited to a restaurant located on the first floor of the hotel;
- (3) the hotel is adjacent to the church;
- (4) the site is zoned as DX-16;
- (5) the principal religious leader of the church has delivered a written statement that he or she does not object to the issuance of a license under this subsection (yy); and
- (6) the alderperson of the ward in which the premises are located has expressed, in writing, his or her support for the issuance of the license. (zz) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

- (1) the premises are a 15-story hotel containing 143 guest rooms;
- (2) the premises are approximately 85,691 square feet;
- (3) a restaurant is operated on the premises;
- (4) the restaurant is located in the first floor lobby of the hotel;
- (5) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
- (6) the hotel is located approximately 50 feet from the church and is separated from the church by a public street on the ground level and by air space on the upper level, which is where the public entrances are located;
- (7) the site is zoned as DX-16;
- (8) the principal religious leader of the church has delivered a written statement that he or she does not object to the issuance of a license under this subsection (zz); and

(9) the alderperson of the ward in which the premises are located has expressed, in writing, his or her support for the issuance of the license. (aaa) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor within a full-service grocery store at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school if:

- (1) the sale of alcoholic liquor is not the primary business activity of the grocery store;
- (2) the premises are newly constructed on land that was formerly used by the Young Men's Christian Association;
- (3) the grocery store is located within a planned development that was approved by the municipality in 2007;
- (4) the premises are located in a multi-building, mixed-use complex;
- (5) the entrance to the grocery store is located more than 200 feet from the entrance to the school;

(6) the entrance to the grocery store is located across the street from the back of the school building, which is not used for student or public access;

(7) the grocery store executed a binding lease for the property in 2008;

(8) the premises consist of 2 levels and occupy more than 80,000 square feet;

(9) the owner and operator of the grocery store operates at least 10 other grocery stores that have alcoholic liquor licenses within the same municipality; and

(10) the director of the school has expressed, in writing, his or her support for the issuance of the license. (bbb) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the sale of alcoholic liquor at the premises is incidental to the sale of food;

(2) the premises are located in a single-story building of primarily brick construction containing at least 6 commercial units constructed before 1940;

(3) the premises are located in a B3-2 zoning district;

(4) the premises are less than 4,000 square feet;

(5) the church established its congregation in 1891 and completed construction of the church building in 1990;

(6) the premises are located south of the church;

(7) the premises and church are located on the same street and are separated by a one-way westbound street; and

(8) the principal religious leader of the church has not indicated his or her opposition to the issuance or renewal of the license in writing. (ccc) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor within a full-service grocery store at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church and school if:

(1) as of March 14, 2007, the premises are located in a City of Chicago Residential-Business Planned Development No. 1052;

(2) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;

(3) the sale of alcoholic liquor is incidental to the operation of a grocery store and comprises no more than 10% of the total in-store sales;

(4) the owner and operator of the grocery store operates at least 10 other grocery stores that have alcoholic liquor licenses within the same municipality;

(5) the premises are new construction when the license is first issued;

(6) the constructed premises are to be no less than 50,000 square feet;

(7) the school is a private church-affiliated school;

(8) the premises and the property containing the church and church-affiliated school are located on perpendicular streets and the school and church are adjacent to one another;

(9) the pastor of the church and school has expressed, in writing, support for the issuance of the license; and

(10) the alderperson of the ward in which the premises are located has expressed, in writing, his or her support for the issuance of the license. (ddd) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church or school if:

(1) the business has been issued a license from the municipality to allow the business to operate a theater on the premises;

(2) the theater has less than 200 seats;

(3) the premises are approximately 2,700 to 3,100 square feet of space;

(4) the premises are located to the north of the church;

- (5) the primary entrance of the premises and the primary entrance of any church within 100 feet of the premises are located either on a different street or across a right-of-way from the premises;
- (6) the primary entrance of the premises and the primary entrance of any school within 100 feet of the premises are located either on a different street or across a right-of-way from the premises;
- (7) the premises are located in a building that is at least 100 years old; and
- (8) any church or school located within 100 feet of the premises has indicated its support for the issuance or renewal of the license to the premises in writing. (eee) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church and school if:
- (1) the sale of alcoholic liquor is incidental to the sale of food;
 - (2) the sale of alcoholic liquor is not the principal business carried on by the applicant on the premises;
 - (3) a family-owned restaurant has operated on the premises since 1957;
 - (4) the premises occupy the first floor of a 3-story building that is at least 90 years old;
 - (5) the distance between the property line of the premises and the property line of the church is at least 20 feet;
 - (6) the church was established at its current location and the present structure was erected before 1900;
 - (7) the primary entrance of the premises is at least 75 feet from the primary entrance of the church;
 - (8) the school is affiliated with the church;
 - (9) the principal religious leader at the place of worship has indicated his or her support for the issuance of the license in writing;
 - (10) the principal of the school has indicated in writing that he or she is not opposed to the issuance of the license; and
 - (11) the alderperson of the ward in which the premises are located has expressed, in writing, his or her lack of an objection to the issuance of the license. (fff) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:
- (1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
 - (2) the sale of alcoholic liquor at the premises is incidental to the operation of a grocery store;
 - (3) the premises are a one-story building containing approximately 10,000 square feet and are rented by the owners of the grocery store;
 - (4) the sale of alcoholic liquor at the premises occurs in a retail area of the grocery store that is approximately 3,500 square feet;
 - (5) the grocery store has operated at the location since 1984;
 - (6) the grocery store is closed on Sundays;
 - (7) the property on which the premises are located is a corner lot that is bound by 3 streets and an alley, where one street is a one-way street that runs north-south, one street runs east-west, and one street runs northwest-southeast;
 - (8) the property line of the premises is approximately 16 feet from the property line of the building where the church is located;
 - (9) the premises are separated from the building containing the church by a public alley;
 - (10) the primary entrance of the premises and the primary entrance of the church are at least 100 feet apart;
 - (11) representatives of the church have delivered a written statement that the church does not object to the issuance of a license under this subsection (fff); and
 - (12) the alderperson of the ward in which the grocery store is located has expressed, in writing, his or her support for the issuance of the license. (ggg) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of licenses authorizing the sale of alcoholic liquor within a restaurant or lobby coffee house at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church and school if:

- (1) a residential retirement home formerly operated on the premises and the premises are being converted into a new apartment living complex containing studio and one-bedroom apartments with ground floor retail space;
- (2) the restaurant and lobby coffee house are located within a Community Shopping District within the municipality;
- (3) the premises are located in a single-building, mixed-use complex that, in addition to the restaurant and lobby coffee house, contains apartment residences, a fitness center for the residents of the apartment building, a lobby designed as a social center for the residents, a rooftop deck, and a patio with a dog run for the exclusive use of the residents;
- (4) the sale of alcoholic liquor is not the primary business activity of the apartment complex, restaurant, or lobby coffee house;
- (5) the entrance to the apartment residence is more than 310 feet from the entrance to the school and church;
- (6) the entrance to the apartment residence is located at the end of the block around the corner from the south side of the school building;
- (7) the school is affiliated with the church;
- (8) the pastor of the parish, principal of the school, and the titleholder to the church and school have given written consent to the issuance of the license;
- (9) the alderperson of the ward in which the premises are located has given written consent to the issuance of the license; and
- (10) the neighborhood block club has given written consent to the issuance of the license. (hhh) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license to sell alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a home for indigent persons or a church if:
 - (1) a restaurant operates on the premises and has been in operation since January of 2014;
 - (2) the sale of alcoholic liquor is incidental to the sale of food;
 - (3) the sale of alcoholic liquor is not the principal business carried on by the licensee on the premises;
 - (4) the premises occupy the first floor of a 3-story building that is at least 100 years old;
 - (5) the primary entrance to the premises is more than 100 feet from the primary entrance to the home for indigent persons, which opened in 1989 and is operated to address homelessness and provide shelter;
 - (6) the primary entrance to the premises and the primary entrance to the home for indigent persons are located on different streets;
 - (7) the executive director of the home for indigent persons has given written consent to the issuance of the license;
 - (8) the entrance to the premises is located within 100 feet of a Buddhist temple;
 - (9) the entrance to the premises is more than 100 feet from where any worship or educational programming is conducted by the Buddhist temple and is located in an area used only for other purposes; and
 - (10) the president and the board of directors of the Buddhist temple have given written consent to the issuance of the license. (iii) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality in excess of 1,000,000 inhabitants and within 100 feet of a home for the aged if:
 - (1) the sale of alcoholic liquor is not the principal business carried on by the licensee on the premises;
 - (2) the sale of alcoholic liquor at the premises is incidental to the operation of a restaurant;
 - (3) the premises are on the ground floor of a multi-floor, university-affiliated housing facility;
 - (4) the premises occupy 1,916 square feet of space, with the total square footage from which liquor will be sold, served, and consumed to be 900 square feet;
 - (5) the premises are separated from the home for the aged by an alley;
 - (6) the primary entrance to the premises and the primary entrance to the home for the aged are at least 500 feet apart and located on different streets;
 - (7) representatives of the home for the aged have expressed, in writing, that the home does not object to the issuance of a license under this subsection; and

(8) the alderperson of the ward in which the restaurant is located has expressed, in writing, his or her support for the issuance of the license. (jjj) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school if:

(1) as of January 1, 2016, the premises were used for the sale of alcoholic liquor for consumption on the premises and were authorized to do so pursuant to a retail tavern license held by an individual as the sole proprietor of the premises;

(2) the primary entrance to the school and the primary entrance to the premises are on the same street;

(3) the school was founded in 1949;

(4) the building in which the premises are situated was constructed before 1930;

(5) the building in which the premises are situated is immediately across the street from the school; and

(6) the school has not indicated its opposition to the issuance or renewal of the license in writing. (kkk) (Blank). (III)

Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a synagogue or school if:

(1) the sale of alcoholic liquor at the premises is incidental to the sale of food;

(2) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;

(3) the premises are located on the same street on which the synagogue or school is located;

(4) the primary entrance to the premises and the closest entrance to the synagogue or school is at least 100 feet apart;

(5) the shortest distance between the premises and the synagogue or school is at least 65 feet apart and no greater than 70 feet apart;

(6) the premises are between 1,800 and 2,000 square feet;

(7) the synagogue was founded in 1861; and

(8) the leader of the synagogue has indicated, in writing, the synagogue's support for the issuance or renewal of the license. (mmm) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of licenses authorizing the sale of alcoholic liquor within a restaurant or lobby coffee house at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;

(2) the sale of alcoholic liquor at the premises is incidental to the sale of food in a restaurant;

(3) the restaurant has been run by the same family for at least 19 consecutive years;

(4) the premises are located in a 3-story building in the most easterly part of the first floor;

(5) the building in which the premises are located has residential housing on the second and third floors;

(6) the primary entrance to the premises is on a north-south street around the corner and across an alley from the primary entrance to the church, which is on an east-west street;

(7) the primary entrance to the church and the primary entrance to the premises are more than 160 feet apart; and

(8) the church has expressed, in writing, its support for the issuance of a license under this subsection. (nnn)

Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of licenses authorizing the sale of alcoholic liquor within a restaurant or lobby coffee house at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school and church or synagogue if:

(1) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;

(2) the sale of alcoholic liquor at the premises is incidental to the sale of food in a restaurant;

(3) the front door of the synagogue faces east on the next north-south street east of and parallel to the north-south street on which the restaurant is located where the restaurant's front door faces west;

(4) the closest exterior pedestrian entrance that leads to the school or the synagogue is across an east-west street and at least 300 feet from the primary entrance to the restaurant;

- (5) the nearest church-related or school-related building is a community center building;
- (6) the restaurant is on the ground floor of a 3-story building constructed in 1896 with a brick facade;
- (7) the restaurant shares the ground floor with a theater, and the second and third floors of the building in which the restaurant is located consists of residential housing;
- (8) the leader of the synagogue and school has expressed, in writing, that the synagogue does not object to the issuance of a license under this subsection; and
- (9) the alderperson of the ward in which the premises is located has expressed, in writing, his or her support for the issuance of the license. (ooo) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 2,000 but less than 5,000 inhabitants in a county with a population in excess of 3,000,000 and within 100 feet of a home for the aged if:
 - (1) as of March 1, 2016, the premises were used to sell alcohol pursuant to a retail tavern and packaged goods license issued by the municipality and held by a limited liability company as the proprietor of the premises;
 - (2) the home for the aged was completed in 2015;
 - (3) the home for the aged is a 5-story structure;
 - (4) the building in which the premises are situated is directly adjacent to the home for the aged;
 - (5) the building in which the premises are situated was constructed before 1950;
 - (6) the home for the aged has not indicated its opposition to the issuance or renewal of the license; and
 - (7) the president of the municipality has expressed in writing that he or she does not object to the issuance or renewal of the license. (ppp) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church or churches if:
 - (1) the shortest distance between the premises and a church is at least 78 feet apart and no greater than 95 feet apart;
 - (2) the premises are a single-story, brick commercial building and between 3,600 to 4,000 square feet and the original building was built before 1922;
 - (3) the premises are located in a B3-2 zoning district;
 - (4) the premises are separated from the buildings containing the churches by a street;
 - (5) the previous owners of the business located on the premises held a liquor license for at least 10 years;
 - (6) the new owner of the business located on the premises has managed 2 other food and liquor stores since 1997;
 - (7) the principal religious leaders at the places of worship have indicated their support for the issuance or renewal of the license in writing; and
 - (8) the alderperson of the ward in which the premises are located has indicated his or her support for the issuance or renewal of the license in writing. (qqq) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:
 - (1) the sale of alcoholic liquor at the premises is incidental to the sale of food;
 - (2) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
 - (3) the premises are located on the opposite side of the same street on which the church is located;
 - (4) the church is located on a corner lot;
 - (5) the shortest distance between the premises and the church is at least 90 feet apart and no greater than 95 feet apart;
 - (6) the premises are at least 3,000 but no more than 5,000 square feet;
 - (7) the church's original chapel was built in 1858;
 - (8) the church's first congregation was organized in 1860; and
 - (9) the leaders of the church and the alderperson of the ward in which the premises are located has expressed, in writing, their support for the issuance of the license. (rrr) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a restaurant or

banquet facility established within premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church or school if:

- (1) the sale of alcoholic liquor at the premises is incidental to the sale of food;
- (2) the sale of alcoholic liquor is not the principal business carried on by the licensee at the premises;
- (3) the immediately prior owner or the operator of the restaurant or banquet facility held a valid retail license authorizing the sale of alcoholic liquor at the premises for at least part of the 24 months before a change of ownership;
- (4) the premises are located immediately east and across the street from an elementary school;
- (5) the premises and elementary school are part of an approximately 100-acre campus owned by the church;
- (6) the school opened in 1999 and was named after the founder of the church; and
- (7) the alderperson of the ward in which the premises are located has expressed, in writing, his or her support for the issuance of the license. (sss) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church or school if:
 - (1) the premises are at least 5,300 square feet and located in a building that was built prior to 1940;
 - (2) the shortest distance between the property line of the premises and the exterior wall of the building in which the church is located is at least 109 feet;
 - (3) the distance between the building in which the church is located and the building in which the premises are located is at least 118 feet;
 - (4) the main entrance to the church faces west and is at least 602 feet from the main entrance of the premises;
 - (5) the shortest distance between the property line of the premises and the property line of the school is at least 177 feet;
 - (6) the applicant has been in business for more than 10 years;
 - (7) the principal religious leader of the church has indicated his or her support for the issuance or renewal of the license in writing;
 - (8) the principal of the school has indicated in writing that he or she is not opposed to the issuance of the license; and
 - (9) the alderperson of the ward in which the premises are located has expressed, in writing, his or her support for the issuance of the license. (ttt) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church or school if:
 - (1) the premises are at least 59,000 square feet and located in a building that was built prior to 1940;
 - (2) the shortest distance between the west property line of the premises and the exterior wall of the church is at least 99 feet;
 - (3) the distance between the building in which the church is located and the building in which the premises are located is at least 102 feet;
 - (4) the main entrance to the church faces west and is at least 457 feet from the main entrance of the premises;
 - (5) the shortest distance between the property line of the premises and the property line of the school is at least 66 feet;
 - (6) the applicant has been in business for more than 10 years;
 - (7) the principal religious leader of the church has indicated his or her support for the issuance or renewal of the license in writing;
 - (8) the principal of the school has indicated in writing that he or she is not opposed to the issuance of the license; and
 - (9) the alderperson of the ward in which the premises are located has expressed, in writing, his or her support for the issuance of the license. (uuu) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a place of worship if:
 - (1) the sale of liquor is incidental to the sale of food;
 - (2) the premises are at least 7,100 square feet;

- (3) the shortest distance between the north property line of the premises and the nearest exterior wall of the place of worship is at least 86 feet;
- (4) the main entrance to the place of worship faces north and is more than 150 feet from the main entrance of the premises;
- (5) the applicant has been in business for more than 20 years at the location;
- (6) the principal religious leader of the place of worship has indicated his or her support for the issuance or renewal of the license in writing; and
- (7) the alderperson of the ward in which the premises are located has expressed, in writing, his or her support for the issuance of the license. (vvv) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of 2 churches if:
- (1) as of January 1, 2015, the premises were used for the sale of alcoholic liquor for consumption on the premises and the sale was authorized pursuant to a retail tavern license held by an individual as the sole proprietor of the premises;
- (2) a primary entrance of the church situated to the south of the premises is located on a street running perpendicular to the street upon which a primary entrance of the premises is situated;
- (3) the church located to the south of the premises is a 3-story structure that was constructed in 2006;
- (4) a parking lot separates the premises from the church located to the south of the premises;
- (5) the building in which the premises are situated was constructed before 1930;
- (6) the building in which the premises are situated is a 2-story, mixed-use commercial and residential structure containing more than 20,000 total square feet and containing at least 7 residential units on the second floor and 3 commercial units on the first floor;
- (7) the building in which the premises are situated is immediately adjacent to the church located to the north of the premises;
- (8) the primary entrance of the church located to the north of the premises and the primary entrance of the premises are located on the same street;
- (9) the churches have not indicated their opposition to the issuance or renewal of the license in writing; and
- (10) the alderperson of the ward in which the premises are located has expressed, in writing, his or her support for the issuance of the license. (www) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of licenses authorizing the sale of alcoholic liquor within a restaurant at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school if:
- (1) the sale of alcoholic liquor is incidental to the sale of food and is not the principal business of the restaurant;
- (2) the building in which the restaurant is located was constructed in 1909 and is a 2-story structure;
- (3) the restaurant has been operating continuously since 1962, has been located at the existing premises since 1989, and has been owned and operated by the same family, which also operates a deli in a building located immediately to the east and adjacent and connected to the restaurant;
- (4) the entrance to the restaurant is more than 200 feet from the entrance to the school;
- (5) the building in which the restaurant is located and the building in which the school is located are separated by a traffic-congested major street;
- (6) the building in which the restaurant is located faces a public park located to the east of the school, cannot be seen from the windows of the school, and is not directly across the street from the school;
- (7) the school building is located 2 blocks from a major private university;
- (8) the school is a public school that has pre-kindergarten through eighth grade classes, is an open enrollment school, and has a preschool program that has earned a Gold Circle of Quality award;
- (9) the local school council has given written consent for the issuance of the liquor license; and
- (10) the alderperson of the ward in which the premises are located has given written consent for the issuance of the liquor license. (xxx) (Blank). (yyy) Notwithstanding any provision in this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at a store that is located within a

municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

- (1) the premises are primarily used for the sale of alcoholic liquor;
- (2) on January 1, 2017, the store was authorized to sell alcoholic liquor pursuant to a package goods liquor license;
- (3) on January 1, 2017, the store occupied approximately 5,560 square feet and will be expanded to include 440 additional square feet for the purpose of storage;
- (4) the store was in existence before the church;
- (5) the building in which the store is located was built in 1956 and is immediately south of the church;
- (6) the store and church are separated by an east-west street;
- (7) the owner of the store received his first liquor license in 1986;
- (8) the church has not indicated its opposition to the issuance or renewal of the license in writing; and
- (9) the alderperson of the ward in which the store is located has expressed his or her support for the issuance or renewal of the license. (zzz) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

- (1) the premises are approximately 2,800 square feet with east frontage on South Allport Street and north frontage on West 18th Street in the City of Chicago;
- (2) the shortest distance between the north property line of the premises and the nearest exterior wall of the church is 95 feet;
- (3) the main entrance to the church is on West 18th Street, faces south, and is more than 100 feet from the main entrance to the premises;
- (4) the sale of alcoholic liquor is incidental to the sale of food in a restaurant;
- (5) the principal religious leader of the church has not indicated his or her opposition to the issuance or renewal of the license in writing; and
- (6) the alderperson of the ward in which the premises are located has indicated his or her support for the issuance or renewal of the license in writing. (aaaa) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a church if:

- (1) the shortest distance between the premises and the church is at least 65 feet apart and no greater than 70 feet apart;
- (2) the premises are located on the ground floor of a freestanding, 3-story building of brick construction with 2 stories of residential apartments above the premises;
- (3) the premises are approximately 2,557 square feet;
- (4) the premises and the church are located on opposite corners and are separated by sidewalks and a street;
- (5) the sale of alcohol is not the principal business carried on by the licensee at the premises;
- (6) the pastor of the church has not indicated his or her opposition to the issuance or renewal of the license in writing; and
- (7) the alderperson of the ward in which the premises are located has not indicated his or her opposition to the issuance or renewal of the license in writing. (bbbb) Notwithstanding any other provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises or an outdoor location at the premises located within a municipality with a population in excess of 1,000,000 inhabitants and that are within 100 feet of a church or school if:

- (1) the church was a Catholic cathedral on January 1, 2018;
- (2) the church has been in existence for at least 150 years;
- (3) the school is affiliated with the church;
- (4) the premises are bordered by State Street on the east, Superior Street on the south, Dearborn Street on the west, and Chicago Avenue on the north;
- (5) the premises are located within 2 miles of Lake Michigan and the Chicago River;
- (6) the premises are located in and adjacent to a building for which construction commenced after January 1, 2018;

(7) the alderperson who represents the district in which the premises are located has written a letter of support for the issuance of a license; and

(8) the principal religious leader of the church and the principal of the school have both signed a letter of support for the issuance of a license. (cccc) Notwithstanding any other provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor within a restaurant at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school if:

(1) the sale of alcoholic liquor is incidental to the sale of food and is not the principal business of the restaurant;

(2) the building in which the restaurant is located was constructed in 1912 and is a 3-story structure;

(3) the restaurant has been in operation since 2015 and its entrance faces North Western Avenue;

(4) the entrance to the school faces West Augusta Boulevard;

(5) the entrance to the restaurant is more than 100 feet from the entrance to the school;

(6) the school is a Catholic school affiliated with the nearby Catholic Parish church;

(7) the building in which the restaurant is located and the building in which the school is located are separated by an alley;

(8) the principal of the school has not indicated his or her opposition to the issuance or renewal of the license in writing; and

(9) the alderperson of the ward in which the restaurant is located has expressed his or her support for the issuance or renewal of the license. (dddd) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school if:

(1) the premises are approximately 6,250 square feet with south frontage on Bryn Mawr Avenue and north frontage on the alley 125 feet north of Bryn Mawr Avenue in the City of Chicago;

(2) the shortest distance between the south property line of the premises and the nearest exterior wall of the school is 248 feet;

(3) the main entrance to the school is on Christiana Avenue, faces east, and is more than 100 feet from the main entrance to the premises;

(4) the sale of alcoholic liquor is incidental to the sale of food in a restaurant;

(5) the principal of the school has not indicated his or her opposition to the issuance or renewal of the license in writing; and

(6) the alderperson of the ward in which the premises are located has indicated his or her support for the issuance or renewal of the license in writing. (eeee) Notwithstanding any provision of this Section to the contrary, nothing in this Section shall prohibit the issuance or renewal of a license authorizing the sale of alcoholic liquor at premises located within a municipality with a population in excess of 1,000,000 inhabitants and within 100 feet of a school if:

(1) the premises are approximately 2,300 square feet with south frontage on 53rd Street in the City of Chicago and the eastern property line of the premises abuts a private alleyway;

(2) the shortest distance between the south property line of the premises and the nearest exterior wall of the school is approximately 187 feet;

(3) the main entrance to the school is on Cornell Avenue, faces west, and is more than 100 feet from the main entrance to the premises;

(4) the sale of alcoholic liquor is incidental to the sale of food in a restaurant;

(5) the principal of the school has not indicated his or her opposition to the issuance or renewal of the license in writing; and

(6) the alderperson of the ward in which the premises are located has indicated his or her support for the issuance or renewal of the license in writing.

235 ILCS 5/6-12

Sec. 6-12. No license shall be issued to any person for the sale at retail of any alcoholic liquor at any store or other place of business where the majority of customers are minors of school age or where the principal business transacted consists

of school books, school supplies, food, lunches or drinks for such minors.

235 ILCS 5/6-13

Sec. 6-13. Except in the case of wineries that have bed and breakfast facilities, hotels, and clubs, no alcoholic liquor shall be sold at retail upon any premises which has any access which leads from such premises to any other portion of the same building or structure used for dwelling or lodging purpose and which is permitted to be used or kept accessible for use by the public. This provision shall not prevent any connection between such premises and such other portion of the building or structure which is used only by the licensee, his family and personal guests.

235 ILCS 5/6-14

Sec. 6-14. (Repealed).

235 ILCS 5/6-15

Sec. 6-15. No alcoholic liquors shall be sold or delivered in any building belonging to or under the control of the State or any political subdivision thereof except as provided in this Act. The corporate authorities of any city, village, incorporated town, township, or county may provide by ordinance, however, that alcoholic liquor may be sold or delivered in any specifically designated building belonging to or under the control of the municipality, township, or county, or in any building located on land under the control of the municipality, township, or county; provided that such township or county complies with all applicable local ordinances in any incorporated area of the township or county. Alcoholic liquor may be delivered to and sold under the authority of a special use permit on any property owned by a conservation district organized under the Conservation District Act, provided that

(i) the alcoholic liquor is sold only at an event authorized by the governing board of the conservation district, (ii) the issuance of the special use permit is authorized by the local liquor control commissioner of the territory in which the property is located, and (iii) the special use permit authorizes the sale of alcoholic liquor for one day or less. Alcoholic liquors may be delivered to and sold at any airport belonging to or under the control of a municipality of more than 25,000 inhabitants, or in any building or on any golf course owned by a park district organized under the Park District Code, subject to the approval of the governing board of the district, or in any building or on any golf course owned by a forest preserve district organized under the Downstate Forest Preserve District Act, subject to the approval of the governing board of the district, or on the grounds within 500 feet of any building owned by a forest preserve district organized under the Downstate Forest Preserve District Act during times when food is dispensed for consumption within 500 feet of the building from which the food is dispensed, subject to the approval of the governing board of the district, or in a building owned by a Local Mass Transit District organized under the Local Mass Transit District Act, subject to the approval of the governing Board of the District, or in Bicentennial Park, or on the premises of the City of Mendota Lake Park located adjacent to Route 51 in Mendota, Illinois, or on the premises of Camden Park in Milan, Illinois, or in the community center owned by the City of Loves Park that is located at 1000 River Park Drive in Loves Park, Illinois, or, in connection with the operation of an established food serving facility during times when food is dispensed for consumption on the premises, and at the following aquarium and museums located in public parks: Art Institute of Chicago, Chicago Academy of Sciences, Chicago Historical Society, Field Museum of Natural History, Museum of Science and Industry, DuSable Museum of African American History, John G. Shedd Aquarium and Adler Planetarium, or at Lakeview Museum of Arts and Sciences in Peoria, or in connection with the operation of the facilities of the Chicago Zoological Society or the Chicago Horticultural Society on land owned by the Forest Preserve District of Cook County, or on any land used for a golf course or for recreational purposes owned by the Forest Preserve District of Cook County, subject to the control of the Forest Preserve District Board of Commissioners and applicable local law, provided that dram shop liability insurance is provided at maximum coverage limits so as to hold the District harmless from all financial loss, damage, and harm, or in any building located on land owned by the Chicago Park District if approved by the Park District Commissioners, or on any land used for a golf course or for recreational purposes and owned by the Illinois International Port District if approved by the District's governing board, or at any airport, golf course, faculty center, or facility in which conference and convention type activities take place belonging to or under control of any State university or public community college district, provided that with respect to a facility for conference and convention type activities alcoholic liquors shall be limited to the use of the convention or conference participants or participants in cultural, political or educational activities held in such facilities, and provided further that the faculty or staff of the State university or a public community college district, or members of an organization of students, alumni, faculty or staff of the State university or a public community college district are active participants in the conference or convention, or in Memorial Stadium on the campus of the

University of Illinois at Urbana-Champaign during games in which the Chicago Bears professional football team is playing in that stadium during the renovation of Soldier Field, not more than one and a half hours before the start of the game and not after the end of the third quarter of the game, or in the Pavilion Facility on the campus of the University of Illinois at Chicago during games in which the Chicago Storm professional soccer team is playing in that facility, not more than one and a half hours before the start of the game and not after the end of the third quarter of the game, or in the Pavilion Facility on the campus of the University of Illinois at Chicago during games in which the WNBA professional women's basketball team is playing in that facility, not more than one and a half hours before the start of the game and not after the 10-minute mark of the second half of the game, or by a catering establishment which has rented facilities from a board of trustees of a public community college district, or in a restaurant that is operated by a commercial tenant in the North Campus Parking Deck building that

(1) is located at 1201 West University Avenue, Urbana, Illinois and

(2) is owned by the Board of Trustees of the University of Illinois, or, if approved by the District board, on land owned by the Metropolitan Sanitary District of Greater Chicago and leased to others for a term of at least 20 years. Nothing in this Section precludes the sale or delivery of alcoholic liquor in the form of original packaged goods in premises located at 500 S. Racine in Chicago belonging to the University of Illinois and used primarily as a grocery store by a commercial tenant during the term of a lease that predates the University's acquisition of the premises; but the University shall have no power or authority to renew, transfer, or extend the lease with terms allowing the sale of alcoholic liquor; and the sale of alcoholic liquor shall be subject to all local laws and regulations. After the acquisition by Winnebago County of the property located at 404 Elm Street in Rockford, a commercial tenant who sold alcoholic liquor at retail on a portion of the property under a valid license at the time of the acquisition may continue to do so for so long as the tenant and the County may agree under existing or future leases, subject to all local laws and regulations regarding the sale of alcoholic liquor. Alcoholic liquors may be delivered to and sold at Memorial Hall, located at 211 North Main Street, Rockford, under conditions approved by Winnebago County and subject to all local laws and regulations regarding the sale of alcoholic liquor. Each facility shall provide dram shop liability in maximum insurance coverage limits so as to save harmless the State, municipality, State university, airport, golf course, faculty center, facility in which conference and convention type activities take place, park district, Forest Preserve District, public community college district, aquarium, museum, or sanitary district from all financial loss, damage or harm. Alcoholic liquors may be sold at retail in buildings of golf courses owned by municipalities or Illinois State University in connection with the operation of an established food serving facility during times when food is dispensed for consumption upon the premises. Alcoholic liquors may be delivered to and sold at retail in any building owned by a fire protection district organized under the Fire Protection District Act, provided that such delivery and sale is approved by the board of trustees of the district, and provided further that such delivery and sale is limited to fundraising events and to a maximum of 6 events per year. However, the limitation to fundraising events and to a maximum of 6 events per year does not apply to the delivery, sale, or manufacture of alcoholic liquors at the building located at 59 Main Street in Oswego, Illinois, owned by the Oswego Fire Protection District if the alcoholic liquor is sold or dispensed as approved by the Oswego Fire Protection District and the property is no longer being utilized for fire protection purposes. Alcoholic liquors may be served or sold in buildings under the control of the Board of Trustees of the University of Illinois for events that the Board may determine are public events and not related student activities. The Board of Trustees shall issue a written policy within 6 months of August 15, 2008 (the effective date of Public Act 95-847) concerning the types of events that would be eligible for an exemption. Thereafter, the Board of Trustees may issue revised, updated, new, or amended policies as it deems necessary and appropriate. In preparing its written policy, the Board of Trustees shall, among other factors it considers relevant and important, give consideration to the following:

- (i) whether the event is a student activity or student-related activity; (ii) whether the physical setting of the event is conducive to control of liquor sales and distribution; (iii) the ability of the event operator to ensure that the sale or serving of alcoholic liquors and the demeanor of the participants are in accordance with State law and University policies; (iv) regarding the anticipated attendees at the event, the relative proportion of individuals under the age of 21 to individuals age 21 or older;
- (v) the ability of the venue operator to prevent the sale or distribution of alcoholic liquors to individuals under the age of 21; (vi) whether the event prohibits participants from removing alcoholic beverages from the venue; and (vii) whether the event prohibits participants from providing their own alcoholic liquors to the venue. In addition, any policy submitted by the Board of Trustees to the Illinois Liquor Control Commission must require that any event at which alcoholic liquors are served or sold in buildings under the control of the Board of Trustees shall require the prior written approval of the Office of the Chancellor for the University campus where the event is located. The Board of Trustees shall submit its policy, and

any subsequently revised, updated, new, or amended policies, to the Illinois Liquor Control Commission, and any University event, or location for an event, exempted under such policies shall apply for a license under the applicable Sections of this Act. Alcoholic liquors may be served or sold in buildings under the control of the Board of Trustees of Northern Illinois University for events that the Board may determine are public events and not student-related activities. The Board of Trustees shall issue a written policy within 6 months after June 28, 2011 (the effective date of Public Act 97-45) concerning the types of events that would be eligible for an exemption. Thereafter, the Board of Trustees may issue revised, updated, new, or amended policies as it deems necessary and appropriate. In preparing its written policy, the Board of Trustees shall, in addition to other factors it considers relevant and important, give consideration to the following:

(i) whether the event is a student activity or student-related activity; (ii) whether the physical setting of the event is conducive to control of liquor sales and distribution; (iii) the ability of the event operator to ensure that the sale or serving of alcoholic liquors and the demeanor of the participants are in accordance with State law and University policies; (iv) the anticipated attendees at the event and the relative proportion of individuals under the age of 21 to individuals age 21 or older;

(v) the ability of the venue operator to prevent the sale or distribution of alcoholic liquors to individuals under the age of 21; (vi) whether the event prohibits participants from removing alcoholic beverages from the venue; and (vii) whether the event prohibits participants from providing their own alcoholic liquors to the venue. Alcoholic liquors may be served or sold in buildings under the control of the Board of Trustees of Chicago State University for events that the Board may determine are public events and not student-related activities. The Board of Trustees shall issue a written policy within 6 months after August 2, 2013 (the effective date of Public Act 98-132) concerning the types of events that would be eligible for an exemption. Thereafter, the Board of Trustees may issue revised, updated, new, or amended policies as it deems necessary and appropriate. In preparing its written policy, the Board of Trustees shall, in addition to other factors it considers relevant and important, give consideration to the following:

(i) whether the event is a student activity or student-related activity; (ii) whether the physical setting of the event is conducive to control of liquor sales and distribution; (iii) the ability of the event operator to ensure that the sale or serving of alcoholic liquors and the demeanor of the participants are in accordance with State law and University policies; (iv) the anticipated attendees at the event and the relative proportion of individuals under the age of 21 to individuals age 21 or older;

(v) the ability of the venue operator to prevent the sale or distribution of alcoholic liquors to individuals under the age of 21; (vi) whether the event prohibits participants from removing alcoholic beverages from the venue; and (vii) whether the event prohibits participants from providing their own alcoholic liquors to the venue. Alcoholic liquors may be served or sold in buildings under the control of the Board of Trustees of Illinois State University for events that the Board may determine are public events and not student-related activities. The Board of Trustees shall issue a written policy within 6 months after March 1, 2013 (the effective date of Public Act 97-1166) concerning the types of events that would be eligible for an exemption. Thereafter, the Board of Trustees may issue revised, updated, new, or amended policies as it deems necessary and appropriate. In preparing its written policy, the Board of Trustees shall, in addition to other factors it considers relevant and important, give consideration to the following:

(i) whether the event is a student activity or student-related activity; (ii) whether the physical setting of the event is conducive to control of liquor sales and distribution; (iii) the ability of the event operator to ensure that the sale or serving of alcoholic liquors and the demeanor of the participants are in accordance with State law and University policies; (iv) the anticipated attendees at the event and the relative proportion of individuals under the age of 21 to individuals age 21 or older;

(v) the ability of the venue operator to prevent the sale or distribution of alcoholic liquors to individuals under the age of 21; (vi) whether the event prohibits participants from removing alcoholic beverages from the venue; and (vii) whether the event prohibits participants from providing their own alcoholic liquors to the venue. Alcoholic liquors may be served or sold in buildings under the control of the Board of Trustees of Southern Illinois University for events that the Board may determine are public events and not student-related activities. The Board of Trustees shall issue a written policy within 6 months after August 12, 2016 (the effective date of Public Act 99-795) concerning the types of events that would be eligible for an exemption. Thereafter, the Board of Trustees may issue revised, updated, new, or amended policies as it deems necessary and appropriate. In preparing its written policy, the Board of Trustees shall, in addition to other factors it considers relevant and important, give consideration to the following:

(i) whether the event is a student activity or student-related activity; (ii) whether the physical setting of the event is conducive to control of liquor sales and distribution; (iii) the ability of the event operator to ensure that the sale or serving of alcoholic liquors and the demeanor of the participants are in accordance with State law and University policies; (iv) the anticipated attendees at the event and the relative proportion of individuals under the age of 21 to individuals age 21 or older;

(v) the ability of the venue operator to prevent the sale or distribution of alcoholic liquors to individuals under the age of 21; (vi) whether the event prohibits participants from removing alcoholic beverages from the venue; and (vii) whether the event prohibits participants from providing their own alcoholic liquors to the venue. Alcoholic liquors may be served or sold in buildings under the control of the Board of Trustees of a public university for events that the Board of Trustees of that public university may determine are public events and not student-related activities. If the Board of Trustees of a public university has not issued a written policy pursuant to an exemption under this Section on or before July 15, 2016 (the effective date of Public Act 99-550), then that Board of Trustees shall issue a written policy within 6 months after July 15, 2016 (the effective date of Public Act 99-550) concerning the types of events that would be eligible for an exemption. Thereafter, the Board of Trustees may issue revised, updated, new, or amended policies as it deems necessary and appropriate. In preparing its written policy, the Board of Trustees shall, in addition to other factors it considers relevant and important, give consideration to the following:

(i) whether the event is a student activity or student-related activity; (ii) whether the physical setting of the event is conducive to control of liquor sales and distribution; (iii) the ability of the event operator to ensure that the sale or serving of alcoholic liquors and the demeanor of the participants are in accordance with State law and University policies; (iv) the anticipated attendees at the event and the relative proportion of individuals under the age of 21 to individuals age 21 or older;

(v) the ability of the venue operator to prevent the sale or distribution of alcoholic liquors to individuals under the age of 21; (vi) whether the event prohibits participants from removing alcoholic beverages from the venue; and (vii) whether the event prohibits participants from providing their own alcoholic liquors to the venue. As used in this paragraph, "public university" means the University of Illinois, Illinois State University, Chicago State University, Governors State University, Southern Illinois University, Northern Illinois University, Eastern Illinois University, Western Illinois University, and Northeastern Illinois University. Alcoholic liquors may be served or sold in buildings under the control of the Board of Trustees of a community college district for events that the Board of Trustees of that community college district may determine are public events and not student-related activities. The Board of Trustees shall issue a written policy within 6 months after July 15, 2016 (the effective date of Public Act 99-550) concerning the types of events that would be eligible for an exemption. Thereafter, the Board of Trustees may issue revised, updated, new, or amended policies as it deems necessary and appropriate. In preparing its written policy, the Board of Trustees shall, in addition to other factors it considers relevant and important, give consideration to the following:

(i) whether the event is a student activity or student-related activity; (ii) whether the physical setting of the event is conducive to control of liquor sales and distribution; (iii) the ability of the event operator to ensure that the sale or serving of alcoholic liquors and the demeanor of the participants are in accordance with State law and community college district policies; (iv) the anticipated attendees at the event and the relative proportion of individuals under the age of 21 to individuals age 21 or older;

(v) the ability of the venue operator to prevent the sale or distribution of alcoholic liquors to individuals under the age of 21; (vi) whether the event prohibits participants from removing alcoholic beverages from the venue; and (vii) whether the event prohibits participants from providing their own alcoholic liquors to the venue. This paragraph does not apply to any community college district authorized to sell or serve alcoholic liquor under any other provision of this Section. Alcoholic liquor may be delivered to and sold at retail in the Dorchester Senior Business Center owned by the Village of Dolton if the alcoholic liquor is sold or dispensed only in connection with organized functions for which the planned attendance is 20 or more persons, and if the person or facility selling or dispensing the alcoholic liquor has provided dram shop liability insurance in maximum limits so as to hold harmless the Village of Dolton and the State from all financial loss, damage and harm. Alcoholic liquors may be delivered to and sold at retail in any building used as an Illinois State Armory provided:

(i) the Adjutant General's written consent to the issuance of a license to sell alcoholic liquor in such building is filed with the Commission; (ii) the alcoholic liquor is sold or dispensed only in connection with organized functions held on special occasions; (iii) the organized function is one for which the planned attendance is 25 or more persons; and (iv) the facility

selling or dispensing the alcoholic liquors has provided dram shop liability insurance in maximum limits so as to save harmless the facility and the State from all financial loss, damage or harm. Alcoholic liquors may be delivered to and sold at retail in the Chicago Civic Center, provided that:

(i) the written consent of the Public Building Commission which administers the Chicago Civic Center is filed with the Commission; (ii) the alcoholic liquor is sold or dispensed only in connection with organized functions held on special occasions; (iii) the organized function is one for which the planned attendance is 25 or more persons; (iv) the facility selling or dispensing the alcoholic liquors has provided dram shop liability insurance in maximum limits so as to hold harmless the Civic Center, the City of Chicago and the State from all financial loss, damage or harm; and

(v) all applicable local ordinances are complied with. Alcoholic liquors may be delivered or sold in any building belonging to or under the control of any city, village or incorporated town where more than 75% of the physical properties of the building is used for commercial or recreational purposes, and the building is located upon a pier extending into or over the waters of a navigable lake or stream or on the shore of a navigable lake or stream. In accordance with a license issued under this Act, alcoholic liquor may be sold, served, or delivered in buildings and facilities under the control of the Department of Natural Resources during events or activities lasting no more than 7 continuous days upon the written approval of the Director of Natural Resources acting as the controlling government authority. The Director of Natural Resources may specify conditions on that approval, including, but not limited to, requirements for insurance and hours of operation. Notwithstanding any other provision of this Act, alcoholic liquor sold by a United States Army Corps of Engineers or Department of Natural Resources concessionaire who was operating on June 1, 1991 for on-premises consumption only is not subject to the provisions of Articles IV and IX. Beer and wine may be sold on the premises of the Joliet Park District Stadium owned by the Joliet Park District when written consent to the issuance of a license to sell beer and wine in such premises is filed with the local liquor commissioner by the Joliet Park District. Beer and wine may be sold in buildings on the grounds of State veterans' homes when written consent to the issuance of a license to sell beer and wine in such buildings is filed with the Commission by the Department of Veterans Affairs, and the facility shall provide dram shop liability in maximum insurance coverage limits so as to save the facility harmless from all financial loss, damage or harm. Such liquors may be delivered to and sold at any property owned or held under lease by a Metropolitan Pier and Exposition Authority or Metropolitan Exposition and Auditorium Authority. Beer and wine may be sold and dispensed at professional sporting events and at professional concerts and other entertainment events conducted on premises owned by the Forest Preserve District of Kane County, subject to the control of the District Commissioners and applicable local law, provided that dram shop liability insurance is provided at maximum coverage limits so as to hold the District harmless from all financial loss, damage and harm. Nothing in this Section shall preclude the sale or delivery of beer and wine at a State or county fair or the sale or delivery of beer or wine at a city fair in any otherwise lawful manner. Alcoholic liquors may be sold at retail in buildings in State parks under the control of the Department of Natural Resources, provided: a. the State park has overnight lodging facilities with some restaurant facilities or, not having overnight lodging facilities, has restaurant facilities which serve complete luncheon and dinner or supper meals, b. (blank), and c. the alcoholic liquors are sold by the State park lodge or restaurant concessionaire only during the hours from 11 o'clock a.m. until 12 o'clock midnight. Notwithstanding any other provision of this Act, alcoholic liquor sold by the State park or restaurant concessionaire is not subject to the provisions of Articles IV and IX. Alcoholic liquors may be sold at retail in buildings on properties under the control of the Division of Historic Preservation of the Department of Natural Resources or the Abraham Lincoln Presidential Library and Museum provided: a. the property has overnight lodging facilities with some restaurant facilities or, not having overnight lodging facilities, has restaurant facilities which serve complete luncheon and dinner or supper meals, b. consent to the issuance of a license to sell alcoholic liquors in the buildings has been filed with the commission by the Division of Historic Preservation of the Department of Natural Resources or the Abraham Lincoln Presidential Library and Museum, and c. the alcoholic liquors are sold by the lodge or restaurant concessionaire only during the hours from 11 o'clock a.m. until 12 o'clock midnight. The sale of alcoholic liquors pursuant to this Section does not authorize the establishment and operation of facilities commonly called taverns, saloons, bars, cocktail lounges, and the like except as a part of lodge and restaurant facilities in State parks or golf courses owned by Forest Preserve Districts with a population of less than 3,000,000 or municipalities or park districts. Alcoholic liquors may be sold at retail in the Springfield Administration Building of the Department of Transportation and the Illinois State Armory in Springfield; provided, that the controlling government authority may consent to such sales only if a. the request is from a not-for-profit organization; b. such sales would not impede normal operations of the departments involved; c. the not-for-profit organization provides dram shop liability in maximum insurance coverage limits and agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm; d. no such sale shall

be made during normal working hours of the State of Illinois; and e. the consent is in writing. Alcoholic liquors may be sold at retail in buildings in recreational areas of river conservancy districts under the control of, or leased from, the river conservancy districts. Such sales are subject to reasonable local regulations as provided in Article IV; however, no such regulations may prohibit or substantially impair the sale of alcoholic liquors on Sundays or Holidays. Alcoholic liquors may be provided in long term care facilities owned or operated by a county under Division 5-21 or 5-22 of the Counties Code, when approved by the facility operator and not in conflict with the regulations of the Illinois Department of Public Health, to residents of the facility who have had their consumption of the alcoholic liquors provided approved in writing by a physician licensed to practice medicine in all its branches. Alcoholic liquors may be delivered to and dispensed in State housing assigned to employees of the Department of Corrections. No person shall furnish or allow to be furnished any alcoholic liquors to any prisoner confined in any jail, reformatory, prison or house of correction except upon a physician's prescription for medicinal purposes. Alcoholic liquors may be sold at retail or dispensed at the Willard Ice Building in Springfield, at the State Library in Springfield, and at Illinois State Museum facilities by

(1) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the controlling government authority, or by

(2) a not-for-profit organization, provided that such organization: a. Obtains written consent from the controlling government authority; b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building; c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building; d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors. Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at authorized functions. The controlling government authority for the Willard Ice Building in Springfield shall be the Director of the Department of Revenue. The controlling government authority for Illinois State Museum facilities shall be the Director of the Illinois State Museum. The controlling government authority for the State Library in Springfield shall be the Secretary of State. Alcoholic liquors may be delivered to and sold at retail or dispensed at any facility, property or building under the jurisdiction of the Division of Historic Preservation of the Department of Natural Resources, the Abraham Lincoln Presidential Library and Museum, or the State Treasurer where the delivery, sale or dispensing is by

(1) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from a controlling government authority, or by

(2) an individual or organization provided that such individual or organization: a. Obtains written consent from the controlling government authority; b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal workings of State offices or operations located at the facility, property or building; c. Sells or dispenses alcoholic liquors only in connection with an official activity of the individual or organization in the facility, property or building; d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors. The controlling government authority for the Division of Historic Preservation of the Department of Natural Resources shall be the Director of Natural Resources, the controlling government authority for the Abraham Lincoln Presidential Library and Museum shall be the Executive Director of the Abraham Lincoln Presidential Library and Museum, and the controlling government authority for the facilities, property, or buildings under the jurisdiction of the State Treasurer shall be the State Treasurer or the State Treasurer's designee. Alcoholic liquors may be delivered to and sold at retail or dispensed for consumption at the Michael Bilandic Building at 160 North LaSalle Street, Chicago IL 60601, after the normal business hours of any day care or child care facility located in the building, by

(1) a commercial tenant or subtenant conducting business on the premises under a lease made pursuant to Section 405-315 of the Department of Central Management Services Law, provided that such tenant or subtenant who accepts delivery of, sells, or dispenses alcoholic liquors shall procure and maintain dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, indemnify, and save harmless the State of Illinois from all financial loss, damage, or harm arising out of the delivery, sale, or dispensing of alcoholic liquors, or by

(2) an agency of the State, whether legislative, judicial, or executive, provided that such agency first obtains written permission to accept delivery of and sell or dispense alcoholic liquors from the Director of Central Management Services, or by

(3) a not-for-profit organization, provided that such organization: a. obtains written consent from the Department of Central Management Services; b. accepts delivery of and sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building; c. accepts delivery of and sells or dispenses alcoholic liquors only in connection with an official activity in the building; and d. provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless, and indemnify the State of Illinois from all financial loss, damage, or harm arising out of the selling or dispensing of alcoholic liquors. Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at functions authorized by the Director of Central Management Services. Alcoholic liquors may be sold at retail or dispensed at the James R. Thompson Center in Chicago, subject to the provisions of Section 7.4 of the State Property Control Act, and 222 South College Street in Springfield, Illinois by

(1) a commercial tenant or subtenant conducting business on the premises under a lease or sublease made pursuant to Section 405-315 of the Department of Central Management Services Law, provided that such tenant or subtenant who sells or dispenses alcoholic liquors shall procure and maintain dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, indemnify and save harmless the State of Illinois from all financial loss, damage or harm arising out of the sale or dispensing of alcoholic liquors, or by

(2) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the Director of Central Management Services, or by

(3) a not-for-profit organization, provided that such organization: a. Obtains written consent from the Department of Central Management Services; b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building; c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building; d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors. Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at functions authorized by the Director of Central Management Services. Alcoholic liquors may be sold or delivered at any facility owned by the Illinois Sports Facilities Authority provided that dram shop liability insurance has been made available in a form, with such coverage and in such amounts as the Authority reasonably determines is necessary. Alcoholic liquors may be sold at retail or dispensed at the Rockford State Office Building by

(1) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the Department of Central Management Services, or by

(2) a not-for-profit organization, provided that such organization: a. Obtains written consent from the Department of Central Management Services; b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building; c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building; d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors. Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at functions authorized by the Department of Central Management Services. Alcoholic liquors may be sold or delivered in a building that is owned by McLean County, situated on land owned by the county in the City of Bloomington, and used by the McLean County Historical Society if the sale or delivery is approved by an ordinance adopted by the county board, and the municipality in which the building is located may not prohibit that sale or delivery, notwithstanding any other provision of this Section. The regulation of the sale and delivery of alcoholic liquor in a building that is owned by McLean County, situated on land owned by the county, and used by the McLean County Historical Society as provided in this paragraph is an exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection

(h) of the Illinois Constitution of the power of a home rule municipality to regulate that sale and delivery. Alcoholic liquors may be sold or delivered in any building situated on land held in trust for any school district organized under Article 34 of the School Code, if the building is not used for school purposes and if the sale or delivery is approved by the board of education. Alcoholic liquors may be delivered to and sold at retail in any building owned by a public library district, provided that the delivery and sale is approved by the board of trustees of that public library district and is limited to library

fundraising events or programs of a cultural or educational nature. Before the board of trustees of a public library district may approve the delivery and sale of alcoholic liquors, the board of trustees of the public library district must have a written policy that has been approved by the board of trustees of the public library district governing when and under what circumstances alcoholic liquors may be delivered to and sold at retail on property owned by that public library district. The written policy must

(i) provide that no alcoholic liquor may be sold, distributed, or consumed in any area of the library accessible to the general public during the event or program, (ii) prohibit the removal of alcoholic liquor from the venue during the event, and (iii) require that steps be taken to prevent the sale or distribution of alcoholic liquor to persons under the age of 21. Any public library district that has alcoholic liquor delivered to or sold at retail on property owned by the public library district shall provide dram shop liability insurance in maximum insurance coverage limits so as to save harmless the public library districts from all financial loss, damage, or harm. Alcoholic liquors may be sold or delivered in buildings owned by the Community Building Complex Committee of Boone County, Illinois if the person or facility selling or dispensing the alcoholic liquor has provided dram shop liability insurance with coverage and in amounts that the Committee reasonably determines are necessary. Alcoholic liquors may be sold or delivered in the building located at 1200 Centerville Avenue in Belleville, Illinois and occupied by either the Belleville Area Special Education District or the Belleville Area Special Services Cooperative. Alcoholic liquors may be delivered to and sold at the Louis Joliet Renaissance Center, City Center Campus, located at 214 N. Ottawa Street, Joliet, and the Food Services/Culinary Arts Department facilities, Main Campus, located at 1215 Houbolt Road, Joliet, owned by or under the control of Joliet Junior College, Illinois Community College District No. 525. Alcoholic liquors may be delivered to and sold at Triton College, Illinois Community College District No. 504. Alcoholic liquors may be delivered to and sold at the College of DuPage, Illinois Community College District No. 502. Alcoholic liquors may be delivered to and sold on any property owned, operated, or controlled by Lewis and Clark Community College, Illinois Community College District No. 536. Alcoholic liquors may be delivered to and sold at the building located at 446 East Hickory Avenue in Apple River, Illinois, owned by the Apple River Fire Protection District, and occupied by the Apple River Community Association if the alcoholic liquor is sold or dispensed only in connection with organized functions approved by the Apple River Community Association for which the planned attendance is 20 or more persons and if the person or facility selling or dispensing the alcoholic liquor has provided dram shop liability insurance in maximum limits so as to hold harmless the Apple River Fire Protection District, the Village of Apple River, and the Apple River Community Association from all financial loss, damage, and harm. Alcoholic liquors may be delivered to and sold at the Sikia Restaurant, Kennedy King College Campus, located at 740 West 63rd Street, Chicago, and at the Food Services in the Great Hall/Washburne Culinary Institute Department facility, Kennedy King College Campus, located at 740 West 63rd Street, Chicago, owned by or under the control of City Colleges of Chicago, Illinois Community College District No. 508. Alcoholic liquors may be delivered to and sold at the building located at 305 West Grove St. in Poplar Grove, Illinois that is owned and operated by North Boone Fire District #3 if the alcoholic liquor is sold or dispensed only in connection with organized functions approved by the North Boone Fire District #3 for which the planned attendance is 20 or more persons and if the person or facility selling or dispensing the alcoholic liquor has provided dram shop liability insurance in maximum limits so as to hold harmless North Boone County Fire District #3 from all financial loss, damage, and harm.

235 ILCS 5/6-16 — Prohibited sales and possession

Sec. 6-16. Prohibited sales and possession.

(a)

(i) No licensee nor any officer, associate, member, representative, agent, or employee of such licensee shall sell, give, or deliver alcoholic liquor to any person under the age of 21 years or to any intoxicated person, except as provided in Section 6-16.1. (ii) No express company, common carrier, or contract carrier nor any representative, agent, or employee on behalf of an express company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery within this State shall knowingly give or knowingly deliver to a residential address any shipping container clearly labeled as containing alcoholic liquor and labeled as requiring signature of an adult of at least 21 years of age to any person in this State under the age of 21 years. An express company, common carrier, or contract carrier that carries or transports such alcoholic liquor for delivery within this State shall obtain a signature at the time of delivery acknowledging receipt of the alcoholic liquor by an adult who is at least 21 years of age. At no time while delivering alcoholic beverages within this State may any representative, agent, or employee of an express company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery within this State deliver the alcoholic liquor to a residential address without the

acknowledgment of the consignee and without first obtaining a signature at the time of the delivery by an adult who is at least 21 years of age. A signature of a person on file with the express company, common carrier, or contract carrier does not constitute acknowledgement of the consignee. Any express company, common carrier, or contract carrier that transports alcoholic liquor for delivery within this State that violates this item (ii) of this subsection

(a) by delivering alcoholic liquor without the acknowledgement of the consignee and without first obtaining a signature at the time of the delivery by an adult who is at least 21 years of age is guilty of a business offense for which the express company, common carrier, or contract carrier that transports alcoholic liquor within this State shall be fined not more than \$1,001 for a first offense, not more than \$5,000 for a second offense, and not more than \$10,000 for a third or subsequent offense. An express company, common carrier, or contract carrier shall be held vicariously liable for the actions of its representatives, agents, or employees. For purposes of this Act, in addition to other methods authorized by law, an express company, common carrier, or contract carrier shall be considered served with process when a representative, agent, or employee alleged to have violated this Act is personally served. Each shipment of alcoholic liquor delivered in violation of this item (ii) of this subsection

(a) constitutes a separate offense. (iii) No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give, or deliver such alcoholic liquor to another person under the age of 21 years, except in the performance of a religious ceremony or service. Except as otherwise provided in item (ii), any express company, common carrier, or contract carrier that transports alcoholic liquor within this State that violates the provisions of item (i), (ii), or (iii) of this paragraph of this subsection

(a) is guilty of a Class A misdemeanor and the sentence shall include, but shall not be limited to, a fine of not less than \$500. Any person who violates the provisions of item (iii) of this paragraph of this subsection

(a) is guilty of a Class A misdemeanor and the sentence shall include, but shall not be limited to a fine of not less than \$500 for a first offense and not less than \$2,000 for a second or subsequent offense. Any person who knowingly violates the provisions of item (iii) of this paragraph of this subsection

(a) is guilty of a Class 4 felony if a death occurs as the result of the violation. If a licensee or officer, associate, member, representative, agent, or employee of the licensee, or a representative, agent, or employee of an express company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery within this State, is prosecuted under this paragraph of this subsection

(a) for selling, giving, or delivering alcoholic liquor to a person under the age of 21 years, the person under 21 years of age who attempted to buy or receive the alcoholic liquor may be prosecuted pursuant to Section 6-20 of this Act, unless the person under 21 years of age was acting under the authority of a law enforcement agency, the Illinois Liquor Control Commission, or a local liquor control commissioner pursuant to a plan or action to investigate, patrol, or conduct any similar enforcement action. For the purpose of preventing the violation of this Section, any licensee, or his agent or employee, or a representative, agent, or employee of an express company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery within this State, shall refuse to sell, deliver, or serve alcoholic beverages to any person who is unable to produce adequate written evidence of identity and of the fact that he or she is over the age of 21 years, if requested by the licensee, agent, employee, or representative. Adequate written evidence of age and identity of the person is a document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the Armed Forces. Proof that the defendant-licensee, or his employee or agent, or the representative, agent, or employee of the express company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery within this State demanded, was shown and reasonably relied upon such written evidence in any transaction forbidden by this Section is an affirmative defense in any criminal prosecution therefor or to any proceedings for the suspension or revocation of any license based thereon. It shall not, however, be an affirmative defense if the agent or employee accepted the written evidence knowing it to be false or fraudulent. If a false or fraudulent Illinois driver's license or Illinois identification card is presented by a person less than 21 years of age to a licensee or the licensee's agent or employee for the purpose of ordering, purchasing, attempting to purchase, or otherwise obtaining or attempting to obtain the serving of any alcoholic beverage, the law enforcement officer or agency investigating the incident shall, upon the conviction of the person who presented the fraudulent license or identification, make a report of the matter to the Secretary of State on a form provided by the Secretary of State. However, no agent or employee of the licensee or employee of an express company, common carrier, or contract carrier that carries or transports alcoholic liquor for delivery within this State shall be disciplined or discharged

for selling or furnishing liquor to a person under 21 years of age if the agent or employee demanded and was shown, before furnishing liquor to a person under 21 years of age, adequate written evidence of age and identity of the person issued by a federal, state, county or municipal government, or subdivision or agency thereof, including but not limited to a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the Armed Forces. This paragraph, however, shall not apply if the agent or employee accepted the written evidence knowing it to be false or fraudulent. Any person who sells, gives, or furnishes to any person under the age of 21 years any false or fraudulent written, printed, or photostatic evidence of the age and identity of such person or who sells, gives or furnishes to any person under the age of 21 years evidence of age and identification of any other person is guilty of a Class A misdemeanor and the person's sentence shall include, but shall not be limited to, a fine of not less than \$500. Any person under the age of 21 years who presents or offers to any licensee, his agent or employee, any written, printed or photostatic evidence of age and identity that is false, fraudulent, or not actually his or her own for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic beverage, who falsely states in writing that he or she is at least 21 years of age when receiving alcoholic liquor from a representative, agent, or employee of an express company, common carrier, or contract carrier, or who has in his or her possession any false or fraudulent written, printed, or photostatic evidence of age and identity, is guilty of a Class A misdemeanor and the person's sentence shall include, but shall not be limited to, the following: a fine of not less than \$500 and at least 25 hours of community service. If possible, any community service shall be performed for an alcohol abuse prevention program. Any person under the age of 21 years who has any alcoholic beverage in his or her possession on any street or highway or in any public place or in any place open to the public is guilty of a Class A misdemeanor. This Section does not apply to possession by a person under the age of 21 years making a delivery of an alcoholic beverage in pursuance of the order of his or her parent or in pursuance of his or her employment. (a-1) It is unlawful for any parent or guardian to knowingly permit his or her residence, any other private property under his or her control, or any vehicle, conveyance, or watercraft under his or her control to be used by an invitee of the parent's child or the guardian's ward, if the invitee is under the age of 21, in a manner that constitutes a violation of this Section. A parent or guardian is deemed to have knowingly permitted his or her residence, any other private property under his or her control, or any vehicle, conveyance, or watercraft under his or her control to be used in violation of this Section if he or she knowingly authorizes or permits consumption of alcoholic liquor by underage invitees. Any person who violates this subsection (a-1) is guilty of a Class A misdemeanor and the person's sentence shall include, but shall not be limited to, a fine of not less than \$500. Where a violation of this subsection (a-1) directly or indirectly results in great bodily harm or death to any person, the person violating this subsection shall be guilty of a Class 4 felony. Nothing in this subsection (a-1) shall be construed to prohibit the giving of alcoholic liquor to a person under the age of 21 years in the performance of a religious ceremony or service in observation of a religious holiday. For the purposes of this subsection (a-1) where the residence or other property has an owner and a tenant or lessee, the trier of fact may infer that the residence or other property is occupied only by the tenant or lessee.

(b) Except as otherwise provided in this Section whoever violates this Section shall, in addition to other penalties provided for in this Act, be guilty of a Class A misdemeanor.

(c) Any person shall be guilty of a Class A misdemeanor where he or she knowingly authorizes or permits a residence which he or she occupies to be used by an invitee under 21 years of age and:

(1) the person occupying the residence knows that any such person under the age of 21 is in possession of or is consuming any alcoholic beverage; and

(2) the possession or consumption of the alcohol by the person under 21 is not otherwise permitted by this Act. For the purposes of this subsection

(c) where the residence has an owner and a tenant or lessee, the trier of fact may infer that the residence is occupied only by the tenant or lessee. The sentence of any person who violates this subsection

(c) shall include, but shall not be limited to, a fine of not less than \$500. Where a violation of this subsection

(c) directly or indirectly results in great bodily harm or death to any person, the person violating this subsection

(c) shall be guilty of a Class 4 felony. Nothing in this subsection

(c) shall be construed to prohibit the giving of alcoholic liquor to a person under the age of 21 years in the performance of a religious ceremony or service in observation of a religious holiday. A person shall not be in violation of this subsection

(c) if (A) he or she requests assistance from the police department or other law enforcement agency to either

- (i) remove any person who refuses to abide by the person's performance of the duties imposed by this subsection
- (c) or (ii) terminate the activity because the person has been unable to prevent a person under the age of 21 years from consuming alcohol despite having taken all reasonable steps to do so and (B) this assistance is requested before any other person makes a formal complaint to the police department or other law enforcement agency about the activity.
- (d) Any person who rents a hotel or motel room from the proprietor or agent thereof for the purpose of or with the knowledge that such room shall be used for the consumption of alcoholic liquor by persons under the age of 21 years shall be guilty of a Class A misdemeanor.
- (e) Except as otherwise provided in this Act, any person who has alcoholic liquor in his or her possession on public school district property on school days or at events on public school district property when children are present is guilty of a petty offense, unless the alcoholic liquor
 - (i) is in the original container with the seal unbroken and is in the possession of a person who is not otherwise legally prohibited from possessing the alcoholic liquor or
 - (ii) is in the possession of a person in or for the performance of a religious service or ceremony authorized by the school board.

235 ILCS 5/6-16.1 — Enforcement actions

Sec. 6-16.1. Enforcement actions.

- (a) A licensee or an officer, associate, member, representative, agent, or employee of a licensee may sell, give, or deliver alcoholic liquor to a person under the age of 21 years or authorize the sale, gift, or delivery of alcoholic liquor to a person under the age of 21 years pursuant to a plan or action to investigate, patrol, or otherwise conduct a "sting operation" or enforcement action against a person employed by the licensee or on any licensed premises if the licensee or officer, associate, member, representative, agent, or employee of the licensee provides written notice, at least 14 days before the "sting operation" or enforcement action, unless governing body of the municipality or county having jurisdiction sets a shorter period by ordinance, to the law enforcement agency having jurisdiction, the local liquor control commissioner, or both. Notice provided under this Section shall be valid for a "sting operation" or enforcement action conducted within 60 days of the provision of that notice, unless the governing body of the municipality or county having jurisdiction sets a shorter period by ordinance.
- (b) A local liquor control commission or unit of local government that conducts alcohol and tobacco compliance operations shall establish a policy and standards for alcohol and tobacco compliance operations to investigate whether a licensee is furnishing
 - (1) alcoholic liquor to persons under 21 years of age in violation of this Act or
 - (2) tobacco to persons in violation of the Prevention of Tobacco Use by Persons under 21 Years of Age and Sale and Distribution of Tobacco Products Act.
- (c) The Illinois Law Enforcement Training Standards Board shall develop a model policy and guidelines for the operation of alcohol and tobacco compliance checks by local law enforcement officers. The Illinois Law Enforcement Training Standards Board shall also require the supervising officers of such compliance checks to have met a minimum training standard as determined by the Board. The Board shall have the right to waive any training based on current written policies and procedures for alcohol and tobacco compliance check operations and in-service training already administered by the local law enforcement agency, department, or office.
- (d) The provisions of subsections
 - (b) and
 - (c) do not apply to a home rule unit with more than 2,000,000 inhabitants.
- (e) A home rule unit, other than a home rule unit with more than 2,000,000 inhabitants, may not regulate enforcement actions in a manner inconsistent with the regulation of enforcement actions under this Section. This subsection
 - (e) is a limitation under subsection
 - (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.
- (f) A licensee who is the subject of an enforcement action or "sting operation" under this Section and is found, pursuant to the enforcement action, to be in compliance with this Act shall be notified by the enforcement agency action that no violation was found within 30 days after the finding.

235 ILCS 5/6-16.2 — Prohibited entry to a licensed premises

Sec. 6-16.2. Prohibited entry to a licensed premises. A municipality or county may prohibit a licensee or any officer, associate, member, representative, agent, or employee of a licensee from permitting a person under the age of 21 years to enter and remain in that portion of a licensed premises that sells, gives, or delivers alcoholic liquor for consumption on the premises. No prohibition under this Section, however, shall apply to any licensed premises, such as without limitation a restaurant or food shop, where selling, giving, or delivering alcoholic liquor is not the principal business of the licensee at those premises. In those instances where a person under the age of 21 years is prohibited from entering and remaining on the premises, proof that the defendant-licensee, or his employee or agent, demanded, was shown, and reasonably relied upon adequate written evidence for purposes of entering and remaining on the licensed premises is an affirmative defense in any criminal prosecution therefor or to any proceedings for the suspension or revocation of any license based thereon. It shall not, however, be an affirmative defense if the defendant-licensee, or his agent or employee, accepted the written evidence knowing it to be false or fraudulent. Adequate written evidence of age and identity of the person is a document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the armed forces. If a false or fraudulent Illinois driver's license or Illinois identification card is presented by a person less than 21 years of age to a licensee or the licensee's agent or employee for the purpose of obtaining entry and remaining on a licensed premises, the law enforcement officer or agency investigating the incident shall, upon the conviction of the person who presented the fraudulent license or identification, make a report of the matter to the Secretary of State on a form provided by the Secretary of State.

235 ILCS 5/6-17

Sec. 6-17.

(a) No licensee licensed under the provisions of this Act shall deny or permit his agents and employees to deny any person the full and equal enjoyment of the accommodations, advantages, facilities and privileges of any premises in which alcoholic liquors are authorized to be sold subject only to the conditions and limitations established by law and applicable alike to all citizens.

(b) A distributor or an importing distributor may refuse to sell beer, brew, or similar beverages containing 0.5% or less of alcohol by volume to a non-licensee.

235 ILCS 5/6-17.1 — Distributors; sales to retailers

Sec. 6-17.1. Distributors; sales to retailers. The General Assembly hereby finds and declares that for the purposes of ensuring that all retail licensees have the opportunity to receive alcoholic liquor, reducing the amount of spoiled and overaged alcoholic liquor sold to customers, and maintaining the distribution system and the State's ability to regulate against illegal importation of alcoholic liquor, it is necessary to prevent discrimination among retail licensees as provided in this Section. A distributor or importing distributor designated as a distributor or importing distributor for alcoholic liquor within a designated geographic area or areas under Section 6-9 of this Act shall use its best efforts to make available for sale to retail licensees, in its designated geographic area or areas, each brand of alcoholic liquor which the distributor or the importing distributor has been authorized to distribute. Nothing in this Section prohibits a distributor or importing distributor from establishing purchase requirements unless the requirements have the effect of excluding a majority of the retail licensees in the designated geographic area or areas from purchasing the alcoholic liquor.

235 ILCS 5/6-17.2 — Importation of alcoholic liquor into this State

Sec. 6-17.2. Importation of alcoholic liquor into this State. A person who imports into this State from any point in the United States outside this State, whether for himself or for another, any alcoholic liquor for sale or resale is required to hold a license issued by the Commission in accordance with this Act, except as otherwise expressly authorized by this Act.

235 ILCS 5/6-17.5 — Purchase of wine or spirits by a retail licensee from another retail licensee

Sec. 6-17.5. Purchase of wine or spirits by a retail licensee from another retail licensee.

(a) No retail licensee may purchase wine or spirits from, or possess wine or spirits purchased from, any person other than a distributor or importing distributor; however, a retail licensee that purchases wine or spirits from a licensed Illinois retailer shall only receive a warning for the first 2 violations of this Section within a 12-month period. If a retail licensee

violates this Section a third time within the same 12-month period of the preceding 2 warnings, then the retailer licensee may be subject to the penalties under Section 10-1.

(b) A retailer that is delinquent in payment pursuant to Section 6-5 shall be prohibited from purchasing wine or spirits from another retailer pursuant to this Section until the indebtedness is cured.

235 ILCS 5/6-18

Sec. 6-18. No home rule unit, as defined in Article VII of the Illinois Constitution, may amend or alter or in any way change the legal age at which persons may purchase, consume or possess alcoholic liquors as provided in this Act, and it is declared to be the law of this State, pursuant to paragraphs

(h) and

(i) of Section 6 of Article VII of the Constitution, that the establishment of such legal age is an exercise of exclusive State power which may not be exercised concurrently by a home rule unit.

235 ILCS 5/6-19

Sec. 6-19. (Repealed).

235 ILCS 5/6-20 — Transfer, possession, and consumption of alcoholic liquor; restrictions

Sec. 6-20. Transfer, possession, and consumption of alcoholic liquor; restrictions.

(a) Any person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age shall not purchase, or accept a gift of such alcoholic liquor or have such alcoholic liquor in his possession.

(b) If a licensee or his or her agents or employees believes or has reason to believe that a sale or delivery of any alcoholic liquor is prohibited because of the non-age of the prospective recipient, he or she shall, before making such sale or delivery demand presentation of some form of positive identification, containing proof of age, issued by a public officer in the performance of his or her official duties.

(c) No person shall transfer, alter, or deface such an identification card; use the identification card of another; carry or use a false or forged identification card; or obtain an identification card by means of false information.

(d) No person shall purchase, accept delivery or have possession of alcoholic liquor in violation of this Section.

(e) The consumption of alcoholic liquor by any person under 21 years of age is forbidden.

(f) Whoever violates any provisions of this Section shall be guilty of a Class A misdemeanor.

(g) The possession and dispensing, or consumption by a person under 21 years of age of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by a person under 21 years of age under the direct supervision and approval of the parents or parent or those persons standing in loco parentis of such person under 21 years of age in the privacy of a home, is not prohibited by this Act.

(h) The provisions of this Act prohibiting the possession of alcoholic liquor by a person under 21 years of age and dispensing of alcoholic liquor to a person under 21 years of age do not apply in the case of a student under 21 years of age, but 18 years of age or older, who:

(1) tastes, but does not imbibe, alcoholic liquor only during times of a regularly scheduled course while under the direct supervision of an instructor who is at least 21 years of age and employed by an educational institution described in subdivision (2);

(2) is enrolled as a student in a college, university, or post-secondary educational institution that is accredited or certified by an agency recognized by the United States Department of Education or a nationally recognized accrediting agency or association, or that has a permit of approval issued by the Board of Higher Education pursuant to the Private Business and Vocational Schools Act of 2012;

(3) is participating in a culinary arts, fermentation science, food service, or restaurant management degree program of which a portion of the program includes instruction on responsible alcoholic beverage serving methods modeled after the Beverage Alcohol Sellers and Server Education and Training (BASSET) curriculum; and

(4) tastes, but does not imbibe, alcoholic liquor for instructional purposes up to, but not exceeding, 6 times per class as a part of a required course in which the student temporarily possesses alcoholic liquor for tasting, not imbibing, purposes only in a class setting on the campus and, thereafter, the alcoholic liquor is possessed and remains under the control of

the instructor.

(i) A law enforcement officer may not charge or otherwise take a person into custody based solely on the commission of an offense that involves alcohol and violates subsection

(d) or

(e) of this Section if the law enforcement officer, after making a reasonable determination and considering the facts and surrounding circumstances, reasonably believes that all of the following apply:

(1) The law enforcement officer has contact with the person because that person either: (A) requested emergency medical assistance for an individual who reasonably appeared to be in need of medical assistance due to alcohol consumption; or (B) acted in concert with another person who requested emergency medical assistance for an individual who reasonably appeared to be in need of medical assistance due to alcohol consumption; however, the provisions of this subparagraph (B) shall not apply to more than 3 persons acting in concert for any one occurrence.

(2) The person described in subparagraph (A) or (B) of paragraph

(1) of this subsection (i): (A) provided his or her full name and any other relevant information requested by the law enforcement officer; (B) remained at the scene with the individual who reasonably appeared to be in need of medical assistance due to alcohol consumption until emergency medical assistance personnel arrived; and (C) cooperated with emergency medical assistance personnel and law enforcement officers at the scene. (i-5)

(1) In this subsection (i-5): "Medical forensic services" has the meaning defined in Section 1a of the Sexual Assault Survivors Emergency Treatment Act. "Sexual assault" means an act of sexual conduct or sexual penetration, defined in Section 11-0.1 of the Criminal Code of 2012, including, without limitation, acts prohibited under Sections 11-1.20 through 11-1.60 of the Criminal Code of 2012.

(2) A law enforcement officer may not charge or otherwise take a person into custody based solely on the commission of an offense that involves alcohol and violates subsection

(d) or

(e) of this Section if the law enforcement officer, after making a reasonable determination and considering the facts and surrounding circumstances, reasonably believes that all of the following apply: (A) The law enforcement officer has contact with the person because the person:

(i) reported that he or she was sexually assaulted; (ii) reported a sexual assault of another person or requested emergency medical assistance or medical forensic services for another person who had been sexually assaulted; or (iii) acted in concert with another person who reported a sexual assault of another person or requested emergency medical assistance or medical forensic services for another person who had been sexually assaulted; however, the provisions of this item (iii) shall not apply to more than 3 persons acting in concert for any one occurrence. The report of a sexual assault may have been made to a health care provider, to law enforcement, including the campus police or security department of an institution of higher education, or to the Title IX coordinator of an institution of higher education or another employee of the institution responsible for responding to reports of sexual assault under State or federal law. (B) The person who reports the sexual assault:

(i) provided his or her full name; (ii) remained at the scene until emergency medical assistance personnel arrived, if emergency medical assistance was summoned for the person who was sexually assaulted and he or she cooperated with emergency medical assistance personnel; and (iii) cooperated with the agency or person to whom the sexual assault was reported if he or she witnessed or reported the sexual assault of another person.

(j) A person who meets the criteria of paragraphs

(1) and

(2) of subsection

(i) of this Section or a person who meets the criteria of paragraph

(2) of subsection (i-5) of this Section shall be immune from criminal liability for an offense under subsection

(d) or

(e) of this Section.

(k) A person may not initiate an action against a law enforcement officer based on the officer's compliance or failure to comply with subsection

(i) or (i-5) of this Section, except for willful or wanton misconduct.

235 ILCS 5/6-21

Sec. 6-21.

(a) Every person who is injured within this State, in person or property, by any intoxicated person has a right of action in his or her own name, severally or jointly, against any person, licensed under the laws of this State or of any other state to sell alcoholic liquor, who, by selling or giving alcoholic liquor, within or without the territorial limits of this State, causes the intoxication of such person. Any person at least 21 years of age who pays for a hotel or motel room or facility knowing that the room or facility is to be used by any person under 21 years of age for the unlawful consumption of alcoholic liquors and such consumption causes the intoxication of the person under 21 years of age, shall be liable to any person who is injured in person or property by the intoxicated person under 21 years of age. Any person owning, renting, leasing or permitting the occupation of any building or premises with knowledge that alcoholic liquors are to be sold therein, or who having leased the same for other purposes, shall knowingly permit therein the sale of any alcoholic liquors that have caused the intoxication of any person, shall be liable, severally or jointly, with the person selling or giving the liquors. However, if such building or premises belong to a minor or other person under guardianship the guardian of such person shall be held liable instead of the ward. A married woman has the same right to bring the action and to control it and the amount recovered as an unmarried woman. All damages recovered by a minor under this Act shall be paid either to the minor, or to his or her parent, guardian or next friend as the court shall direct. The unlawful sale or gift of alcoholic liquor works a forfeiture of all rights of the lessee or tenant under any lease or contract of rent upon the premises where the unlawful sale or gift takes place. All actions for damages under this Act may be by any appropriate action in the circuit court. An action shall lie for injuries to either means of support or loss of society, but not both, caused by an intoxicated person or in consequence of the intoxication of any person resulting as hereinabove set out. "Loss of society" means the mutual benefits that each family member receives from the other's continued existence, including love, affection, care, attention, companionship, comfort, guidance, and protection. "Family" includes spouse, children, parents, brothers, and sisters. The action, if the person from whom support or society was furnished is living, shall be brought by any person injured in means of support or society in his or her name for his or her benefit and the benefit of all other persons injured in means of support or society. However, any person claiming to be injured in means of support or society and not included in any action brought hereunder may join by motion made within the times herein provided for bringing such action or the personal representative of the deceased person from whom such support or society was furnished may so join. In every such action the jury shall determine the amount of damages to be recovered without regard to and with no special instructions as to the dollar limits on recovery imposed by this Section. The amount recovered in every such action is for the exclusive benefit of the person injured in loss of support or society and shall be distributed to such persons in the proportions determined by the verdict rendered or judgment entered in the action. If the right of action is settled by agreement with the personal representative of a deceased person from whom support or society was furnished, the court having jurisdiction of the estate of the deceased person shall distribute the amount of the settlement to the person injured in loss of support or society in the proportion, as determined by the court, that the percentage of dependency of each such person upon the deceased person bears to the sum of the percentages of dependency of all such persons upon the deceased person. For all causes of action involving persons injured, killed, or incurring property damage before September 12, 1985, in no event shall the judgment or recovery under this Act for injury to the person or to the property of any person as hereinabove set out exceed \$15,000, and recovery under this Act for loss of means of support resulting from the death or injury of any person, as hereinabove set out, shall not exceed \$20,000. For all causes of action involving persons injured, killed, or incurring property damage after September 12, 1985 but before July 1, 1998, in no event shall the judgment or recovery for injury to the person or property of any person exceed \$30,000 for each person incurring damages, and recovery under this Act for loss of means of support resulting from the death or injury of any person shall not exceed \$40,000. For all causes of action involving persons injured, killed, or incurring property damage on or after July 1, 1998, in no event shall the judgment or recovery for injury to the person or property of any person exceed \$45,000 for each person incurring damages, and recovery under this Act for either loss of means of support or loss of society resulting from the death or injury of any person shall not exceed \$55,000. Beginning in 1999, every January 20, these liability limits shall automatically be increased or decreased, as applicable, by a percentage equal to the percentage change in the consumer price index-u during the preceding 12-month calendar year. "Consumer price index-u" means the index published by the Bureau of Labor Statistics of the United States Department of Labor that measures the average change in prices of goods and services purchased by all urban consumers, United States city

average, all items, 1982-84 = 100. The new amount resulting from each annual adjustment shall be determined by the Comptroller and made available via the Comptroller's official website by January 31 of every year and to the chief judge of each judicial circuit. The liability limits at the time at which damages subject to such limits are awarded by final judgment or settlement shall be utilized by the courts. Nothing in this Section bars any person from making separate claims which, in the aggregate, exceed any one limit where such person incurs more than one type of compensable damage, including personal injury, property damage, and loss to means of support or society. However, all persons claiming loss to means of support or society shall be limited to an aggregate recovery not to exceed the single limitation set forth herein for the death or injury of each person from whom support or society is claimed. Nothing in this Act shall be construed to confer a cause of action for injuries to the person or property of the intoxicated person himself, nor shall anything in this Act be construed to confer a cause of action for loss of means of support or society on the intoxicated person himself or on any person claiming to be supported by such intoxicated person or claiming the society of such person. In conformance with the rule of statutory construction enunciated in the general Illinois saving provision in Section 4 of "An Act to revise the law in relation to the construction of the statutes", approved March 5, 1874, as amended, no amendment of this Section purporting to abolish or having the effect of abolishing a cause of action shall be applied to invalidate a cause of action accruing before its effective date, irrespective of whether the amendment was passed before or after the effective date of this amendatory Act of 1986. Each action hereunder shall be barred unless commenced within one year next after the cause of action accrued. However, a licensed distributor or brewer whose only connection with the furnishing of alcoholic liquor which is alleged to have caused intoxication was the furnishing or maintaining of any apparatus for the dispensing or cooling of beer is not liable under this Section, and if such licensee is named as a defendant, a proper motion to dismiss shall be granted.

(b) Any person licensed under any state or local law to sell alcoholic liquor, whether or not a citizen or resident of this State, who in person or through an agent causes the intoxication, by the sale or gift of alcoholic liquor, of any person who, while intoxicated, causes injury to any person or property in the State of Illinois thereby submits such licensed person, and, if an individual, his or her personal representative, to the jurisdiction of the courts of this State for a cause of action arising under subsection

(a) above. Service of process upon any person who is subject to the jurisdiction of the courts of this State, as provided in this subsection, may be made by personally serving the summons upon the defendant outside this State, as provided in the Code of Civil Procedure, as now or hereafter amended, with the same force and effect as though summons had been personally served within this State. Only causes of action arising under subsection

(a) above may be asserted against a defendant in an action in which jurisdiction over him or her is based upon this subsection. Nothing herein contained limits or affects the right to serve any process in any other manner now or hereafter provided by law.

235 ILCS 5/6-22

Sec. 6-22. No person except a manufacturer or distributor, or importing distributor, shall fill or refill, in whole or in part, any original package of alcoholic liquor with the same or any other kind or quality of alcoholic liquor, and it shall be unlawful for any person to have in his possession for sale at retail any bottles, casks or other containers containing alcoholic liquor, except in original packages.

235 ILCS 5/6-22.5 — Infusions

Sec. 6-22.5. Infusions.

(a) For purposes of this Section, "infusion" means a spirit where ingredients, including, but not limited to, fruits, spices, or nuts, are added to naturally infuse flavor into the spirit.

(b) A retail licensee that is preparing an infusion for consumption on the premises shall comply with the following requirements:

- (1) the infusion shall be mixed and stored on the premises of the licensee;
- (2) the container that the infusion is stored in must have a lid and be in sanitary condition;
- (3) the infusion shall not be aged for more than 14 days;
- (4) the infusion must be used or destroyed within 21 days after the end of the aging process;

(5) cleaning records for the container that the infusion is stored in must be available for inspection by agents of the State Commission; and

(6) the container that the infusion is stored in must have a label affixed to the container that provides the production date of the infusion, the base spirit of the infusion, the date the infusion will finish the aging process, and the date by which the infusion must be destroyed.

235 ILCS 5/6-23

Sec. 6-23. No manufacturer or distributor or importing distributor or foreign importer shall enter into any contract with any person licensed to sell at retail whereby such licensee agrees not to sell any alcoholic liquors manufactured or distributed by any other manufacturer or distributor or importing distributor or foreign importer, and any provision in any contract violative of this Section shall render the whole of such contract void and no action shall be brought thereon in any court. However, nothing in this Section shall prohibit the Department of Agriculture from entering into contracts for exclusive facilities upon the State Fair Grounds on an equal basis.

235 ILCS 5/6-24

Sec. 6-24. Every licensee shall cause his license or licenses to be framed and hung in plain view in a conspicuous place on the licensed premises. An airplane license shall be maintained at the licensee's business premises in Illinois.

235 ILCS 5/6-24a — Display of birth defects warning signs

Sec. 6-24a. Display of birth defects warning signs.

(a) The General Assembly finds that there is a need for public information about the risk of birth defects (specifically Fetal Alcohol Syndrome) when women consume alcoholic liquor during pregnancy. The United States Surgeon General has recommended abstinence from alcohol during pregnancy. Since Fetal Alcohol Syndrome and fetal alcohol effects are preventable, the General Assembly finds that it is in the public interest to provide warning about the risk of alcohol-related birth defects at places where alcoholic liquors are sold.

(b) Every holder of a retail license, whether the licensee sells or offers for sale alcoholic liquors for use or consumption on or off the retail license premises, shall cause a sign with the message "GOVERNMENT WARNING: ACCORDING TO THE SURGEON GENERAL, WOMEN SHOULD NOT DRINK ALCOHOLIC BEVERAGES DURING PREGNANCY BECAUSE OF THE RISK OF BIRTH DEFECTS." to be framed and hung in plain view. These signs shall be no less than 8 1/2 inches by 11 inches and shall provide the name and phone number of an authorized State alcoholism and substance abuse helpline.

(c) In the event there is no warning sign posted on the retailer's premises, it shall be the responsibility of the Illinois Liquor Control Commission to furnish the retailer with a warning sign. The retailer shall have 30 days from receipt of the warning sign to post it on the licensed premises. Thereafter, a retailer who violates this Section is subject to a written warning for the first violation. For a second or subsequent violation, the retailer shall pay a fine of at least \$20 but not more than \$100 for each such violation. For the third and subsequent violations, each day the activity continues shall be a separate violation.

235 ILCS 5/6-25

Sec. 6-25. No person shall receive a local license to sell alcoholic liquor upon any premises as a restaurant nor as a club unless it has the qualifications respectively described in Sections 1-3.23 and 1-3.24. No restaurant, licensed as such, shall sell alcoholic liquor except with meals.

235 ILCS 5/6-26 — Minimum size of container for spirits

Sec. 6-26. Minimum size of container for spirits. No unmixed spirits shall be sold or offered for sale at retail for consumption on the premises, except in a container having a minimum capacity of at least one fluid ounce and which contains at the time of sale at least one fluid ounce of the beverage being sold. The provisions of this Section shall not prohibit the sale of unmixed spirits on boats or railroad cars licensed to sell liquor for consumption on the premises in containers regularly used and having a smaller fluid capacity.

235 ILCS 5/6-27 — Licensing of seller and server education programs

Sec. 6-27. Licensing of seller and server education programs.

(a) Any program designed to educate or train employees who sell or serve alcoholic beverages at retail to identify and address persons displaying problems with alcohol misuse or abuse shall be licensed by the State Commission.

(b) A seller and server education program license in effect on the effective date of this amendatory Act of the 91st General Assembly shall remain in effect until June 30, 2000.

235 ILCS 5/6-27.1 — Responsible alcohol service server training

Sec. 6-27.1. Responsible alcohol service server training.

(a) Unless issued a valid server training certificate between July 1, 2012 and July 1, 2015 by a certified Beverage Alcohol Sellers and Servers Education and Training (BASSET) trainer, all alcohol servers in Cook County are required to obtain and complete training in basic responsible alcohol service as outlined in 77 Ill. Adm. Code 3500, as those provisions exist on July 1, 2015 (the effective date of Public Act 98-939), by July 1, 2015 or within 120 days after the alcohol server begins his or her employment, whichever is later. All alcohol servers in a county, other than Cook County, with a population of 200,000 inhabitants or more are required to obtain and complete training in basic responsible alcohol service as outlined in 77 Ill. Adm. Code 3500, as those provisions exist on July 1, 2015 (the effective date of Public Act 98-939), by July 1, 2016 or within 120 days after the alcohol server begins his or her employment, whichever is later. All alcohol servers in a county with a population of more than 30,000 inhabitants and less than 200,000 inhabitants are required to obtain and complete training in basic responsible alcohol service as outlined in 77 Ill. Adm. Code 3500, as those provisions exist on July 1, 2015 (the effective date of Public Act 98-939), by July 1, 2017 or within 120 days after the alcohol server begins his or her employment, whichever is later. All alcohol servers in counties with a population of 30,000 inhabitants or less are required to obtain and complete training in basic responsible alcohol service as outlined in 77 Ill. Adm. Code 3500, as those provisions exist on July 1, 2015 (the effective date of Public Act 98-939), by July 1, 2018 or within 120 days after the alcohol server begins his or her employment, whichever is later. There is no limit to the amount of times a server may take the training. A certificate of training belongs to the server, and a server may transfer a certificate of training to a different employer, but shall not transfer a certificate of training to another server. Proof that an alcohol server has been trained must be available upon reasonable request by State law enforcement officials. For the purpose of this Section, "alcohol servers" means persons who sell or serve open containers of alcoholic beverages at retail, anyone who delivers mixed drinks under Section 6-28.8, and anyone whose job description entails the checking of identification for the purchase of open containers of alcoholic beverages at retail or for entry into the licensed premises. The definition does not include

(i) a distributor or importing distributor conducting product sampling as authorized in Section 6-31 of this Act or a registered tasting representative, as provided in 11 Ill. Adm. Code 100.40, conducting a tasting, as defined in 11 Ill. Adm. Code 100.10; (ii) a volunteer serving alcoholic beverages at a charitable function; or (iii) an instructor engaged in training or educating on the proper technique for using a system that dispenses alcoholic beverages.

(b) Responsible alcohol service training must cover and assess knowledge of the topics noted in 77 Ill. Adm. Code 3500.155.

(c) Beginning on the effective date of this amendatory Act of the 98th General Assembly, but no later than October 1, 2015, all existing BASSET trainers who are already BASSET certified as of the effective date of this amendatory Act of the 98th General Assembly shall be recertified by the State Commission and be required to comply with the conditions for server training set forth in this amendatory Act of the 98th General Assembly.

(d) Training modules and certificate program plans must be approved by the State Commission. All documents, materials, or information related to responsible alcohol service training program approval that are submitted to the State Commission are confidential and shall not be open to public inspection or dissemination and are exempt from disclosure. The State Commission shall only approve programs that meet the following criteria:

(1) the training course covers the content specified in 77 Ill. Adm. Code 3500.155;

(2) if the training course is classroom-based, the classroom training is at least 4 hours, is available in English and Spanish, and includes a test;

(3) if the training course is online or computer-based, the course is designed in a way that ensures that no content can be skipped, is interactive, has audio for content for servers that have a disability, and includes a test;

(4) training and testing is based on a job task analysis that clearly identifies and focuses on the knowledge, skills, and abilities needed to responsibly serve alcoholic beverages and is developed using best practices in instructional design

and exam development to ensure that the program is fair and legally defensible;

(5) training and testing is conducted by any means available, including, but not limited to, online, computer, classroom, or live trainers; and

(6) the program must provide access on a 24-hour-per-day, 7-days-per-week basis for certificate verification for State Commission, State law enforcement officials, and employers to be able to verify certificate authenticity.

(e) Nothing in subsection

(d) of this Section shall be construed to require a program to use a test administrator or proctor.

(f) A certificate issued from a BASSET-licensed training program shall be accepted as meeting the training requirements for all server license and permit laws and ordinances in the State.

(g) A responsible alcohol service training certificate from a BASSET-licensed program shall be valid for 3 years.

(h) The provisions of this Section shall apply beginning July 1, 2015. From July 1, 2015 through December 31, 2015, enforcement of the provisions of this Section shall be limited to education and notification of the requirements to encourage compliance.

(i) The provisions of this Section do not apply to a special event retailer.

235 ILCS 5/6-27.5 — Mandatory schedule of prices

Sec. 6-27.5. Mandatory schedule of prices. All retail licensees shall maintain a schedule of the prices charged for all drinks of alcoholic liquor to be served and consumed on the licensed premises or in any room or part thereof. Whenever a hotel or multi-use establishment which holds a valid retailer's license operates on its premises more than one establishment at which drinks of alcoholic liquor are sold at retail, the hotel or multi-use establishment shall maintain at each such establishment a separate schedule of the prices charged for such drinks at that establishment.

235 ILCS 5/6-28 — Prohibited happy hours

Sec. 6-28. Prohibited happy hours.

(a) (Blank).

(b) No retail licensee or employee or agent of such licensee shall:

(1) sell more than one drink of alcoholic liquor for the price of one drink of alcoholic liquor;

(2) sell, offer to sell or serve to any person an unlimited number of drinks of alcoholic liquor during any set period of time for a fixed price, except at private functions not open to the general public or as provided in Section 6-28.5 of this Act;

(3) (blank);

(4) increase the volume of alcoholic liquor contained in a drink, or the size of a drink of alcoholic liquor, without increasing proportionately the price regularly charged for the drink on that day;

(5) encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or the awarding of drinks of alcoholic liquor as prizes for such game or contest on the licensed premises; or

(6) advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under paragraphs

(1) through (5).

(c) (Blank).

(d) A violation of this Section shall be grounds for suspension or revocation of the retailer's license as provided by this Act. The State Commission may not enforce any trade practice policy or other rule that was not adopted in accordance with the Illinois Administrative Procedure Act.

235 ILCS 5/6-28.5 — Permitted happy hours and meal packages, party packages, and entertainment packages

Sec. 6-28.5. Permitted happy hours and meal packages, party packages, and entertainment packages.

(a) As used in this Section: "Dedicated event space" means a room or rooms or other clearly delineated space within a retail licensee's premises that is reserved for the exclusive use of party package invitees during the entirety of a party package. Furniture, stanchions and ropes, or other room dividers may be used to clearly delineate a dedicated event

space. "Meal package" means a food and beverage package, which may or may not include entertainment, where the service of alcoholic liquor is an accompaniment to the food, including, but not limited to, a meal, tour, tasting, or any combination thereof for a fixed price by a retail licensee or any other licensee operating within a sports facility, restaurant, winery, brewery, or distillery. "Party package" means a private party, function, or event for a specific social or business occasion, either arranged by invitation or reservation for a defined number of individuals, that is not open to the general public and where attendees are served both food and alcohol for a fixed price in a dedicated event space.

(b) A retail licensee may:

- (1) offer free food or entertainment at any time;
- (2) include drinks of alcoholic liquor as part of a meal package;
- (3) sell or offer for sale a party package only if the retail licensee: (A) offers food in the dedicated event space; (B) limits the party package to no more than 3 hours; (C) distributes wristbands, lanyards, shirts, or any other such wearable items to identify party package attendees so the attendees may be granted access to the dedicated event space; and (D) excludes individuals not participating in the party package from the dedicated event space;
- (4) include drinks of alcoholic liquor as part of a hotel package;
- (5) negotiate drinks of alcoholic liquor as part of a hotel package;
- (6) provide room service to persons renting rooms at a hotel;
- (7) sell pitchers (or the equivalent, including, but not limited to, buckets of bottled beer), carafes, or bottles of alcoholic liquor which are customarily sold in such manner, or sell bottles of spirits;
- (8) advertise events permitted under this Section;
- (9) include drinks of alcoholic liquor as part of an entertainment package where the licensee is separately licensed by a municipal ordinance that (A) restricts dates of operation to dates during which there is an event at an adjacent stadium, (B) restricts hours of serving alcoholic liquor to 2 hours before the event and one hour after the event, (C) restricts alcoholic liquor sales to beer and wine, (D) requires tickets for admission to the establishment, and (E) prohibits sale of admission tickets on the day of an event and permits the sale of admission tickets for single events only; and
- (10) discount any drink of alcoholic liquor during a specified time period only if: (A) the price of the drink of alcoholic liquor is not changed during the time that it is discounted; (B) the period of time during which any drink of alcoholic liquor is discounted does not exceed 4 hours per day and 15 hours per week; however, this period of time is not required to be consecutive and may be divided by the licensee in any manner; (C) the drink of alcoholic liquor is not discounted between the hours of 10:00 p.m. and the licensed premises' closing hour; and (D) notice of the discount of the drink of alcoholic liquor during a specified time is posted on the licensed premises or on the licensee's publicly available website at least 7 days prior to the specified time.

(c) A violation of this Section shall be grounds for suspension or revocation of the retailer's license as provided by this Act. The State Commission may not enforce any trade practice policy or other rule that was not adopted in accordance with the Illinois Administrative Procedure Act.

(d) All licensees affected by this Section must also comply with Sections 6-16, 6-21, and 6-27.1 of this Act.

235 ILCS 5/6-28.8 — Delivery and carry out of mixed drinks permitted

Sec. 6-28.8. Delivery and carry out of mixed drinks permitted.

(a) In this Section: "Cocktail" or "mixed drink" means any beverage obtained by combining ingredients alcoholic in nature, whether brewed, fermented, or distilled, with ingredients non-alcoholic in nature, such as fruit juice, lemonade, cream, or a carbonated beverage. "Cocktail" or "mixed drink" does not include an original or sealed container that is filled, sealed, or labeled by the manufacturer. "Original container" means, for the purposes of this Section only, a container that is filled, sealed, and secured by a retail licensee's employee at the retail licensee's location with a tamper-evident lid or cap. "Sealed container" means a rigid container that contains a mixed drink or a single serving of wine, is new, has never been used, has a secured lid or cap designed to prevent consumption without removal of the lid or cap, and is tamper-evident. "Sealed container" does not include a container with a lid with sipping holes or openings for straws or a container made of plastic, paper, or polystyrene foam. "Tamper-evident" means a lid or cap that has been sealed with tamper-evident covers, including, but not limited to, wax dip or heat shrink wrap.

(b) A cocktail, mixed drink, or single serving of wine placed in a sealed container by a retail licensee at the retail licensee's location may be transferred and sold for off-premises consumption if the following requirements are met:

(1) the cocktail, mixed drink, or single serving of wine is transferred within the licensed premises, by a curbside pickup, or by delivery by an employee of the retail licensee who: (A) has been trained in accordance with Section 6-27.1 at the time of the sale; (B) is at least 21 years of age; and (C) upon delivery, verifies the age of the person to whom the cocktail, mixed drink, or single serving of wine is being delivered by obtaining a signature from a recipient aged 21 or over;

(2) if the employee delivering the cocktail, mixed drink, or single serving of wine is not able to safely verify a person's age or level of intoxication upon delivery or is otherwise not able to complete the delivery, the employee shall cancel the sale of alcohol and return the product to the retail license holder;

(3) the sealed container is placed in the trunk of the vehicle or if there is no trunk, in the vehicle's rear compartment that is not readily accessible to the passenger area;

(4) a container filled and sealed at a retail licensee's location shall be affixed with a label or tag that contains the following information: (A) the cocktail or mixed drink ingredients, type, and name of the alcohol; (B) the name, license number, and address of the retail licensee that filled the original container and sold the product; (C) the volume of the cocktail, mixed drink, or single serving of wine in the sealed container; and (D) the sealed container was filled less than 7 days before the date of sale.

(c) Third-party delivery services are not permitted to deliver cocktails and mixed drinks under this Section.

(d) If there is an executive order of the Governor in effect during a disaster, the employee delivering the mixed drink, cocktail, or single serving of wine must comply with any requirements of that executive order, including, but not limited to, wearing gloves and a mask and maintaining distancing requirements when interacting with the public.

(e) Delivery or carry out of a cocktail, mixed drink, or single serving of wine is prohibited if:

(1) a third party delivers the cocktail or mixed drink;

(2) a container of a mixed drink, cocktail, or single serving of wine is not tamper-evident and sealed;

(3) a container of a mixed drink, cocktail, or single serving of wine is transported in the passenger area of a vehicle;

(4) a mixed drink, cocktail, or single serving of wine is delivered by a person or to a person who is under the age of 21; or

(5) the person delivering a mixed drink, cocktail, or single serving of wine fails to verify the age of the person to whom the mixed drink or cocktail is being delivered.

(f) Violations of this Section shall be subject to any applicable penalties, including, but not limited to, the penalties specified under Section 11-502 of the Illinois Vehicle Code. (f-5) This Section shall only grant authorization to holders of State of Illinois retail liquor licenses but not to licensees that simultaneously hold any licensure or privilege to manufacture alcoholic liquors within or outside of the State of Illinois.

(g) This Section is not a denial or limitation of home rule powers and functions under Section 6 of Article VII of the Illinois Constitution.

(h) Except as provided in subsection (f-5), nothing in this Section shall be construed to prohibit an on-premises consumption retailer or a combined on-premises consumption retailer and off-premises sale retailer from delivering mixed drinks, cocktails, or single servings of wine pursuant to this Section.

235 ILCS 5/6-29 — Winery shipper's license

Sec. 6-29. Winery shipper's license.

(a) The General Assembly declares that the following is the intent of this Section:

(1) To authorize direct shipment of wine by an out-of-state maker of wine on the same basis permitted an in-state maker of wine pursuant to the authority of the State under the provisions of Section 2 of the Twenty-First Amendment to the United States Constitution and in conformance with the United States Supreme Court decision decided on May 16, 2005 in *Granholm v. Heald*.

(2) To reaffirm that the General Assembly's findings and declarations that selling alcoholic liquor through various direct marketing means such as catalogs, newspapers, mailings, and the Internet directly to consumers of this State poses a serious threat to the State's efforts to further temperance and prevent youth from accessing alcoholic liquor and the expansion of youth access to additional types of alcoholic liquors.

(3) To maintain the State's broad powers granted by Section 2 of the Twenty-First Amendment to the United States Constitution to control the importation or sale of alcoholic liquor and its right to structure its alcoholic liquor distribution system.

(4) To ensure that the General Assembly, by authorizing limited direct shipment of wine to meet the directives of the United States Supreme Court, does not intend to impair or modify the State's distribution of wine through distributors or importing distributors, but only to permit limited shipment of wine for personal use.

(5) To provide that, in the event that a court of competent jurisdiction declares or finds that this Section, which is enacted to conform Illinois law to the United States Supreme Court decision, is invalid or unconstitutional, the Illinois General Assembly at its earliest general session shall conduct hearings and study methods to conform to any directive or order of the court consistent with the temperance and revenue collection purposes of this Act.

(b) Notwithstanding any other provision of law, a wine shipper licensee may ship, for personal use and not for resale, not more than 12 cases of wine per year to any resident of this State who is 21 years of age or older. (b-3) Notwithstanding any other provision of law, sale and shipment by a winery shipper licensee pursuant to this Section shall be deemed to constitute a sale in this State. (b-5) The shipping container of any wine shipped under this Section shall be clearly labeled with the following words: "CONTAINS ALCOHOL. SIGNATURE OF A PERSON 21 YEARS OF AGE OR OLDER REQUIRED FOR DELIVERY. PROOF OF AGE AND IDENTITY MUST BE SHOWN BEFORE DELIVERY.". This warning must be prominently displayed on the packaging. A licensee shall require the transporter or common carrier that delivers the wine to obtain the signature of a person 21 years of age or older at the delivery address at the time of delivery. At the expense of the licensee, the licensee shall receive a delivery confirmation from the express company, common carrier, or contract carrier indicating the location of the delivery, time of delivery, and the name and signature of the individual 21 years of age or older who accepts delivery. The Commission shall design and create a label or approve a label that must be affixed to the shipping container by the licensee.

(c) No broker within this State shall solicit consumers to engage in direct wine shipments under this Section.

(d) It is not the intent of this Section to impair the distribution of wine through distributors or importing distributors, but only to permit shipments of wine for personal use.

235 ILCS 5/6-29.1 — Direct shipments of alcoholic liquor

Sec. 6-29.1. Direct shipments of alcoholic liquor.

(a) The General Assembly makes the following findings:

(1) The General Assembly of Illinois, having reviewed this Act in light of the United States Supreme Court's 2005 decision in *Granholm v. Heald*, has determined to conform that law to the constitutional principles enunciated by the Court in a manner that best preserves the temperance, revenue, and orderly distribution values of this Act.

(2) Minimizing automobile crashes and fatalities, domestic violence, health problems, loss of productivity, unemployment, and other social problems associated with dependency and improvident use of alcoholic beverages remains the policy of Illinois.

(3) To the maximum extent constitutionally feasible, Illinois desires to collect sufficient revenue from excise and use taxes on alcoholic beverages for the purpose of responding to such social problems.

(4) Combined with family education and individual discipline, retail validation of age, and assessment of the capacity of the consumer remains the best pre-sale social protection against the problems associated with the abuse of alcoholic liquor.

(5) Therefore, the paramount purpose of this amendatory Act is to continue to carefully limit direct shipment sales of wine produced by makers of wine and to continue to prohibit such direct shipment sales for spirits and beer. For these reasons, the Commission shall establish a system to notify the out-of-state trade of this prohibition and to detect violations. The Commission shall request the Attorney General to extradite any offender.

(b) Pursuant to the Twenty-First Amendment of the United States Constitution allowing states to regulate the distribution and sale of alcoholic liquor and pursuant to the federal Webb-Kenyon Act declaring that alcoholic liquor shipped in interstate commerce must comply with state laws, the General Assembly hereby finds and declares that selling alcoholic liquor from a point outside this State through various direct marketing means, such as catalogs, newspapers, mailers, and the Internet, directly to residents of this State poses a serious threat to the State's efforts to prevent youths from accessing alcoholic liquor; to State revenue collections; and to the economy of this State. Any person manufacturing,

distributing, or selling alcoholic liquor who knowingly ships or transports or causes the shipping or transportation of any alcoholic liquor from a point outside this State to a person in this State who does not hold a manufacturer's, distributor's, importing distributor's, or non-resident dealer's license issued by the Liquor Control Commission, other than a shipment of sacramental wine to a bona fide religious organization, a shipment authorized by Section 6-29, subparagraph

(17) of Section 3-12, or any other shipment authorized by this Act, is in violation of this Act. The Commission, upon determining, after investigation, that a person has violated this Section, shall give notice to the person by certified mail to cease and desist all shipments of alcoholic liquor into this State and to withdraw from this State within 5 working days after receipt of the notice all shipments of alcoholic liquor then in transit. A person who violates the cease and desist notice is subject to the applicable penalties in subsection

(a) of Section 10-1 of this Act.

235 ILCS 5/6-30

Sec. 6-30. Notwithstanding any other provision of this Act, the Illinois Gaming Board shall have exclusive authority to establish the hours for sale and consumption of alcoholic liquor on board a riverboat during riverboat gambling excursions and in a casino conducted in accordance with the Illinois Gambling Act.

235 ILCS 5/6-31 — Product sampling

Sec. 6-31. Product sampling.

(a) Retailer, distributor, importing distributor, manufacturer and nonresident dealer licensees may conduct product sampling for consumption at a licensed retail location. Up to 3 samples, consisting of no more than

(i) 1/4 ounce of distilled spirits, (ii) one ounce of wine, or (iii) 2 ounces of beer may be served to a consumer in one day.

(b) Notwithstanding the provisions of subsection (a), an on-premises retail licensee may offer for sale and serve more than one drink per person for sampling purposes. In any event, all provisions of Section 6-28 shall apply to an on-premises retail licensee that conducts product sampling.

(c) A craft distiller tasting permit licensee may conduct product sampling of distilled spirits for consumption at the location specified in the craft distiller tasting permit license. Up to 3 samples, consisting of no more than 1/4 ounce of distilled spirits, may be served to a consumer in one day.

235 ILCS 5/6-32 — Safety provisions

Sec. 6-32. Safety provisions.

(a) A retailers on premise consumption licensee may not permit the use of any pyrotechnic device within its licensed premises without the prior authorization of the Illinois State Fire Marshal. A retailers on premise consumption licensee, or any agent or employee of that licensee, may not use mace, pepper spray, or any other toxic air-released compound within its licensed premises. Violation of this subsection

(a) by any licensee or any employee or agent of a licensee is a Class 4 felony.

(b) No person may impede any person who is attempting to exit the premises of a retailers on premise consumption licensee due to an emergency that constitutes a threat to the health or safety of persons within the licensed premises. For the purpose of this Section, the term "impede a person who is attempting to exit" includes physically restraining the person or blocking or locking an exit while the licensed premises is open to the public. Violation of this subsection

(b) is a Class 4 felony.

(c) A retailers on premise consumption licensee with an authorized capacity

(i) of at least 250 persons, (ii) set by the State Fire Marshal, or (iii) set by local ordinance, whichever is lowest, must place a panic bar on each exit of its licensed premises. A retailers on premise consumption licensee with an authorized capacity of at least 500 persons that conducts live entertainment within its licensed premises must, before the commencement of the live entertainment, make an announcement to the patrons of the licensed premises that generally informs those patrons of the locations of exits and fire escapes at the licensed premises.

235 ILCS 5/6-33 — Sealing and removal of open wine bottles from a restaurant or winery

Sec. 6-33. Sealing and removal of open wine bottles from a restaurant or winery. Notwithstanding any other provision of this Act, a restaurant licensed to sell alcoholic liquor in this State may permit a patron to remove one unsealed and

partially consumed bottle of wine for off-premise consumption provided that the patron has purchased a meal and consumed a portion of the bottle of wine with the meal on the restaurant premises. Notwithstanding any other provision of this Act, a winery licensed to sell alcoholic liquor in this State may permit a patron to remove one unsealed and partially consumed bottle of wine for off-premise consumption. A partially consumed bottle of wine that is to be removed from the premises pursuant to this Section shall be securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent one-time use tamper-proof bag. The licensee or agent of the licensee shall provide a dated receipt for the bottle of wine to the patron. Wine that is resealed in accordance with the provisions of this Section and not tampered with and transported in accordance with the restrictions of subsections

(a) and

(b) of Section 11-502 of the Illinois Vehicle Code shall not be deemed to violate Section 11-502 of the Illinois Vehicle Code.

235 ILCS 5/6-34 — Alcohol without liquid machines

Sec. 6-34. Alcohol without liquid machines.

(a) No person shall bring into this State for use or sale any alcohol without liquid machine.

(b) For the purposes of this Section, "alcohol without liquid machine" means a device designed or marketed for the purposes of mixing alcohol with oxygen or another gas to produce a mist for inhalation for recreational purposes.

235 ILCS 5/6-34.5 — Powdered alcohol

Sec. 6-34.5. Powdered alcohol.

(a) For the purposes of this Section, "powdered alcohol" means any powder or crystalline substance containing alcohol, as defined in Section 1-3.01 of this Act, produced for human consumption.

(b) No person shall sell, offer for sale, or deliver, receive, or purchase for resale in this State any product consisting of or containing powdered alcohol.

(c) Any person who knowingly violates this Section is guilty of a Class A misdemeanor for a first offense and a Class 4 felony for a second or subsequent offense.

235 ILCS 5/6-35 — Alcopops

Sec. 6-35. Alcopops.

(a) For purposes of this Section, "alcopop" means a flavored alcoholic beverage or flavored malt beverage that includes

(i) a malt beverage containing a malt base or beer and added natural or artificial blending material, such as fruit juices, flavors, flavorings, colorings, or preservatives where such blending material constitutes .5% or more of the alcohol by volume contained in the finished beverage; (ii) a beverage containing wine and more than 15% added natural or artificial blending material, such as fruit juices, flavors, flavorings, or adjuncts, water (plain, carbonated, or sparkling), colorings, or preservatives; (iii) a beverage containing distilled alcohol and added natural or artificial blending material, such as fruit juices, flavors, flavorings, colorings, or preservatives; or (iv) an alcohol malt beverage containing caffeine, guarana, taurine, or ginseng, where the beverage constitutes 0.5% or more of alcohol by volume.

(b) No entity may advertise, promote, or market any alcopop beverages toward children. Advertise, promote, or market includes, but is not limited to the following:

(1) the use of cartoons and youth-orientated photos in advertising, promotion, packaging, or labeling of alcohol products;

(2) sponsorships of athletic events where the intended audience is primarily children;

(3) billboards advertising alcopops, as defined in items (i), (ii), and (iii) of subsection

(a) of this Section, placed within 500 feet of schools, public parks, amusement parks, and places of worship; and

(4) the display of any alcopop beverage in any videogame, theater production, or other live performances where the intended audience is primarily children.

(c) No entity shall sell for consumption an alcohol malt beverage containing caffeine, guarana, taurine, or ginseng, where the beverage constitutes 0.5% or more of alcohol by volume, unless individual containers of the beverage have imprinted on each individual container the following:

(1) the words "contains alcohol"; and

(2) the alcohol content of the beverage.

(d) Any person who violates this Section is guilty of a business offense and shall be fined \$500 for a first offense and \$1,000 for a second or subsequent offense.

(e) Nothing in this Section shall be construed to be inconsistent with any other provision of this Section or any other State or federal laws, rules, or regulations regarding the labeling of alcoholic beverages.

235 ILCS 5/6-35.1 — Alcohol-infused products

Sec. 6-35.1. Alcohol-infused products.

(a) In this Section, "immediately adjacent" means directly touching or immediately bordering one another from above, below, or the side. "Immediately adjacent" does not include a separate aisle.

(b) Except for persons issued a license under this Act, no person shall manufacture, distribute, or sell alcohol-infused products.

(c) No retail establishment with a retail sales floor area that exceeds 2,500 square feet shall display alcohol-infused products immediately adjacent to similar products that are not alcohol-infused products, such as non-alcoholic ice creams, whipped creams, frozen ice pops, gelatins, and other similar products, or immediately adjacent to soft drinks, fruit juices, bottled waters, candies, or snack foods portraying cartoons or youth-oriented images.

(d) Any retail establishment with a retail sales floor that is equal to or less than 2,500 square feet shall either:

(1) not display alcohol-infused products immediately adjacent to similar products that are not alcohol-infused products, such as non-alcoholic ice creams, whipped creams, frozen ice pops, gelatins, and other similar products, or immediately adjacent to soft drinks, fruit juices, bottled waters, candies, or snack foods portraying cartoons or youth-oriented images; or

(2) equip any such display that contains alcohol-infused products and is immediately adjacent to similar products that are not alcohol-infused products, such as non-alcoholic ice creams, whipped creams, frozen ice pops, gelatins, and other similar products, or immediately adjacent to soft drinks, fruit juices, bottled waters, candies, or snack foods portraying cartoons or youth-oriented images, with signage that is clearly visible to consumers, is not less than 8.5 x 11 inches, and states the following: "THIS PRODUCT IS AN ALCOHOLIC BEVERAGE AVAILABLE ONLY TO PERSONS WHO ARE 21 YEARS OF AGE OR OLDER." This sign shall be provided by the State Commission.

(e) Subsections

(c) and

(d) do not apply to an aisle or display area in which the primary items for sale are alcoholic liquors or in an area in which persons under the age of 21 are prohibited from entering without a parent or legal guardian.

(f) Retail licensees under this Act shall not keep, expose for sale, or display alcohol-infused products immediately adjacent to products marketed toward children.

235 ILCS 5/6-35.2 — Co-branded alcoholic beverages

Sec. 6-35.2. Co-branded alcoholic beverages.

(a) In this Section, "immediately adjacent" means directly touching or immediately bordering one another from above, below, or the side. "Immediately adjacent" does not include a separate aisle.

(b) No retail establishment with a retail sales floor area that exceeds 2,500 square feet shall display co-branded alcoholic beverages immediately adjacent to soft drinks, fruit juices, bottled waters, candies, or snack foods portraying cartoons or youth-oriented images or immediately adjacent to products that are not alcohol-infused products, such as non-alcoholic ice creams, whipped creams, frozen ice pops, gelatins, and other similar products.

(c) Any retail establishment with a retail sales floor that is equal to or less than 2,500 square feet shall either:

(1) not display co-branded alcoholic beverages immediately adjacent to soft drinks, fruit juices, bottled waters, candies, or snack foods portraying cartoons or youth-oriented images or immediately adjacent to products that are not alcohol-infused products, such as non-alcoholic ice creams, whipped creams, frozen ice pops, gelatins, and other similar products; or

(2) equip any such display that contains co-branded alcoholic beverages and is immediately adjacent to soft drinks, fruit juices, bottled waters, candies, or snack foods portraying cartoons or youth-oriented images or immediately adjacent to

products that are not alcohol-infused products, such as non-alcoholic ice creams, whipped creams, frozen ice pops, gelatins, and other similar products, with signage that is clearly visible to consumers, is not less than 8.5 x 11 inches, and states the following: "THIS PRODUCT IS AN ALCOHOLIC BEVERAGE AVAILABLE ONLY TO PERSONS WHO ARE 21 YEARS OF AGE OR OLDER." This sign shall be provided by the State Commission.

(d) Subsections

(b) and

(c) do not apply to an aisle or display area in which the primary items for sale are alcoholic liquors or in an area in which persons under the age of 21 are prohibited from entering without a parent or legal guardian.

(e) Retail licensees under this Act shall not keep, expose for sale, or display co-branded alcoholic beverages immediately adjacent to products marketed toward children.

235 ILCS 5/6-36 — Homemade brewed beverages

Sec. 6-36. Homemade brewed beverages.

(a) No license or permit is required under this Act for the making of homemade brewed beverages or for the possession, transportation, or storage of homemade brewed beverages by any person 21 years of age or older, if all of the following apply:

(1) the person who makes the homemade brewed beverages receives no compensation;

(2) the homemade brewed beverages are not sold or offered for sale; and

(3) the total quantity of homemade brewed beverages made, in a calendar year, by the person does not exceed 100 gallons if the household has only one person 21 years of age or older or 200 gallons if the household has 2 or more persons 21 years of age or older.

(b) A person who makes, possesses, transports, or stores homemade brewed beverages in compliance with the limitations specified in subsection

(a) is not a brewer, class 1 brewer, class 2 brewer, wholesaler, retailer, or a manufacturer of beer for the purposes of this Act.

(c) Homemade brewed beverages made in compliance with the limitations specified in subsection

(a) may be consumed by the person who made it and his or her family, neighbors, and friends at any private residence or other private location where the possession and consumption of alcohol are permissible under this Act, local ordinances, and other applicable law, provided that the homemade brewed beverages are not made available for consumption by the general public.

(d) Homemade brewed beverages made in compliance with the limitations specified in subsection

(a) may be used for purposes of a public exhibition, demonstration, tasting, or sampling with sampling sizes as authorized by Section 6-31, if the event is held at a private residence or at a location other than a retail licensed premises. If the public event is not held at a private residence, the event organizer shall obtain a homebrewer special event permit for each location, and is subject to the provisions in subsection

(a) of Section 6-21. Homemade brewed beverages used for purposes described in this subsection (d), including the submission or consumption of the homemade brewed beverages, are not considered sold or offered for sale under this Act. A public exhibition, demonstration, tasting, or sampling with sampling sizes as authorized by Section 6-31 held by a licensee on a location other than a retail licensed premises may require an admission charge to the event, but no separate or additional fee may be charged for the consumption of a person's homemade brewed beverages at the public exhibition, demonstration, tasting, or sampling with sampling sizes as authorized by Section 6-31. Event admission charges that are collected may be partially used to provide prizes to makers of homemade brewed beverages, but the admission charges may not be divided in any fashion among the makers of the homemade brewed beverages who participate in the event. Homemade brewed beverages used for purposes described in this subsection

(d) are not considered sold or offered for sale under this Act if a maker of homemade brewed beverages receives free event admission or discounted event admission in return for the maker's donation of the homemade brewed beverages to an event specified in this subsection

(d) that collects event admission charges; free admission or discounted admission to the event is not considered compensation under this Act. No admission fee and no charge for the consumption of a person's homemade brewed beverage may be collected if the public exhibition, demonstration, tasting, or sampling with sampling sizes as authorized by Section 6-31 is held at a private residence.

(e) A person who is not a licensee under this Act may at a private residence, and a person who is a licensee under this Act may on the licensed premises, conduct, sponsor, or host a contest, competition, or other event for the exhibition, demonstration, judging, tasting, or sampling of homemade brewed beverages made in compliance with the limitations specified in subsection (a), if the person does not sell the homemade brewed beverages and, unless the person is the brewer of the homemade brewed beverages, does not acquire any ownership interest in the homemade brewed beverages. If the contest, competition, exhibition, demonstration, or judging is not held at a private residence, the consumption of the homemade brewed beverages is limited to qualified judges and stewards as defined by a national or international beer judging program, who are identified by the event organizer in advance of the contest, competition, exhibition, demonstration, or judging. Homemade brewed beverages used for the purposes described in this subsection (e), including the submission or consumption of the homemade brewed beverages, are not considered sold or offered for sale under this Act and any prize awarded at a contest or competition or as a result of an exhibition, demonstration, or judging is not considered compensation under this Act. An exhibition, demonstration, judging, contest, or competition held by a licensee on a licensed premises may require an admission charge to the event, but no separate or additional fee may be charged for the consumption of a person's homemade brewed beverage at the exhibition, demonstration, judging, contest, or competition. A portion of event admission charges that are collected may be used to provide prizes to makers of homemade brewed beverages, but the admission charges may not be divided in any fashion among the makers of the homemade brewed beverages who participate in the event. Homemade brewed beverages used for purposes described in this subsection

(e) are not considered sold or offered for sale under this Act if a maker of homemade brewed beverages receives free event admission or discounted event admission in return for the maker's donation of the homemade brewed beverages to an event specified in this subsection

(e) that collects event admission charges; free admission or discounted admission to the event is not considered compensation under this Act. No admission fee and no charge for the consumption of a person's homemade brewed beverage may be charged if the exhibition, demonstration, judging, contest, or competition is held at a private residence. The fact that a person is acting in a manner authorized by this Section is not, by itself, sufficient to constitute a public nuisance under Section 10-7 of this Act. If the contest, competition, or other event is held on licensed premises, the licensee may allow the homemade brewed beverages to be stored on the premises if the homemade brewed beverages are clearly identified and kept separate from any alcohol beverages owned by the licensee. If the contest, competition, or other event is held on licensed premises, other provisions of this Act not inconsistent with this Section apply.

(f) A commercial enterprise engaged primarily in selling supplies and equipment to the public for use by homebrewers may manufacture homemade brewed beverages for the purpose of tasting the homemade brewed beverages at the location of the commercial enterprise, provided that the homemade brewed beverages are not sold or offered for sale. Homemade brewed beverages provided at a commercial enterprise for tasting under this subsection

(f) shall be in compliance with Sections 6-16, 6-21, and 6-31 of this Act. A commercial enterprise engaged solely in selling supplies and equipment for use by homebrewers shall not be required to secure a license under this Act, however, such commercial enterprise shall secure liquor liability insurance coverage in an amount at least equal to the maximum liability amounts set forth in subsection

(a) of Section 6-21 of this Act.

(g) Homemade brewed beverages are not subject to Section 8-1 of this Act.

235 ILCS 5/6-37

Sec. 6-37. (Repealed).

235 ILCS 5/6-37.5 — Transfer of wine or spirits by a retail licensee with multiple licenses

Sec. 6-37.5. Transfer of wine or spirits by a retail licensee with multiple licenses.

(a) No original package of wine or spirits may be transferred from one retail licensee to any other retail licensee without prior permission from the State Commission; however, if the same retailer owns more than one licensed retail location, an

off-premise retailer may transfer up to 3% of its average monthly purchases by volume and an on-premise retailer may transfer up to 5% of its average monthly purchases by volume of original package of wine or spirits from one or more of such retailer's licensed locations to another of that retailer's licensed locations each month without prior permission from the State Commission, subject to the following conditions:

(1) notice is provided to the distributor responsible for the geographic area of the brand, size, and quantity of the wine or spirits to be transferred within the geographic area; and

(2) the transfer is made by common carrier, a licensed distributor's or importing distributor's vehicle, or a vehicle owned and operated by the licensee.

(b) All transfers must be properly documented on a form provided by the State Commission that includes the following information:

(1) the license number of the retail licensee's location from which the transfer is to be made and the license number of the retail licensee's location to which the transfer is to be made;

(2) the brand, size, and quantity of the wine or spirits to be transferred; and

(3) the date the transfer is made.

(c) A retail licensee location that transfers or receives an original package of wine or spirits as authorized by this Section shall not be deemed to be engaged in business as a wholesaler or distributor based upon the transfer authorized by this Section.

(d) A transfer authorized by this Section shall not be deemed a sale.

(e) A retailer that is delinquent in payment pursuant to Section 6-5 shall be prohibited from transferring wine or spirits to a commonly owned retailer pursuant to this Section until the indebtedness is cured.

(f) As used in this Section: "Average monthly purchases" is calculated using a 12-month rolling average of the total volume purchased over the 12 most recent months previous to the month in which the transfer is made and dividing that total by 12. "Month" means a calendar month.

235 ILCS 5/6-38 — One-time inventory transfer of wine or spirits by a retail licensee with multiple licenses

Sec. 6-38. One-time inventory transfer of wine or spirits by a retail licensee with multiple licenses.

(a) No original package of wine or spirits may be transferred from one retail licensee to any other retail licensee without permission from the State Commission pursuant to 11 Ill. Adm. Code 100.250; however, if the same retailer owns more than one licensed retail location, the retailer may transfer inventory of original packages of wine or spirits from one or more of such retailer's licensed locations to another of that retailer's licensed locations without prior permission from the State Commission, under the following circumstances:

(1) acts of god (such as, but not limited to, pandemics, fires, explosions, tornadoes, earthquakes, drought, and floods);

(2) federal, State, or local law or ordinance change;

(3) bankruptcy;

(4) permanent or temporary closure of one or more of the retail licensee's locations;

(5) the retail licensee obtains an additional liquor license for a new location;

(6) a retail licensee purchases another retail licensee's location;

(7) a new licensee opens a business at the same location where the prior licensee conducted business, when the new licensee takes possession of the inventory of the immediately prior license; or

(8) other unforeseeable circumstances beyond the control of the licensee, such as circumstances: (A) the licensee cannot reasonably take precautions to prevent; and (B) in which the only reasonable method of disposing of the alcoholic liquor products would be a transfer to another licensee or location.

(b) The transfer shall be made by:

(1) common carrier;

(2) a licensed distributor's or importing distributor's vehicle; or

(3) a vehicle owned and operated by the licensee.

(c) All transfers must be properly documented on a form provided by the State Commission that includes the following information:

(1) the license number of the retail licensee's location from which the transfer is to be made and the license number of the retail licensee's location to which the transfer is to be made;

(2) the brand, size, and quantity of the wine or spirits to be transferred; and

(3) the date the transfer is made.

(d) A retail licensee location that transfers or receives an original package of wine or spirits as authorized by this Section shall not be deemed to be engaged in business as a wholesaler or distributor based upon the transfer authorized by this Section.

(e) A transfer authorized by this Section shall not be deemed a sale.

235 ILCS 5/6-39 — Opioid antagonists on premises

Sec. 6-39. Opioid antagonists on premises.

(a) In this Section, "music venue" means an indoor or outdoor location with a capacity of more than 1,000 persons used as a space to hold a live concert or musical performance for which tickets are purchased for admission to benefit a for-profit entity.

(b) If a licensee operates as a music venue, the licensee shall ensure that, during its hours of operation as a music venue, it or the music venue operator has opioid antagonists available at the premises and that there is a staff member on the premises who has been sufficiently trained on how to properly administer an opioid antagonist. A person who has been certified in the administration of opioid antagonists by a governmental or private entity, regardless of when the person received that certification, is deemed to be sufficiently trained under this Section.

(c) A licensee or music venue operator and a person who is sufficiently trained and in good faith administers or provides an opioid antagonist in accordance with this Section, shall not, as a result of the person's acts or omissions, except willful or wanton misconduct on the part of the person, in administering or providing the opioid antagonist, be liable for civil damages.

235 ILCS 5/6-40 — Consumer loyalty and reward programs

Sec. 6-40. Consumer loyalty and reward programs.

(a) In this Section: "Loyalty program" means a structured program used by a brew pub licensee, class 1 brewer licensee, class 2 brewer licensee, class 3 brewer licensee, or manufacturer licensee with retail privileges licensed under this Act to encourage participants to continue to shop at the brew pub licensee's, class 1 brewer licensee's, class 2 brewer licensee's, class 3 brewer licensee's, or manufacturer licensee with retail privileges' business by allowing participants access to special pricing on products by virtue of being a member of a bona fide loyalty program. "Mug club" means a group that is organized by a brew pub licensee, class 1 brewer licensee, class 2 brewer licensee, class 3 brewer licensee, or manufacturer licensee with retail privileges licensed under this Act whose members are entitled to discounted malt, brewed, or distilled beverages and that is designed to allow a consumer to access rewards for purchases made on the brew pub licensee's, class 1 brewer licensee's, class 2 brewer licensee's, class 3 brewer licensee's, or manufacturer licensee with retail privileges' premises. "Mug club" includes, but is not limited to, point accumulation programs, the purchase and use of specialty glassware, and the purchase and use of non-alcoholic beverage products. "Rewards program" means a structured program used by a brew pub licensee, class 1 brewer licensee, class 2 brewer licensee, class 3 brewer licensee, or manufacturer licensee with retail privileges licensed under this Act to encourage participants to continue to shop at the brew pub licensee, class 1 brewer licensee, class 2 brewer licensee, class 3 brewer licensee, or manufacturer licensee with retail privileges licensed business by allowing participants to accrue program benefits, in the form of points or other accrual-based methods of reward, through the purchase of products, to be redeemed in the form of a discount upon a subsequent transaction on alcoholic or non-alcoholic products.

(b) A brew pub licensee, class 1 brewer licensee, class 2 brewer licensee, class 3 brewer licensee, or manufacturer licensee with retail privileges may do any of the following:

(1) operate a loyalty program, reward program, or mug club for alcoholic beverages that the brew pub licensee, class 1 brewer licensee, class 2 brewer licensee, class 3 brewer licensee, or manufacturer licensee with retail privileges is licensed to sell;

- (2) offer incentives to consumers for participation in a rewards program, loyalty program, or mug club;
 - (3) offer consumers discounts on its products as part of a rewards program, loyalty program, or mug club;
 - (4) offer benefits to members or participants of a rewards program, loyalty program, or mug club that are not offered to other consumers;
 - (5) offer specialty glassware or other non-alcoholic products for sale to members or participants in a rewards program, loyalty program, or mug club and offer a price discount to the owner of that glassware on additional purchases using the glassware; or
 - (6) require members or participants in a rewards program, loyalty program, or mug club to pay an annual fee as well as a renewal fee to join or maintain membership or continue participation in a rewards program, loyalty program, or mug club.
- (c) Membership in a mug club shall be by written application, and the licensee that organized the mug club must maintain a written list of active members as part of its records.
- (d) This Section applies only to a brew pub licensee, class 1 brewer licensee, class 2 brewer licensee, class 3 brewer licensee, or manufacturer licensee with retail privileges. Nothing in this Section applies to an off-premises or on-premise retail licensee or be construed to regulate, limit, or prohibit any discount program, rewards program, loyalty program, mug club, or any other similar program, however defined or structured, that is created, administered, or offered by an off-premises or on-premises retail licensee.

235 ILCS 5/7-1

Sec. 7-1. An applicant for a retail license from the State Commission shall submit to the State Commission an application in writing under oath stating:

- (1) The applicant's name and mailing address;
- (2) The name and address of the applicant's business;
- (3) If applicable, the date of the filing of the "assumed name" of the business with the County Clerk;
- (4) In case of a copartnership, the date of the formation of the partnership; in the case of an Illinois corporation, the date of its incorporation; or in the case of a foreign corporation, the State where it was incorporated and the date of its becoming qualified under the Business Corporation Act of 1983 to transact business in the State of Illinois;
- (5) The number, the date of issuance and the date of expiration of the applicant's current local retail liquor license;
- (6) The name of the city, village, or county that issued the local retail liquor license;
- (7) The name and address of the landlord if the premises are leased;
- (8) The date of the applicant's first request for a State liquor license and whether it was granted, denied or withdrawn;
- (9) The address of the applicant when the first application for a State liquor license was made;
- (10) The applicant's current State liquor license number;
- (11) The date the applicant began liquor sales at his place of business;
- (12) The address of the applicant's warehouse if he warehouses liquor;
- (13) The applicant's Retailers' Occupation Tax (ROT) Registration Number;
- (14) The applicant's document locator number on his Federal Special Tax Stamp;
- (15) Whether the applicant is delinquent in the payment of the Retailers' Occupation Tax (Sales Tax), and if so, the reasons therefor;
- (16) Whether the applicant is delinquent under the cash beer law, and if so, the reasons therefor;
- (17) In the case of a retailer, whether he is delinquent under the 30-day credit law, and if so, the reasons therefor;
- (18) In the case of a distributor, whether he is delinquent under the 15-day credit law, and if so, the reasons therefor;
- (19) Whether the applicant has made an application for a liquor license which has been denied, and if so, the reasons therefor;
- (20) Whether the applicant has ever had any previous liquor license suspended or revoked, and if so, the reasons therefor;
- (21) Whether the applicant has ever been convicted of a gambling offense or felony, and if so, the particulars thereof;

(22) Whether the applicant possesses a current Federal Wagering Stamp, and if so, the reasons therefor;

(23) Whether the applicant, or any other person, directly in his place of business is a public official, and if so, the particulars thereof;

(24) The applicant's name, sex, date of birth, social security number, position and percentage of ownership in the business; and the name, sex, date of birth, social security number, position and percentage of ownership in the business of every sole owner, partner, corporate officer, director, manager and any person who owns 5% or more of the shares of the applicant business entity or parent corporations of the applicant business entity; and

(25) That he has not received or borrowed money or anything else of value, and that he will not receive or borrow money or anything else of value (other than merchandising credit in the ordinary course of business for a period not to exceed 90 days as herein expressly permitted under Section 6-5 hereof), directly or indirectly, from any manufacturer, importing distributor or distributor or from any representative of any such manufacturer, importing distributor or distributor, nor be a party in any way, directly or indirectly, to any violation by a manufacturer, distributor or importing distributor of Section 6-6 of this Act. In addition to any other requirement of this Section, an applicant for a special use permit license and a special event retailer's license shall also submit (A) proof satisfactory to the Commission that the applicant has a resale number issued under Section 2c of the Retailers' Occupation Tax Act or that the applicant is registered under Section 2a of the Retailers' Occupation Tax Act, (B) proof satisfactory to the Commission that the applicant has a current, valid exemption identification number issued under Section 1g of the Retailers' Occupation Tax Act and a certification to the Commission that the purchase of alcoholic liquors will be a tax-exempt purchase, or (C) a statement that the applicant is not registered under Section 2a of the Retailers' Occupation Tax Act, does not hold a resale number under Section 2c of the Retailers' Occupation Tax Act, and does not hold an exemption number under Section 1g of the Retailers' Occupation Tax Act. The applicant shall also submit proof of adequate dram shop insurance for the special event prior to being issued a license. In addition to the foregoing information, such application shall contain such other and further information as the State Commission and the local commission may, by rule or regulation not inconsistent with law, prescribe. If the applicant reports a felony conviction as required under paragraph

(21) of this Section, such conviction may be considered by the Commission in accordance with Section 6-2.5 of this Act in determining qualifications for licensing, but shall not operate as a bar to licensing. If said application is made in behalf of a partnership, firm, association, club or corporation, then the same shall be signed by one member of such partnership or the president or secretary of such corporation or an authorized agent of said partnership or corporation. All other applications shall be on forms prescribed by the State Commission, and which may exclude any of the above requirements which the State Commission rules to be inapplicable.

235 ILCS 5/7-2 — License fee payable with applications

Sec. 7-2. License fee payable with applications. All applications to the State Commission shall be accompanied by the deposit of a check or draft drawn on a bank or savings and loan association within this State or United States postal money order in the full amount of the license fee required to be paid for the kind of license applied for, which fee shall be returned to such applicant if such application is denied.

235 ILCS 5/7-3

Sec. 7-3. If a licensee shall be convicted of the violation of any of the provisions of this Act, or his license shall be revoked and no appeal is taken from said order of revocation or any appeal taken therefrom is decided adversely to the licensee, said bond (if one is required) shall thereupon be forfeited.

235 ILCS 5/7-4

Sec. 7-4. At any time during the pendency of an application the State commission shall have the right to compel the applicant to submit to any examination and to produce any books and records which, in the judgment of the State commission, are material to the determination of whether the applicant is qualified to receive a license under the provisions of this Act, or whether the premises sought to be licensed are suitable for such purposes. The State commission shall also have the right to require the applicant to answer any charges made in any objection to the issuance of the license or made by the chief of police, prosecuting official, mayor or president of cities, towns, and villages or by the sheriff or prosecuting attorney of counties relative to the same. The failure of any applicant to appear at the time and place fixed by the State commission for his examination or to produce books and records requested, unless for good cause shown, shall be deemed to be an admission that the applicant is not qualified to receive a license.

235 ILCS 5/7-5

Sec. 7-5. The local liquor control commissioner may revoke or suspend any license issued by him if he determines that the licensee has violated any of the provisions of this Act or of any valid ordinance or resolution enacted by the particular city council, president, or board of trustees or county board (as the case may be) or any applicable rule or regulations established by the local liquor control commissioner or the State commission which is not inconsistent with law. Upon notification by the Illinois Department of Revenue, the State Commission, in accordance with Section 3-12, may refuse the issuance or renewal of a license, fine a licensee, or suspend or revoke any license issued by the State Commission if the licensee or license applicant has violated the provisions of Section 3 of the Retailers' Occupation Tax Act. In addition to the suspension, the local liquor control commissioner in any county or municipality may levy a fine on the licensee for such violations. The fine imposed shall not exceed \$1000 for a first violation within a 12-month period, \$1,500 for a second violation within a 12-month period, and \$2,500 for a third or subsequent violation within a 12-month period. Each day on which a violation continues shall constitute a separate violation. Not more than \$15,000 in fines under this Section may be imposed against any licensee during the period of his license. Proceeds from such fines shall be paid into the general corporate fund of the county or municipal treasury, as the case may be. However, no such license shall be so revoked or suspended and no licensee shall be fined except after a public hearing by the local liquor control commissioner with a 3 day written notice to the licensee affording the licensee an opportunity to appear and defend. All such hearings shall be open to the public and the local liquor control commissioner shall reduce all evidence to writing and shall maintain an official record of the proceedings. If the local liquor control commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community he may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing order the licensed premises closed for not more than 7 days, giving the licensee an opportunity to be heard during that period, except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises such order shall not be applicable to such other business or businesses. The local liquor control commissioner shall within 5 days after such hearing, if he determines after such hearing that the license should be revoked or suspended or that the licensee should be fined, state the reason or reasons for such determination in a written order, and either the amount of the fine, the period of suspension, or that the license has been revoked, and shall serve a copy of such order within the 5 days upon the licensee. If the premises for which the license was issued are located outside of a city, village or incorporated town having a population of 500,000 or more inhabitants, the licensee after the receipt of such order of suspension or revocation shall have the privilege within a period of 20 days after the receipt of such order of suspension or revocation of appealing the order to the State commission for a decision sustaining, reversing or modifying the order of the local liquor control commissioner. If the State commission affirms the local commissioner's order to suspend or revoke the license at the first hearing, the appellant shall cease to engage in the business for which the license was issued, until the local commissioner's order is terminated by its own provisions or reversed upon rehearing or by the courts. If the premises for which the license was issued are located within a city, village or incorporated town having a population of 500,000 or more inhabitants, the licensee shall have the privilege, within a period of 20 days after the receipt of such order of fine, suspension or revocation, of appealing the order to the local license appeal commission and upon the filing of such an appeal by the licensee the license appeal commission shall determine the appeal upon certified record of proceedings of the local liquor commissioner in accordance with the provisions of Section 7-9. Within 30 days after such appeal was heard the license appeal commission shall render a decision sustaining or reversing the order of the local liquor control commissioner. If the premises for which a license was issued are located within a city, village, or incorporated town having a population of 1,000,000 or more inhabitants and the local liquor control commissioner has evidence that the following criminal activity has occurred inside the licensed premises: the sale of or possession with intent to sell controlled substances or marijuana, the sale of or possession with intent to sell firearms, homicide, criminal sexual assault or criminal sexual abuse, aggravated assault or aggravated battery, then the local liquor control commissioner may, without notice or hearing, and upon the issuance of a written order stating that the continued operation of the licensed premises poses an immediate threat to the health, safety, or welfare of the community, order the licensed premises closed for a period of not more than 30 days, giving the licensee an opportunity to be heard during that period. Upon receipt of evidence of the criminal activity by the local liquor control commissioner, the name of the licensee and the address of the licensed premises where the criminal activity is alleged to have occurred may be submitted by the local liquor control commissioner to the State Commission. If such information is received by the State Commission, then the State Commission must post that information in each of its offices in places available for public inspection not later than the day following the State Commission's receipt of the information. If the licensee is granted a continuance during

the period of time the licensed premises is ordered to be closed, the licensed premises shall remain closed until a judgment is entered. Notwithstanding the foregoing, the licensed premises will be allowed to remain open if the criminal activity is timely reported by the licensee, or its agents, pursuant to local ordinance, and the criminal activity shall not be used as a basis for suspension under this Act. A distributor may, in coordination with the local liquor control commissioner and the local police department, remove any product from the licensed premises for which the distributor has not received full payment from the licensee at the time of the closure of the premises. The distributor shall provide the local liquor control commissioner with a document outlining the products for which full payment has not been received.

235 ILCS 5/7-6

Sec. 7-6. All proceedings for the revocation or suspension of licenses of manufacturers, distributors, importing distributors, non-resident dealers, foreign importers, non-beverage users, railroads, airplanes and boats shall be before the State Commission. All such proceedings and all proceedings for the revocation or suspension of a retailer's license before the State commission shall be in accordance with rules and regulations established by it not inconsistent with law. However, no such license shall be so revoked or suspended except after a hearing by the State commission with reasonable notice to the licensee served by registered or certified mail with return receipt requested at least 10 days prior to the hearings at the last known place of business of the licensee and after an opportunity to appear and defend. Such notice shall specify the time and place of the hearing, the nature of the charges, the specific provisions of the Act and rules violated, and the specific facts supporting the charges or violation. The findings of the Commission shall be predicated upon competent evidence. The revocation of a local license shall automatically result in the revocation of a State license. Upon notification by the Illinois Department of Revenue, the State Commission, in accordance with Section 3-12, may refuse the issuance or renewal of a license, fine a licensee, or suspend or revoke any license issued by the State Commission if the licensee or license applicant has violated the provisions of Section 3 of the Retailers' Occupation Tax Act. All procedures for the suspension or revocation of a license, as enumerated above, are applicable to the levying of fines for violations of this Act or any rule or regulation issued pursuant thereto.

235 ILCS 5/7-7

Sec. 7-7. Any five residents of the city, village or county shall have the right to file a complaint with the local commission stating that any retailer licensee, subject to the jurisdiction of the local commission, has been or is violating the provisions of this Act or the rules or regulations issued pursuant hereto. Such complaint shall be in writing in the form prescribed by the local commission and shall be signed and sworn to by the parties complaining. The complaint shall state the particular provision, rule or regulation believed to have been violated and the facts in detail upon which belief is based. If the local commission is satisfied that the complaint substantially charges a violation and that from the facts alleged there is reasonable cause for such belief, it shall set the matter for hearing and shall serve notice upon the licensee of the time and place of such hearing and of the particular charge in the complaint.

235 ILCS 5/7-8

Sec. 7-8. For each city, village or incorporated town having a population of 500,000 or more inhabitants, there is established a license appeal commission consisting of the chairman of the Illinois Liquor Control Commission, the most senior member of the Illinois Liquor Control Commission who is not of the same political party as the chairman, and one person who is a resident of the particular city, village or incorporated town selected by the council or president and board of trustees, as the case may be, who shall serve for a term of 4 years and until his successor is selected and takes office. Neither the mayor, president of the board of trustees, nor any member of the council or board of trustees shall be eligible for membership on a license appeal commission. Each of the 2 members of the Illinois Liquor Control Commission shall receive a \$200 per diem for their work on the license appeal commission, and the other member shall receive an annual salary which shall be paid by the particular city, village or incorporated town. The secretary of the Illinois Liquor Control Commission shall be ex-officio the secretary for each license appeal commission.

235 ILCS 5/7-9

Sec. 7-9. Except as provided in this Section, any order or action of a local liquor control commissioner levying a fine or refusing to levy a fine on a licensee, granting or refusing to grant a license, revoking or suspending or refusing to revoke or suspend a license or refusing for more than 30 days to grant a hearing upon a complaint to revoke or suspend a license may, within 20 days after notice of such order or action, be appealed by any resident of the political subdivision under the jurisdiction of the local liquor control commissioner or any person interested, to the State Commission. In any

case where a licensee appeals to the State Commission from an order or action of the local liquor control commission having the effect of suspending or revoking a license, denying a renewal application, or refusing to grant a license, the licensee shall resume the operation of the licensed business pending the decision of the State Commission and the expiration of the time allowed for an application for rehearing. If an application for rehearing is filed, the licensee shall continue the operation of the licensed business until the denial of the application or, if the rehearing is granted, until the decision on rehearing. In any case in which a licensee appeals to the State Commission a suspension or revocation by a local liquor control commissioner that is the second or subsequent such suspension or revocation placed on that licensee within the preceding 12 month period, the licensee shall consider the suspension or revocation to be in effect until a reversal of the local liquor control commissioner's action has been issued by the State Commission and shall cease all activity otherwise authorized by the license. The State Commission shall expedite, to the greatest extent possible, its consideration of any appeal that is an appeal of a second or subsequent suspension or revocation within the past 12 month period. The appeal shall be limited to a review of the official record of the proceedings of such local liquor control commissioner if the county board, city council or board of trustees, as the case may be, has adopted a resolution requiring that such review be on the record. If such resolution is adopted, a certified official record of the proceedings taken and prepared by a certified court reporter or certified shorthand reporter shall be filed by the local liquor control commissioner within 5 days after notice of the filing of such appeal, if the appellant licensee pays for the cost of the transcript. The State Commission shall review the propriety of the order or action of the local liquor control commissioner and shall consider the following questions:

(a) whether the local liquor control commissioner has proceeded in the manner provided by law;

(b) whether the order is supported by the findings;

(c) whether the findings are supported by substantial evidence in the light of the whole record. The only evidence which may be considered in the review, shall be the evidence found in the certified official record of the proceedings of the local liquor control commissioner. No new or additional evidence shall be admitted or considered. The State Commission shall render a decision affirming, reversing or modifying the order or action reviewed within 30 days after the appeal was heard. In the event such appeal is from an order of a local liquor control commissioner of a city, village or incorporated town of 500,000 or more inhabitants, granting or refusing to grant a license or refusing for more than 30 days to grant a hearing upon a complaint to revoke or suspend a license, the matter of the propriety of such order or action shall be tried de novo by the license appeal commission as expeditiously as circumstances permit. In the event such appeal is from an order or action of a local liquor control commissioner of a city, village or incorporated town of 500,000 or more inhabitants, imposing a fine or refusing to impose a fine on a licensee, revoking or suspending or refusing to revoke or suspend a license, the license appeal commission shall determine the appeal by a review of the official record of the proceedings of such local liquor control commissioner. A certified record of the proceedings shall be promptly filed with the license appeal commission by such local liquor control commissioner after notice of the filing of such appeal if the appellant licensee pays for the cost of the transcript and promptly delivers the transcript to the local liquor control commission or its attorney. The review by the license appeal commission shall be limited to the questions:

(a) whether the local liquor control commissioner has proceeded in the manner provided by law;

(b) whether the order is supported by the findings;

(c) whether the findings are supported by substantial evidence in the light of the whole record. No new or additional evidence in support of or in opposition to such order or action under appeal shall be received other than that contained in such record of the proceedings. Within 30 days after such appeal was heard, the license appeal commission shall render its decision in accordance with the provisions of Section 7-5. In cities, villages and incorporated towns having a population of 500,000 or more inhabitants, appeals from any order or action shall lie to the license appeal commission of such city, village or incorporated town. All of the provisions of this Section and Section 7-10 relative to proceedings upon appeals before the State Commission and relative to appeals from the decisions of the State Commission shall apply also to proceedings upon appeals before any license appeal commission and appeals from the decisions of license appeal commission. In any trial de novo hearing before the State Commission or license appeal commission, the local liquor control commissioner shall be entitled to 10 days notice and to be heard. All such trial de novo hearings shall be open to the public and the Illinois Liquor Control Commission and the license appeal commission shall reduce all evidence offered thereto to writing. If after trial de novo hearing or review as provided herein, the State Commission or the license appeal commission (as the case may be) shall decide that the license has been improperly issued, denied, revoked, suspended or refused to be revoked or suspended or a hearing to revoke or suspend has been improperly refused or that the

licensee has been improperly fined or not fined, it shall enter an order in conformity with such findings, which order shall be in writing. A certified copy of the order shall be transmitted to the particular local liquor control commissioner and it shall be the duty of the local liquor control commissioner to take such action as may be necessary to conform with the order. In any trial de novo hearing before the State Commission or the license appeal commission, the licensee shall submit to examination and produce books and records material to the business conducted under the license in like manner as before the local liquor control commissioner, and the failure of the licensee to submit to such an examination or to produce such books and records, or to appear at the hearing on such appeal, shall constitute an admission that he has violated the provisions of this Act. In the event the appeal is from an order of the local liquor control commissioner denying a renewal application, the licensee shall have on deposit with the local liquor control commissioner an amount sufficient to cover the license fee for the renewal period and any bond that may be required.

235 ILCS 5/7-10

Sec. 7-10. A copy of the rule, regulation, order or decision of the State commission or the license appeal commission, in any proceeding before it, certified under the seal of said commission, shall be served upon each party of record to the proceeding before the commission and service upon any attorney of record for any such party shall be deemed service upon such party. Each party appearing before said commission shall enter his appearance and indicate to the commission his address for the service of a copy of any rule, regulation, order, decision or notice and the mailing of a copy of any rule, regulation or order of said commission or of any notice by said commission, in said proceeding, to said party at such address shall be deemed service thereof upon such party. Within 20 days after the service of any rule, regulation, order or decision of said commission upon any party to the proceeding, such party may apply for a rehearing in respect to any matters determined by said commission. If a rehearing is granted, the commission shall hold the rehearing and render a decision within 20 days from the filing of the application for rehearing with the secretary of the commission. The time for holding such rehearing and rendering a decision may be extended for a period not to exceed 30 days, for good cause shown, and by notice in writing to all parties of interest. No action for the judicial review of any decision of said commission shall be allowed unless the party commencing such action has first filed an application for a rehearing and the commission has acted upon said application. Only one rehearing may be granted by the commission on application of any one party.

235 ILCS 5/7-11 — Judicial review

Sec. 7-11. Judicial review. All final administrative decisions of the State Commission under this Act shall be subject to judicial review pursuant to the provisions of the Administrative Review Law and the rules adopted pursuant thereto. Judicial review may be requested by any party in interest, including but not limited to the local liquor control commissioner. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

235 ILCS 5/7-12

Sec. 7-12. Whenever any licensee shall have been convicted by any court of a wilful violation of any of the provisions of this Act, he shall, in addition to the penalties for such offense, incur a forfeiture of his state and local license and all moneys that have been paid therefor; the local commission shall thereupon revoke his license or the State commission shall revoke his license as the case may be.

235 ILCS 5/7-13 — Granting licenses after revocation; waiting period; discretion

Sec. 7-13. Granting licenses after revocation; waiting period; discretion. When any license shall have been revoked for any cause, no license shall be granted to any person for the period of one year thereafter for the conduct of the business of manufacturing, distributing, or selling alcoholic liquor in the premises described in the revoked license unless the revocation order has been vacated or unless the revocation order was entered as to the licensee only. Nothing in this Section shall prohibit the issuance of a retail license authorizing the sale of alcoholic liquor incidental to a restaurant if

- (1) the primary business of the restaurant consists of the sale of food where the sale of liquor is incidental to the sale of food and the applicant is a completely new owner of the restaurant,
- (2) the immediately prior owner or operator of the premises where the restaurant is located operated the premises as a restaurant and held a valid retail license authorizing the sale of alcoholic liquor at the restaurant for at least part of the 24 months before the change of ownership, and
- (3) the restaurant is located 75 or more feet from a school.

235 ILCS 5/7-14 — Separate license for each premise; transfer to other premises

Sec. 7-14. Separate license for each premise; transfer to other premises. Licenses issued hereunder apply only to the premises described in the application and in the license issued thereon, and only one location shall be so described in each license. After a license has been granted for particular premises, the State Commission or the local commissioner, as the case may be, upon proper showing, may endorse upon said license permission to abandon the premises therein described and remove therefrom to other premises approved by him or it, but in order to obtain such approval the licensee shall file with the State Commission and local commissioner a request in writing and a statement under oath which shall show that the premises to which removal is to be made comply in all respects with the requirements of this Act. A transfer may only be requested to a premise within the same jurisdiction that issued the original local liquor license.

235 ILCS 5/7A-1

Sec. 7A-1. For the purposes of this Article: "Warehouse" means any room, house, structure, building, place, yard or protected enclosure wherein personal property belonging to another is stored for a compensation. "Warehouseman" means any person, firm, partnership, association or corporation owning, controlling, operating, managing or leasing any warehouse within this State. "For compensation" means any direct or indirect charge for storage.

235 ILCS 5/7A-2

Sec. 7A-2. On and after August 1, 1937, it shall be unlawful for any warehouseman to receive, hold, store or deliver any alcoholic liquors without a certificate of registration from the Department. Application for a certificate of registration shall be made to the Department and shall state:

- (1) The name of the applicant;
- (2) the address of his warehouse (if he operates more than one such warehouse, he shall state the address of each such warehouse). Upon the receipt of the application in proper form, the Department shall issue to such applicant a certificate of registration bearing a distinctive number which he shall conspicuously display on the premises for which it is issued. The applications shall be made on forms prepared and furnished by the Department and shall contain such other information as the Department may reasonably require to carry out the provisions of this Act.

235 ILCS 5/7A-3

Sec. 7A-3. It shall be unlawful for any person to store any alcoholic liquors with or deliver any alcoholic liquors to any warehouseman who has not received a certificate of registration from the Department.

235 ILCS 5/7A-4

Sec. 7A-4. On or before the fifteenth day of each calendar month, every warehouseman holding a certificate of registration under this Article shall file a return with the Department covering the preceding calendar month stating: 1. The name of the warehouseman and the number of his certificate of registration; 2. The address of the warehouse; 3. The name and address of each person from whom any alcoholic liquors were actually or constructively received by him as a warehouseman, the date on which same were so received, the number and size of the containers in which any alcoholic liquors were so received, and the number and size of the containers to the credit of each such person at the end of the preceding calendar month; and 4. The name and address of each person to whom any alcoholic liquors were actually or constructively delivered by him as a warehouseman, the date on which same were so delivered, the number and size of the containers in which any alcoholic liquors were so delivered and from whom any alcoholic liquors so delivered were actually or constructively received.

235 ILCS 5/7A-5

Sec. 7A-5. Each warehouseman included in this Article shall keep or cause to be kept, at his registered address, a record showing all alcoholic liquors actually or constructively received by him as a warehouseman, held, stored or actually or constructively delivered by him as a warehouseman, the name and address of the person depositing same, the name and address of the person to whom delivered and any other information necessary to the proper conduct of such warehouse. Such records shall, at all times during business hours of the day, be subject to inspection by the Department or its duly authorized agents and employees. Such records shall be preserved for a period of two

- (2) years, unless the Department, in writing, authorizes their destruction or disposal at an earlier date. Such records, reflecting business done at any time after July 1, 1945, shall be preserved for a period of three

(3) years, unless the Department, in writing, authorizes their destruction or disposal at an earlier date.

235 ILCS 5/7A-6

Sec. 7A-6. Any person who violates any of the provisions of this Article or any of the rules and regulations of the Department for the administration and enforcement of the provisions of this Article is guilty of a Class B misdemeanor. In case of a continuing violation each day's continuance thereof shall be a separate and distinct offense.

235 ILCS 5/8-1

Sec. 8-1. A tax is imposed upon the privilege of engaging in business as a manufacturer or as an importing distributor of alcoholic liquor other than beer at the rate of \$0.185 per gallon until September 1, 2009 and \$0.231 per gallon beginning September 1, 2009 for cider containing not less than 0.5% alcohol by volume nor more than 7% alcohol by volume, \$0.73 per gallon until September 1, 2009 and \$1.39 per gallon beginning September 1, 2009 for wine other than cider containing less than 7% alcohol by volume, and \$4.50 per gallon until September 1, 2009 and \$8.55 per gallon beginning September 1, 2009 on alcohol and spirits manufactured and sold or used by such manufacturer, or as agent for any other person, or sold or used by such importing distributor, or as agent for any other person. A tax is imposed upon the privilege of engaging in business as a manufacturer of beer or as an importing distributor of beer at the rate of \$0.185 per gallon until September 1, 2009 and \$0.231 per gallon beginning September 1, 2009 on all beer, regardless of alcohol by volume, manufactured and sold or used by such manufacturer, or as agent for any other person, or sold or used by such importing distributor, or as agent for any other person. Any brewer manufacturing beer in this State shall be entitled to and given a credit or refund of 75% of the tax imposed on each gallon of beer up to 4.9 million gallons per year in any given calendar year for tax paid or payable on beer produced and sold in the State of Illinois. For purposes of this Section, "beer" means beer, ale, porter, stout, and other similar fermented beverages of any name or description containing one-half of one percent or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute for malt. For the purpose of this Section, "cider" means any alcoholic beverage obtained by the alcohol fermentation of the juice of apples or pears including, but not limited to, flavored, sparkling, or carbonated cider. The credit or refund created by this Act shall apply to all beer taxes in the calendar years 1982 through 1986. The increases made by this amendatory Act of the 91st General Assembly in the rates of taxes imposed under this Section shall apply beginning on July 1, 1999. A tax at the rate of 1¢ per gallon on beer and 48¢ per gallon on alcohol and spirits is also imposed upon the privilege of engaging in business as a retailer or as a distributor who is not also an importing distributor with respect to all beer and all alcohol and spirits owned or possessed by such retailer or distributor when this amendatory Act of 1969 becomes effective, and with respect to which the additional tax imposed by this amendatory Act upon manufacturers and importing distributors does not apply. Retailers and distributors who are subject to the additional tax imposed by this paragraph of this Section shall be required to inventory such alcoholic liquor and to pay this additional tax in a manner prescribed by the Department. The provisions of this Section shall be construed to apply to any importing distributor engaging in business in this State, whether licensed or not. However, such tax is not imposed upon any such business as to any alcoholic liquor shipped outside Illinois by an Illinois licensed manufacturer or importing distributor, nor as to any alcoholic liquor delivered in Illinois by an Illinois licensed manufacturer or importing distributor to a purchaser for immediate transportation by the purchaser to another state into which the purchaser has a legal right, under the laws of such state, to import such alcoholic liquor, nor as to any alcoholic liquor other than beer sold by one Illinois licensed manufacturer or importing distributor to another Illinois licensed manufacturer or importing distributor to the extent to which the sale of alcoholic liquor other than beer by one Illinois licensed manufacturer or importing distributor to another Illinois licensed manufacturer or importing distributor is authorized by the licensing provisions of this Act, nor to alcoholic liquor whether manufactured in or imported into this State when sold to a "non-beverage user" licensed by the State for use in the manufacture of any of the following when they are unfit for beverage purposes: Patent and proprietary medicines and medicinal, antiseptic, culinary and toilet preparations; Flavoring extracts and syrups and food products; Scientific, industrial and chemical products, excepting denatured alcohol; Or for scientific, chemical, experimental or mechanical purposes; Nor is the tax imposed upon the privilege of engaging in any business in interstate commerce or otherwise, which business may not, under the Constitution and Statutes of the United States, be made the subject of taxation by this State. The tax herein imposed shall be in addition to all other occupation or privilege taxes imposed by the State of Illinois or political subdivision thereof. If any alcoholic liquor manufactured in or imported into this State is sold to a licensed manufacturer or importing distributor by a licensed manufacturer or importing distributor to be used solely as an ingredient in the manufacture of any beverage for human consumption, the tax imposed upon such purchasing manufacturer or importing distributor shall be reduced by the amount of the taxes which have been paid by the selling manufacturer or

importing distributor under this Act as to such alcoholic liquor so used to the Department of Revenue. If any person received any alcoholic liquors from a manufacturer or importing distributor, with respect to which alcoholic liquors no tax is imposed under this Article, and such alcoholic liquor shall thereafter be disposed of in such manner or under such circumstances as may cause the same to become the base for the tax imposed by this Article, such person shall make the same reports and returns, pay the same taxes and be subject to all other provisions of this Article relating to manufacturers and importing distributors. Nothing in this Article shall be construed to require the payment to the Department of the taxes imposed by this Article more than once with respect to any quantity of alcoholic liquor sold or used within this State. No tax is imposed by this Act on sales of alcoholic liquor by Illinois licensed foreign importers to Illinois licensed importing distributors. Before July 1, 2025, all of the proceeds of the additional tax imposed by Public Act 96-34 shall be deposited by the Department into the Capital Projects Fund. The remainder of the tax imposed by this Act shall be deposited by the Department into the General Revenue Fund. On and after July 1, 2025, the proceeds from the tax imposed by this Act shall be deposited as follows:

(1) 43% into the Capital Projects Fund; and

(2) 57% into the General Revenue Fund. A manufacturer of beer that imports or transfers beer into this State must comply with the provisions of this Section with regard to the beer imported into this State. The provisions of this Section 8-1 are severable under Section 1.31 of the Statute on Statutes.

235 ILCS 5/8-2 — Payments; reports

Sec. 8-2. Payments; reports. It is the duty of each manufacturer with respect to alcoholic liquor produced or imported by such manufacturer, or purchased tax-free by such manufacturer from another manufacturer or importing distributor, and of each importing distributor as to alcoholic liquor purchased by such importing distributor from foreign importers or from anyone from any point in the United States outside of this State or purchased tax-free from another manufacturer or importing distributor, to pay the tax imposed by Section 8-1 to the Department of Revenue on or before the 15th day of the calendar month following the calendar month in which such alcoholic liquor is sold or used by such manufacturer or by such importing distributor other than in an authorized tax-free manner or to pay that tax electronically as provided in this Section. Each manufacturer and each importing distributor shall make payment under one of the following methods:

(1) on or before the 15th day of each calendar month, file in person or by United States first-class mail, postage pre-paid, with the Department of Revenue, on forms prescribed and furnished by the Department, a report in writing in such form as may be required by the Department in order to compute, and assure the accuracy of, the tax due on all taxable sales and uses of alcoholic liquor occurring during the preceding month. Payment of the tax in the amount disclosed by the report shall accompany the report or,

(2) on or before the 15th day of each calendar month, electronically file with the Department of Revenue, on forms prescribed and furnished by the Department, an electronic report in such form as may be required by the Department in order to compute, and assure the accuracy of, the tax due on all taxable sales and uses of alcoholic liquor occurring during the preceding month. An electronic payment of the tax in the amount disclosed by the report shall accompany the report. A manufacturer or distributor who files an electronic report and electronically pays the tax imposed pursuant to Section 8-1 to the Department of Revenue on or before the 15th day of the calendar month following the calendar month in which such alcoholic liquor is sold or used by that manufacturer or importing distributor other than in an authorized tax-free manner shall pay to the Department the amount of the tax imposed pursuant to Section 8-1, less a discount which is allowed to reimburse the manufacturer or importing distributor for the expenses incurred in keeping and maintaining records, preparing and filing the electronic returns, remitting the tax, and supplying data to the Department upon request. The discount shall be in an amount as follows:

(1) For original returns due on or after January 1, 2003 through September 30, 2003, the discount shall be 1.75% or \$1,250 per return, whichever is less;

(2) For original returns due on or after October 1, 2003 through September 30, 2004, the discount shall be 2% or \$3,000 per return, whichever is less; and

(3) For original returns due on or after October 1, 2004, the discount shall be 2% or \$2,000 per return, whichever is less. The Department may, if it deems it necessary in order to insure the payment of the tax imposed by this Article, require returns to be made more frequently than and covering periods of less than a month. Such return shall contain such further information as the Department may reasonably require. It shall be presumed that all alcoholic liquors acquired or made by any importing distributor or manufacturer have been sold or used by him in this State and are the basis for the tax

imposed by this Article unless proven, to the satisfaction of the Department, that such alcoholic liquors are

(1) still in the possession of such importing distributor or manufacturer, or

(2) prior to the termination of possession have been lost by theft or through unintentional destruction, or

(3) that such alcoholic liquors are otherwise exempt from taxation under this Act. If any payment provided for in this Section exceeds the manufacturer's or importing distributor's liabilities under this Act, as shown on an original report, the manufacturer or importing distributor may credit such excess payment against liability subsequently to be remitted to the Department under this Act, in accordance with reasonable rules adopted by the Department. If the Department subsequently determines that all or any part of the credit taken was not actually due to the manufacturer or importing distributor, the manufacturer's or importing distributor's discount shall be reduced by an amount equal to the difference between the discount as applied to the credit taken and that actually due, and the manufacturer or importing distributor shall be liable for penalties and interest on such difference. The Department may require any foreign importer to file monthly information returns, by the 15th day of the month following the month which any such return covers, if the Department determines this to be necessary to the proper performance of the Department's functions and duties under this Act. Such return shall contain such information as the Department may reasonably require. Every manufacturer and importing distributor, except for a manufacturer or importing distributor that in the preceding year had less than \$50,000 of tax liability under this Article, shall also file, with the Department, a bond in an amount not less than \$1,000 and not to exceed \$100,000 on a form to be approved by, and with a surety or sureties satisfactory to, the Department. Such bond shall be conditioned upon the manufacturer or importing distributor paying to the Department all monies becoming due from such manufacturer or importing distributor under this Article. The Department shall fix the penalty of such bond in each case, taking into consideration the amount of alcoholic liquor expected to be sold and used by such manufacturer or importing distributor, and the penalty fixed by the Department shall be sufficient, in the Department's opinion, to protect the State of Illinois against failure to pay any amount due under this Article, but the amount of the penalty fixed by the Department shall not exceed twice the amount of tax liability of a monthly return, nor shall the amount of such penalty be less than \$1,000. The Department shall notify the State Commission of the Department's approval or disapproval of any such manufacturer's or importing distributor's bond, or of the termination or cancellation of any such bond, or of the Department's direction to a manufacturer or importing distributor that he must file additional bond in order to comply with this Section. The Commission shall not issue a license to any applicant for a manufacturer's or importing distributor's license unless the Commission has received a notification from the Department showing that such applicant has filed a satisfactory bond with the Department hereunder and that such bond has been approved by the Department. Failure by any licensed manufacturer or importing distributor to keep a satisfactory bond in effect with the Department or to furnish additional bond to the Department, when required hereunder by the Department to do so, shall be grounds for the revocation or suspension of such manufacturer's or importing distributor's license by the Commission. If a manufacturer or importing distributor fails to pay any amount due under this Article, his bond with the Department shall be deemed forfeited, and the Department may institute a suit in its own name on such bond. After notice and opportunity for a hearing the State Commission may revoke or suspend the license of any manufacturer or importing distributor who fails to comply with the provisions of this Section. Notice of such hearing and the time and place thereof shall be in writing and shall contain a statement of the charges against the licensee. Such notice may be given by United States registered or certified mail with return receipt requested, addressed to the person concerned at his last known address and shall be given not less than 7 days prior to the date fixed for the hearing. An order revoking or suspending a license under the provisions of this Section may be reviewed in the manner provided in Section 7-10 of this Act. No new license shall be granted to a person whose license has been revoked for a violation of this Section or, in case of suspension, shall such suspension be terminated until he has paid to the Department all taxes and penalties which he owes the State under the provisions of this Act. Every manufacturer or importing distributor who has, as verified by the Department, continuously complied with the conditions of the bond under this Act for a period of 2 years shall be considered to be a prior continuous compliance taxpayer. In determining the consecutive period of time for qualification as a prior continuous compliance taxpayer, any consecutive period of time of qualifying compliance immediately prior to the effective date of this amendatory Act of 1987 shall be credited to any manufacturer or importing distributor. A manufacturer or importing distributor that is a prior continuous compliance taxpayer under this Section and becomes a successor as the result of an acquisition, merger, or consolidation of a manufacturer or importing distributor shall be deemed to be a prior continuous compliance taxpayer with respect to the acquired, merged, or consolidated entity. Every prior continuous compliance taxpayer shall be exempt from the bond requirements of this Act until the Department has determined the taxpayer to be delinquent in the filing of any return or deficient in the payment of any tax under this Act. Any taxpayer who fails to pay an admitted or established

liability under this Act may also be required to post bond or other acceptable security with the Department guaranteeing the payment of such admitted or established liability. The Department shall discharge any surety and shall release and return any bond or security deposit assigned, pledged or otherwise provided to it by a taxpayer under this Section within 30 days after:

(1) such taxpayer becomes a prior continuous compliance taxpayer; or

(2) such taxpayer has ceased to collect receipts on which he is required to remit tax to the Department, has filed a final tax return, and has paid to the Department an amount sufficient to discharge his remaining tax liability as determined by the Department under this Act. (Text of Section after amendment by P.A. 104-451) Sec. 8-2. Payments; reports. It is the duty of each manufacturer with respect to alcoholic liquor produced or imported by such manufacturer, or purchased tax-free by such manufacturer from another manufacturer or importing distributor, and of each importing distributor as to alcoholic liquor purchased by such importing distributor from foreign importers or from anyone from any point in the United States outside of this State or purchased tax-free from another manufacturer or importing distributor, to pay the tax imposed by Section 8-1 to the Department of Revenue on or before the 15th day of the calendar month following the calendar month in which such alcoholic liquor is sold or used by such manufacturer or by such importing distributor other than in an authorized tax-free manner or to pay that tax electronically as provided in this Section. Each manufacturer and each importing distributor shall make payment under one of the following methods:

(1) on or before the 15th day of each calendar month, file in person or by United States first-class mail, postage pre-paid, with the Department of Revenue, on forms prescribed and furnished by the Department, a report in writing in such form as may be required by the Department in order to compute, and assure the accuracy of, the tax due on all taxable sales and uses of alcoholic liquor occurring during the preceding month. Payment of the tax in the amount disclosed by the report shall accompany the report or,

(2) on or before the 15th day of each calendar month, electronically file with the Department of Revenue, on forms prescribed and furnished by the Department, an electronic report in such form as may be required by the Department in order to compute, and assure the accuracy of, the tax due on all taxable sales and uses of alcoholic liquor occurring during the preceding month. An electronic payment of the tax in the amount disclosed by the report shall accompany the report. A manufacturer or distributor who files an electronic report and electronically pays the tax imposed pursuant to Section 8-1 to the Department of Revenue on or before the 15th day of the calendar month following the calendar month in which such alcoholic liquor is sold or used by that manufacturer or importing distributor other than in an authorized tax-free manner shall pay to the Department the amount of the tax imposed pursuant to Section 8-1, less a discount which is allowed to reimburse the manufacturer or importing distributor for the expenses incurred in keeping and maintaining records, preparing and filing the electronic returns, remitting the tax, and supplying data to the Department upon request. The discount shall be in an amount as follows:

(1) For original returns due on or after January 1, 2003 through September 30, 2003, the discount shall be 1.75% or \$1,250 per return, whichever is less;

(2) For original returns due on or after October 1, 2003 through September 30, 2004, the discount shall be 2% or \$3,000 per return, whichever is less; and

(3) For original returns due on or after October 1, 2004, the discount shall be 2% or \$2,000 per return, whichever is less. The Department may, if it deems it necessary in order to insure the payment of the tax imposed by this Article, require returns to be made more frequently than and covering periods of less than a month. Such return shall contain such further information as the Department may reasonably require. It shall be presumed that all alcoholic liquors acquired or made by any importing distributor or manufacturer have been sold or used by him in this State and are the basis for the tax imposed by this Article unless proven, to the satisfaction of the Department, that such alcoholic liquors are

(1) still in the possession of such importing distributor or manufacturer, or

(2) prior to the termination of possession have been lost by theft or through unintentional destruction, or

(3) that such alcoholic liquors are otherwise exempt from taxation under this Act. If any payment provided for in this Section exceeds the manufacturer's or importing distributor's liabilities under this Act, as shown on an original report, the manufacturer or importing distributor may credit such excess payment against liability subsequently to be remitted to the Department under this Act, in accordance with reasonable rules adopted by the Department. If the Department subsequently determines that all or any part of the credit taken was not actually due to the manufacturer or importing distributor, the manufacturer's or importing distributor's discount shall be reduced by an amount equal to the difference

between the discount as applied to the credit taken and that actually due, and the manufacturer or importing distributor shall be liable for penalties and interest on such difference. The Department may require any foreign importer to file monthly information returns, by the 15th day of the month following the month which any such return covers, if the Department determines this to be necessary to the proper performance of the Department's functions and duties under this Act. Such return shall contain such information as the Department may reasonably require. Every manufacturer and importing distributor, except for a manufacturer or importing distributor who is applying for a manufacturer's or importing distributor's license under this Act for the first time or a manufacturer or importing distributor who in the preceding year had less than \$50,000 of tax liability under this Article, shall also file, with the Department, a bond in an amount not less than \$1,000 and not to exceed \$100,000 on a form to be approved by, and with a surety or sureties satisfactory to, the Department. Such bond may be required as a condition to renew a license for subsequent annual license terms if a manufacturer or importing distributor exceeds \$50,000 in tax liability. Such bond shall be conditioned upon the manufacturer or importing distributor paying to the Department all monies becoming due from such manufacturer or importing distributor under this Article. The Department shall fix the penalty of such bond in each case, taking into consideration the amount of alcoholic liquor expected to be sold and used by such manufacturer or importing distributor, and the penalty fixed by the Department shall be sufficient, in the Department's opinion, to protect the State of Illinois against failure to pay any amount due under this Article, but the amount of the penalty fixed by the Department shall not exceed twice the amount of tax liability of a monthly return, nor shall the amount of such penalty be less than \$1,000. The Department shall notify the State Commission of the Department's approval or disapproval of any such manufacturer's or importing distributor's bond, or of the termination or cancellation of any such bond, or of the Department's direction to a manufacturer or importing distributor that he must file additional bond in order to comply with this Section. The State Commission shall not renew a license for any applicant for a manufacturer's or importing distributor's license if the State Commission has received a notification from the Department showing that such applicant is required to file and has not filed a satisfactory bond with the Department hereunder and that such bond has not been approved by the Department. Failure by any licensed manufacturer or importing distributor to keep a satisfactory bond in effect with the Department or to furnish additional bond to the Department, when required hereunder by the Department to do so, shall be grounds for the revocation or suspension of such manufacturer's or importing distributor's license by the Commission. If a manufacturer or importing distributor fails to pay any amount due under this Article, his bond with the Department shall be deemed forfeited, and the Department may institute a suit in its own name on such bond. After notice and opportunity for a hearing the State Commission may revoke or suspend the license of any manufacturer or importing distributor who fails to comply with the provisions of this Section. Notice of such hearing and the time and place thereof shall be in writing and shall contain a statement of the charges against the licensee. Such notice may be given by United States registered or certified mail with return receipt requested, addressed to the person concerned at his last known address and shall be given not less than 7 days prior to the date fixed for the hearing. An order revoking or suspending a license under the provisions of this Section may be reviewed in the manner provided in Section 7-10 of this Act. No new license shall be granted to a person whose license has been revoked for a violation of this Section or, in case of suspension, shall such suspension be terminated until he has paid to the Department all taxes and penalties which he owes the State under the provisions of this Act. Every manufacturer or importing distributor who has, as verified by the Department, continuously complied with the conditions of the bond under this Act for a period of 2 years shall be considered to be a prior continuous compliance taxpayer. In determining the consecutive period of time for qualification as a prior continuous compliance taxpayer, any consecutive period of time of qualifying compliance immediately prior to the effective date of this amendatory Act of 1987 shall be credited to any manufacturer or importing distributor. A manufacturer or importing distributor that is a prior continuous compliance taxpayer under this Section and becomes a successor as the result of an acquisition, merger, or consolidation of a manufacturer or importing distributor shall be deemed to be a prior continuous compliance taxpayer with respect to the acquired, merged, or consolidated entity. Every prior continuous compliance taxpayer shall be exempt from the bond requirements of this Act until the Department has determined the taxpayer to be delinquent in the filing of any return or deficient in the payment of any tax under this Act. Any taxpayer who fails to pay an admitted or established liability under this Act may also be required to post bond or other acceptable security with the Department guaranteeing the payment of such admitted or established liability. The Department shall discharge any surety and shall release and return any bond or security deposit assigned, pledged or otherwise provided to it by a taxpayer under this Section within 30 days after:

(1) such taxpayer becomes a prior continuous compliance taxpayer; or

(2) such taxpayer has ceased to collect receipts on which he is required to remit tax to the Department, has filed a final tax return, and has paid to the Department an amount sufficient to discharge his remaining tax liability as determined by the Department under this Act.

235 ILCS 5/8-3

Sec. 8-3. If it appears, after claim therefor filed with the Department, that an amount of tax or penalty or interest has been paid which was not due under this Article, whether as the result of a mistake of fact or an error of law, except as hereinafter provided, then the Department shall issue a credit memorandum or refund to the person who made the erroneous payment or, if that person died or became a person under legal disability, to his or her legal representative, as such. If it is determined that the Department should issue a credit or refund under this Article, the Department may first apply the amount thereof against any amount of tax or penalty or interest due hereunder from the person entitled to such credit or refund. For this purpose, if proceedings are pending to determine whether or not any tax or penalty or interest is due under this Article from such person, the Department may withhold issuance of the credit or refund pending the final disposition of such proceedings and may apply such credit or refund against any amount found to be due to the Department as a result of such proceedings. The balance, if any, of the credit or refund shall be issued to the person entitled thereto. If no tax or penalty or interest is due and no proceeding is pending to determine whether such taxpayer is indebted to the Department for tax or penalty or interest the credit memorandum or refund shall be issued to the claimant; or (in the case of a credit memorandum) the credit memorandum may be assigned and set over by the lawful holder thereof, subject to reasonable rules of the Department, to any other person who is subject to this Article, and the amount thereof shall be applied by the Department against any tax or penalty or interest due or to become due under this Article from such assignee. As to any claim filed hereunder with the Department on and after each January 1 and July 1, no amount of tax or penalty or interest, erroneously paid (either in total or partial liquidation of a tax or penalty or interest under this Article) more than 3 years prior to such January 1 and July 1, respectively, shall be credited or refunded. Notwithstanding any other provision of this Act to the contrary, for any period included in a claim for credit or refund for which the statute of limitations for issuing a notice of tax liability under this Act will expire less than 6 months after the date a taxpayer files the claim for credit or refund, the statute of limitations is automatically extended for 6 months from the date it would have otherwise expired. Any credit or refund that is allowed under this Act shall bear interest at the rate and in the manner specified in the Uniform Penalty and Interest Act. In case the Department determines that the claimant is entitled to a refund, such refund shall be made only from such appropriation as may be available for that purpose. If it appears unlikely that the amount appropriated would permit everyone having a claim allowed during the period covered by such appropriation to elect to receive a cash refund, the Department, by rule or regulation, shall provide for the payment of refunds in hardship cases and shall define what types of cases qualify as hardship cases.

235 ILCS 5/8-4

Sec. 8-4. If a person fails to file a return as required by this Article, or having filed an incorrect or insufficient return, fails to file a corrected or sufficient return, as the case may require, within 10 days after the giving of notice to him by the Department that such corrected or sufficient return is required, the Department shall determine the amount of tax due at any time within 3 years after the making of the earliest disposition of alcoholic liquor included in such determination, and shall give written notice, by means of a notice of tax liability, of such determination to such person. Protest thereto and demand for a hearing may be made and final assessments arrived at in accordance with Section 8-5.

235 ILCS 5/8-5

Sec. 8-5. As soon as practicable after any return is filed, the Department shall examine such return or amended return and shall correct such return according to its best judgment and information, which return so corrected by the Department shall be prima facie correct and shall be prima facie evidence of the correctness of the amount of tax due, as shown therein. Instead of requiring the licensee to file an amended return, the Department may simply notify the licensee of the correction or corrections it has made. Proof of such correction by the Department, or of the determination of the amount of tax due as provided in Sections 8-4 and 8-10, may be made at any hearing before the Department or in any legal proceeding by a reproduced copy of the Department's record relating thereto in the name of the Department under the certificate of the Director of Revenue. Such reproduced copy shall, without further proof, be admitted into evidence before the Department or in any legal proceeding and shall be prima facie proof of the correctness of the amount of tax due, as shown therein. If the return so corrected by the Department discloses the sale or use, by a licensed manufacturer or importing distributor, of alcoholic liquors as to which the tax provided for in this Article should have been paid, but has not

been paid, in excess of the alcoholic liquors reported as being taxable by the licensee, and as to which the proper tax was paid the Department shall notify the licensee that it shall issue the taxpayer a notice of tax liability for the amount of tax claimed by the Department to be due, together with penalties at the rates prescribed by Sections 3-3, 3-5 and 3-6 of the Uniform Penalty and Interest Act, which amount of tax shall be equivalent to the amount of tax which, at the prescribed rate per gallon, should have been paid with respect to the alcoholic liquors disposed of in excess of those reported as being taxable. No earlier than 90 days after the due date of the return, the Department may compare filed returns, or any amendments thereto, against reports of sales of alcoholic liquor submitted to the Department by other manufacturers and distributors. If a return or amended return is corrected by the Department because the return or amended return failed to disclose the purchase of alcoholic liquor from manufacturers or distributors on which the tax provided for in this Article should have been paid, but has not been paid, the Department shall issue the taxpayer a notice of tax liability for the amount of tax claimed by the Department to be due, together with penalties at the rates prescribed by Sections 3-3, 3-5, and 3-6 of the Uniform Penalty and Interest Act. In a case where no return has been filed, the Department shall determine the amount of tax due according to its best judgment and information and shall issue the taxpayer a notice of tax liability for the amount of tax claimed by the Department to be due as herein provided together with penalties at the rates prescribed by Sections 3-3, 3-5 and 3-6 of the Uniform Penalty and Interest Act. If, in administering the provisions of this Act, a comparison of a licensee's return or returns with the books, records and physical inventories of such licensee discloses a deficiency which cannot be allocated by the Department to a particular month or months, the Department shall issue the taxpayer a notice of tax liability for the amount of tax claimed by the Department to be due for a given period, but without any obligation upon the Department to allocate such deficiency to any particular month or months, together with penalties at the rates prescribed by Sections 3-3, 3-5 and 3-6 of the Uniform Penalty and Interest Act, which amount of tax shall be equivalent to the amount of tax which, at the prescribed rate per gallon, should have been paid with respect to the alcoholic liquors disposed of in excess of those reported being taxable, with the tax thereon having been paid under which circumstances the aforesaid notice of tax liability shall be prima facie correct and shall be prima facie evidence of the correctness of the amount of tax due as shown therein; and proof of such correctness may be made in accordance with, and the admissibility of a reproduced copy of such notice of the Department's notice of tax liability shall be governed by, all the provisions of this Act applicable to corrected returns. If the licensee dies or becomes a person under legal disability at any time before the Department issues its notice of tax liability, such notice shall be issued to the administrator, executor or other legal representative, as such, of the deceased or licensee who is under legal disability. If such licensee or legal representative, within 60 days after such notice of tax liability, files a protest to such notice of tax liability and requests a hearing thereon, the Department shall give at least 7 days' notice to such licensee or legal representative, as the case may be, of the time and place fixed for such hearing and shall hold a hearing in conformity with the provisions of this Act, and pursuant thereto shall issue a final assessment to such licensee or legal representative for the amount found to be due as a result of such hearing. If a protest to the notice of tax liability and a request for a hearing thereon is not filed within 60 days after such notice of tax liability, such notice of tax liability shall become final without the necessity of a final assessment being issued and shall be deemed to be a final assessment. Notwithstanding any other provisions of this Act, any amount paid as tax or in respect of tax paid under this Act shall be deemed assessed upon the date of receipt of payment. In case of failure to pay the tax, or any portion thereof, or any penalty provided for herein, when due, the Department may recover the amount of such tax, or portion thereof, or penalty in a civil action; or if the licensee dies or becomes a person under legal disability, by filing a claim therefor against his or her estate; provided that no such claim shall be filed against the estate of any deceased or of the licensee who is under legal disability for any tax or penalty or portion thereof except in the manner prescribed and within the time limited by the Probate Act of 1975, as amended. The collection of any such tax and penalty, or either, by any means provided for herein, shall not be a bar to any prosecution under this Act. In addition to any other penalty provided for in this Article, all provisions of the Uniform Penalty and Interest Act that are not inconsistent with this Act apply.

235 ILCS 5/8-6

Sec. 8-6. The Department, or any officer or employee designated in writing by the Director thereof, for the purpose of administering and enforcing the provisions of this Act, may hold investigations and hearings concerning any matters covered by this Act. In holding or conducting any hearing or investigation authorized under this Act, the Department or any officer or employee of the Department designated, in writing, by the Director thereof, may examine any books, papers, records or memoranda bearing upon the manufacture, importation, sale or use of alcoholic liquors by any licensee, and may require the attendance of such licensee or of any officer, agent or employee of such licensee, or of any person having knowledge of such facts, and may take testimony and require proof for its information. In the conduct of

any investigation or hearing, neither the Department nor any officer or employee thereof shall be bound by the technical rules of evidence, and no informality in any proceeding, or in the manner of taking testimony, shall invalidate any assessment, order, decision, rule or regulation made or approved or confirmed by the Department. The Director of Revenue or any duly designated officer or employee of the Department shall have power to administer oaths to such persons; and the Department shall have the power to issue subpoenas and subpoenas duces tecum, and the Department, or any other party to a proceeding pending before the Department, may apply to the circuit court to compel the attendance and testimony of witnesses and the production of books, papers, records and memoranda, by an attachment for contempt as provided for such purposes in civil cases. The Department or any officer or employee thereof, or any party in an investigation or hearing before the Department, may cause the depositions of witnesses within the State to be taken in the manner prescribed by law for like depositions in civil actions in courts of this State, and to that end compel the attendance of witnesses and the production of books, papers, records and memoranda. The books, papers, records and memoranda of the Department, or parts thereof, may be proved in any hearing, investigation or judicial proceeding by a reproduced copy thereof under the certificate of the Director of Revenue. Such reproduced copy shall, without further proof, be admitted into evidence before the Department or in any judicial proceeding.

235 ILCS 5/8-7

Sec. 8-7. All hearings provided for in Section 8-5 of this Act shall be held in the county wherein the licensee has his principal place of business; provided, that if the licensee does not have his or her principal place of business in this State, such hearing shall be held in Sangamon County. The Circuit Court of the county wherein any hearing is held by the Department shall have power to review all final administrative decisions of the Department in administering the provisions of this Act. If the administrative proceeding which is to be reviewed judicially is a claim for refund proceeding commenced in accordance with Section 8-3 of this Act and Section 2a of "An Act in relation to the payment and disposition of moneys received by officers and employees of the State of Illinois by virtue of their office or employment", approved June 9, 1911, as amended, the Circuit Court having jurisdiction of the proceeding for judicial review under this Section and under the Administrative Review Law, as amended, shall be the same court that entered the injunction which is provided for in Section 2a of "An Act in relation to the payment and disposition of moneys received by officers and employees of the State of Illinois by virtue of their office or employment", and which enables such claim proceeding to be processed and disposed of as a claim for refund proceeding rather than as a claim for credit proceeding. The provisions of the Administrative Review Law, and all amendments and modifications thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final administrative decisions of the Department hereunder. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure. Service of summons issued in such review proceeding upon the Director of Revenue or the Assistant Director of Revenue of the Department of Revenue shall be service upon the Department. The Department shall certify the record of its proceedings if the licensee shall pay to it the sum of 75¢ per page of testimony taken before the Department and 25¢ per page of all other matters contained in such record, except that these charges may be waived where the Department is satisfied that the aggrieved party is a poor person who cannot afford to pay such charges. Provided, however, before the delivery of such record to the person applying for same, the payment therefor shall be made as hereinabove provided, and in the event of nonpayment for the record as hereinabove provided within 30 days after notice that such record is available, the complaint may be dismissed by the court upon motion of the Department. No stay order shall be entered by the Circuit Court unless the plaintiff in the review proceedings shall file with the court a bond in an amount fixed and approved by the court to indemnify the State against all loss and injury which may be sustained by it on account of the review proceedings and to secure all costs which may be occasioned by such proceedings. Whenever notice is required by this Act, such notice may be given by United States registered or certified mail with return receipt requested, addressed to the person concerned at his or her last known address, and proof of such mailing shall be sufficient for the purposes of this Act. Whenever any proceeding provided by this Act is commenced before the Department, either by the Department or by a person subject to this Act, and such person thereafter dies or becomes a person under legal disability before such proceeding is concluded, the legal representative of the deceased or the guardian of the person under legal disability shall notify the Department of such death or legal disability. The legal representative, as such, shall then be substituted by the Department for such person. If the legal representative fails to notify the Department of his or her appointment as such legal representative, the Department may, upon its own motion, substitute such legal representative in the proceeding pending before the Department for the person who died or became a person under legal disability.

235 ILCS 5/8-8

Sec. 8-8. No person shall be excused from testifying or from producing any books, papers, records or memoranda in any investigation or upon any hearing, when ordered to do so by the Department or any officer or employee thereof, upon the ground that the testimony or evidence, documentary or otherwise, may tend to incriminate him or subject him to a criminal penalty, but no person shall be prosecuted or subjected to any criminal penalty for, or on account of, any transaction made or thing concerning which he may testify or produce evidence, documentary or otherwise, before the Department or an officer or employee thereof; provided, that such immunity shall extend only to a natural person who, in obedience to a subpoena, gives testimony under oath or produces evidence, documentary or otherwise, under oath. No person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

235 ILCS 5/8-9 — Tax information; confidentiality

Sec. 8-9. Tax information; confidentiality. All information received by the Department from returns filed under this Act, or from any investigation conducted under this Act, shall be confidential, except for official purposes, and any person who divulges any such information in any manner, except in accordance with a proper judicial order or as otherwise provided by law, shall be guilty of a Class B misdemeanor. Nothing in this Act prevents the Director of Revenue from publishing or making available to the public the names and addresses of persons filing returns under this Act, or reasonable statistics concerning the operation of the tax by grouping the contents of returns so that the information in any individual return is not disclosed. Nothing in this Act prevents the Director of Revenue from divulging to the United States Government or the government of any other state, or any officer or agency thereof, for exclusively official purposes, information received by the Department in administering this Act, provided that such other governmental agency agrees to divulge requested tax information to the Department. The furnishing upon request of information obtained by the Department from returns filed under this Act or investigations conducted under this Act to the Illinois Liquor Control Commission for official use is deemed to be an official purpose within the meaning of this Section. The furnishing upon request of the Auditor General, or his authorized agents, for official use, of returns filed and information related thereto under this Act is deemed to be an official purpose within the meaning of this Section. The furnishing of financial information to a home rule unit with a population in excess of 2,000,000 that has imposed a tax similar to that imposed by this Act under its home rule powers, upon request of the Chief Executive of the home rule unit, is an official purpose within the meaning of this Section, provided the home rule unit agrees in writing to the requirements of this Section. Information so provided is subject to all confidentiality provisions of this Section. The written agreement shall provide for reciprocity, limitations on access, disclosure, and procedures for requesting information. Nothing contained in this Act shall prevent the Director from divulging information to any person pursuant to a request or authorization made by the taxpayer or by an authorized representative of the taxpayer.

235 ILCS 5/8-10

Sec. 8-10. It is the duty of each manufacturer, importing distributor and foreign importer to keep, at his licensed address or place of business, complete and accurate records of all sales or other dispositions of alcoholic liquor, and complete and accurate records of all alcoholic liquor produced, manufactured, compounded or imported, whether for himself or for another, together with a physical inventory made as of the close of each period for which a return is required, covering all alcoholic liquors on hand. However, the Department of Revenue may grant an importing distributor a waiver to permit such records to be kept at a central business location within the State upon written request by the importing distributor. The central business location shall be located at a licensed importing distributor's premises. The Department of Revenue may in its discretion prescribe reasonable and uniform methods for keeping such records by manufacturers and importing distributors and foreign importers. In case of failure by manufacturers and importing distributors to keep such records or to make them available to the Department on demand, the Department shall determine the amount of tax due according to its best judgment and information, which amount so determined by the Department shall be prima facie correct, and the Department's notice of tax liability shall be given, and protest thereto and demand for a hearing may be made and final assessments arrived at, in accordance with the provisions of Section 8-5 hereof. It is the duty of each manufacturer, importing distributor and foreign importer, who imports alcoholic liquor into the State, and each non-resident dealer who ships alcoholic liquor into the State, to mail to the Department one duplicate invoice, together with a bill of lading, covering such shipment and stating the quantity and, except in the case of alcoholic liquor imported in bulk to be bottled by an authorized licensee in this State using his own label and brand, the invoice shall also state the brand, labels and size of containers. It is the duty of each manufacturer, importing distributor and foreign importer, who imports spirits into the State, and each non-resident dealer who ships spirits into the State, to mail to the State Commission monthly a report containing a compilation of the information required to be furnished to the Department by the preceding paragraph, except

that information concerning spirits imported in bulk need not be included. The report shall include all information mailed to the Department during the preceding month. All books and records, which manufacturers, importing distributors, non-resident dealers and foreign importers are required by this Section to keep, shall be preserved for a period of 3 years, unless the Department, in writing, authorizes their destruction or disposal at an earlier date.

235 ILCS 5/8-10.5 — Beer production quantity reporting

Sec. 8-10.5. Beer production quantity reporting.

(a) As used in this Section: "Directly" means that a licensed distributor was not used in the transaction. "Final packaging container" means the last vessel in which beer is held before

(i) consumption by an individual on the brewer's licensed premises; (ii) being placed in a keg, bottle, or can for consumption by an individual; or (iii) being removed for additional fermentation and aging in a cask or barrel.

(b) A brewer who is a class 1 brewer, class 2 brewer, class 3 brewer, or brew pub licensee shall accurately measure the quantity of beer transferred into its final packaging container to determine the brewer's tax liability by converting beer production into the amount of beer sold and to ensure compliance with any production or self-distribution quantity limitations under this Act applicable to the class 1 brewer, class 2 brewer, class 3 brewer, or brew pub. The measurement shall comply with 27 CFR 25.41 and 27 CFR 25.42. Any brewer subject to this Section shall file, on the same date as the brewer files similar reports with the U.S. Department of the Treasury's Tobacco and Alcohol Tax and Trade Bureau, with the Department and State Commission a report of their use of water along with their "Brewer's Report of Operations" filed with the U.S. Department of Treasury's Alcohol and Tobacco Tax and Trade Bureau and shall maintain and produce for examination and inspection by the Department and the State Commission utility bills for water for 3 years along with their "Brewer's Report of Operations" filed with the U.S. Department of Treasury's Alcohol and Tobacco Tax and Trade Bureau. The Department, in cooperation with the State Commission, may audit on an annual basis the amount a class 1 brewer, class 2 brewer, class 3 brewer, or brew pub licensee produces to determine compliance with this Act.

(c) A brewer's failure to comply with this Section shall result in the State Commission issuing a fine or suspending or revoking the brewer's license.

235 ILCS 5/8-11

Sec. 8-11. Every person licensed as a non-beverage user hereunder shall keep books and records which shall be available to investigators and/or auditors of the Department during regular business hours, and shall retain such books and records at his place of business in Illinois for a period of not less than three years. Such books and records shall be so kept as correctly to disclose:

(a) the quantity and kind of alcoholic liquors received, showing the name and address of the party from whom received and the permit number on which purchased;

(b) the quantity and kind of alcoholic liquors used;

(c) the quantity and kind of alcoholic liquors on hand at the close of each business day; and

(d) the names of products or purposes for which alcoholic liquors are used. No non-beverage user shall sell, give away or otherwise dispose of any alcoholic liquor purchased under his license as such non-beverage user, in any form fit for beverage purposes. Any non-beverage user who shall violate the provisions of this section shall pay as a penalty to the Department of Revenue, the sum of \$1.50 for each gallon of alcoholic liquor so diverted, and in addition thereto shall be subject to the penalties provided in Section 10-1 of this Act.

235 ILCS 5/8-12

Sec. 8-12. It shall be the duty of every railroad company, express company, common or contract carrier, and of every person, firm or corporation that shall bring, carry or transport alcoholic liquors into the State of Illinois for delivery in said State or which are delivered in said State, to prepare and file with the Department of Revenue for each month, not later than the fifteenth day of the month following that for which it is made, a report stating therein the name of the company, carrier, person, firm or corporation making the report, the period of time covered by said report, the name and business address of each consignor of such alcoholic liquors, the name and business address of each consignee of such alcoholic liquors, the kind and quantity of alcoholic liquors delivered to each consignee, and the date or dates of delivery. Such report shall be made upon forms prescribed and made available by the Department and shall contain such other information as may reasonably be required by the Department. The Department may establish procedures for electronic

transmissions of such information directly to the Department. Such reports or information received by the Department shall be made available by the Department to the Commission upon the Commission's request. In addition to any other reporting requirement imposed under this Section, reports shall be filed for shipments to end consumers in this State. In furtherance of this requirement, it shall be the duty of every railroad company, express company, common or contract carrier, person, firm, or corporation that brings, carries, or transports alcoholic liquor into Illinois for delivery in Illinois to prepare and file with the Department for each month, not later than the fifteenth day of the month following the month during which the delivery is made, a report containing the name of the company, carrier, person, firm, or corporation making the report, the period of time covered by the report, the name and business address of each consignor of the alcoholic liquor, the name and the address of each consignee, and the date of delivery. Such reports shall be made upon forms prescribed and made by the Department and shall contain any other information that the Department may reasonably require. Such reports or information received by the Department shall be made available by the Department to the State Commission upon the State Commission's request. Every railroad company, express company, common or contract carrier, person, firm, or corporation filing or required to file a report under this Section shall deliver and make available to the Department, upon the Department's request, the records supporting the report, within 30 days of the request. The books, records, supporting papers and documents containing information and data relating to such reports shall be kept and preserved for a period of three years, unless their destruction sooner is authorized, in writing, by the Director, and shall be open and available to inspection by the Director of Revenue or the Commission or any duly authorized officer, agent or employee of the Department or the Commission, at all times during business hours of the day. Any person who violates any of the provisions of this section or any of the rules and regulations of the Department for the administration and enforcement of the provisions of this section is guilty of a Class C misdemeanor. In case of a continuing violation each day's continuance thereof shall be a separate and distinct offense.

235 ILCS 5/8-13

Sec. 8-13. The Department of Revenue may make such reasonable rules and regulations as may be deemed necessary for the administration of the duties vested in it by the provisions of this Act.

235 ILCS 5/8-14

Sec. 8-14. All of the provisions of Sections 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i and 5j of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act, are by reference incorporated in and made a part of this Article VIII as fully as though written herein; provided that wherever in those Sections of the Retailers' Occupation Tax Act, reference is made to a "retailer" such reference shall, for the purposes of this Article, be deemed to refer to a licensee under this Act.

235 ILCS 5/9-1

Sec. 9-1. The words and phrases defined in this section and used in this Article, unless inconsistent with the context, shall be construed as follows: "Precinct" means any part of a city, village or incorporated town of over 200,000 population which was a "voting precinct" or an "election precinct" for voting at the last general election. "Political subdivision" means a township, road district, city, village or incorporated town, as the case may be. "Legal voter", insofar as the signing of a petition for a local option election is concerned, means a person who is registered to vote at the address shown opposite his signature on the petition or was registered to vote at such address when he signed the petition. "Annexed area" means a territory which has attached to and become a part of a different political subdivision or precinct. The term shall be an appropriate designation only until the area to which it attaches holds a referendum hereunder. "Disconnected area" means a territory which has detached or separated from a political subdivision or precinct. "Licensed establishment" means the premises specified in a retailer's license pursuant to paragraph

(d) of Section 5-1 and whose primary business is the sale of alcoholic beverages on the premises, which premises are located in any municipality having more than 2,000,000 inhabitants. In the phrase, "Shall the sale at retail of alcoholic liquor (or alcoholic liquor other than beer containing not more than 4% of alcohol by weight) (or alcoholic liquor containing more than 4% of alcohol by weight except in the original package and not for consumption on the premises) be prohibited in (or at)?" the proper name, whether of a "township", "road district", "precinct", "city", "village" or "incorporated town", or the street address of the licensed establishment, shall be understood to be inserted in the blank, and the same shall be inserted in the petitions filed by and the ballots prepared for the voters of any precinct, township, road district, city, village or incorporated town. "Clerk", with reference to cities, villages and incorporated towns, and precinct situated therein, means the town, city or village clerk, as the case may be; with reference to cities, villages and incorporated towns which have by ordinance created a Board of Election Commissioners, it means the Board of Election Commissioners; with

reference to road districts in counties not under township organization, it means the road district clerk; with reference to townships or parts of townships lying outside of cities, villages and incorporated towns in counties under township organization, it means the township clerk. "Election" as used in reference to cities, villages and incorporated towns, means an election at a time fixed by the general election law for choosing city, village or incorporated town officers. "Election" also means an election at a time fixed by the general election law for choosing county, township or road district officers. In case an election is to be held for officers of the city, village, incorporated town, township, or road district to which a proposition requested pursuant to this Article shall be submitted, or for the election of officers of a township or road district in which it is requested that such proposition be submitted to that part of a township or road district lying outside the corporate limits of a city, village or incorporated town, not less than 90 days nor more than 6 months following the filing of such petition, then the words "next ensuing election" as used herein shall mean the next ensuing election for officers of such city, village, incorporated town, township or road district, regardless of any intervening elections at which residents of such city, village, incorporated town, township or road district may vote.

235 ILCS 5/9-2

Sec. 9-2. When any legal voters of a precinct in any city, village or incorporated town of more than 200,000 inhabitants, as determined by the last preceding Federal census, desire to pass upon the question of whether the sale at retail of alcoholic liquor shall be prohibited in the precinct or at a particular street address within the precinct, they shall, at least 104 days before an election, file in the office of the clerk of such city, village or incorporated town, a petition directed to the clerk, containing the signatures of not less than 25% of the legal voters registered with the board of election commissioners or county clerk, as the case may be, from the precinct. Provided, however, that when the petition seeks to prohibit the sale at retail of alcoholic liquor at a particular street address of a licensed establishment within the precinct the petition shall contain the signatures of not less than 40% of the legal voters requested from that precinct. The petition shall request that the proposition "Shall the sale at retail of alcoholic liquor be prohibited in (or at)?" be submitted to the voters of the precinct at the next ensuing election at which such proposition may be voted upon. The submission of the question to the voters of such precinct at such election shall be mandatory when the petition has been filed in proper form with the clerk. If more than one set of petitions are presented to the clerk for submission at the same election, the petition presented first shall be given preference; however, the clerk shall provisionally accept any other set of petitions setting forth the same (or substantially the same) proposition. If the first set of petitions for a proposition is found to be in proper form and is not found to be invalid, it shall be accepted by the clerk and all provisionally accepted sets of petitions setting forth the same (or substantially the same) proposition shall be rejected by the clerk. If the first set of petitions for a proposition is found not to be in proper form or is found to be invalid, the clerk shall

(i) reject the first set of petitions, (ii) accept the first provisionally accepted set of petitions that is in proper form and is not found to be invalid, and (iii) reject all other provisionally accepted sets of petitions setting forth the same (or substantially the same) proposition. Notice of the filing of the petition and the result of the election shall be given to the Secretary of State at his offices in both, Chicago and Springfield, Illinois. A return of the result of the election shall be made to the clerk of the city, village or incorporated town in which the precinct is located. If a majority of the voters voting upon such proposition vote "YES", the sale at retail of alcoholic liquor shall be prohibited in the precinct or at the street address. If the sale at retail of alcoholic liquor at a particular street address is prohibited pursuant to this Section, the license for any establishment at that street address shall be void, and no person may apply for a license for the sale at retail of alcoholic liquor at an establishment at that street address unless such prohibition is discontinued pursuant to Section 9-10. In cities, villages and incorporated towns of 200,000 or less population, as determined by the last preceding Federal census, the vote upon the question of prohibiting the sale at retail of alcoholic liquor, or alcoholic liquor other than beer containing not more than 4% of alcohol by volume, or alcoholic liquor containing more than 4% of alcohol by weight in the original package and not for consumption on the premises, shall be by the voters of the political subdivision as a unit. When any legal voters of such a city, village or incorporated town desire to pass upon the question of whether the sale at retail of alcoholic liquor shall be prohibited in the municipality, they shall, at least 104 days before an election, file in the office of the clerk of the municipality, a petition directed to the clerk, containing the signatures of not less than 25% of the legal voters registered with the board of election commissioners or county clerk, as the case may be, from the municipality. The petition shall request that the proposition, "Shall the sale at retail of alcoholic liquor be prohibited in....?" be submitted to the voters of the municipality at the next ensuing election at which the proposition may be voted upon. The submission of the question to the voters of the municipality at such election shall be mandatory when the petition has been filed in proper form with the clerk. If more than one set of petitions are presented to the clerk for submission at the same election,

setting forth the same or different propositions, the petition presented first shall be given preference and the clerk shall refuse to accept any other set of petitions. Notice of the filing of the petition and the result of the election shall be given to the Secretary of State at his offices in both Chicago and Springfield, Illinois. A return of the result of the election shall be made to the clerk of the city, village or incorporated town. If a majority of the voters voting upon the proposition vote "Yes", the sale at retail of alcoholic liquor shall be prohibited in the municipality. In the event a municipality does not vote to prohibit the sale at retail of alcoholic liquor, the council or governing body shall ascertain and determine what portions of the municipality are predominantly residence districts. No license permitting the sale of alcoholic liquors shall be issued by the local liquor commissioner or licensing officer permitting the sale of alcoholic liquors at any place within the residence district so determined, unless the owner or owners of at least two-thirds of the frontage, 200 feet in each direction along the street and streets adjacent to the place of business for which a license is sought, file with the local liquor commissioner or licensing officer, his or their written consent to the use of such place for the sale of alcoholic liquors. In each township or road district lying outside the corporate limits of a city, village or incorporated town, or in a part of a township or road district lying partly within and partly outside a city, village or incorporated town, the vote of such township, road district or part thereof, shall be as a unit. When any legal voters of any such township, or part thereof, in counties under township organization, or any legal voters of such road district or part thereof, in counties not under township organization, desire to vote upon the proposition as to whether the sale at retail of alcoholic liquor shall be prohibited in such township or road district or part thereof, they shall, at least 90 days before an election, file in the office of the township or road district clerk, of the township or road district within which the election is to be held, a petition directed to the clerk and containing the signatures of not less than 25% of the legal voters registered with the county clerk from such township or road district or part thereof. The submission of the question to the voters of the township, road district or part thereof, at the next ensuing election shall be mandatory when the petition has been filed in proper form with the clerk. If more than one set of petitions are presented to the clerk for submission at the same election, setting forth the same or different propositions, the petition presented first shall be given preference and the clerk shall refuse to accept any other set of petitions. A return of the result of such election shall be made to the clerk of the township or road district in which the territory is situated, and shall also be made to the Secretary of State at his offices in both Chicago and Springfield, Illinois.

235 ILCS 5/9-2a — Sports Facilities

Sec. 9-2a. Sports Facilities. Any vote under this Article, whenever held, to prohibit sales at retail of alcoholic liquor (or alcoholic liquor other than liquor containing not more than 4% of alcohol by weight) in a precinct in a city, village or incorporated town of more than 200,000 inhabitants shall not apply to such sales at any new sports facility owned by any unit of local government and constructed after July 7, 1988, or at any new stadium described in subsection

(a) of Section 10-215 of the Property Tax Code, or to a sports stadium having more than 15,000 but less than 50,000 seats in any municipality having more than 2,000,000 inhabitants, and such sales shall not be prohibited pursuant to any vote of the legal voters in such a precinct. It is declared to be the law of this State, pursuant to subsections

(h) and

(i) of Section 6 of Article VII of the Illinois Constitution of 1970 that the power to determine the application of any local referendum with respect to sales of alcoholic liquors as provided herein is an exercise of exclusive State power and may not be exercised concurrently by any unit of local government, including home rule units.

235 ILCS 5/9-2b

Sec. 9-2b. (Repealed).

235 ILCS 5/9-2c — Museum of Science and Industry

Sec. 9-2c. Museum of Science and Industry. Any vote under this Article, whenever held, to prohibit sales at retail of alcoholic liquor (or alcoholic liquor other than liquor containing not more than 4% of alcohol by weight) in a precinct in a city, village, or incorporated town of more than 200,000 inhabitants shall not apply to such sales at the Museum of Science and Industry in Chicago.

235 ILCS 5/9-2d — Private institution of higher learning

Sec. 9-2d. Private institution of higher learning. Any vote under this Article, whenever held, to prohibit sales at retail of alcoholic liquor (or alcoholic liquor other than beer containing not more than 4% of alcohol by weight or alcoholic liquor

containing more than 4% alcohol by weight in the original package and not for consumption on the premises) in a precinct in a city, village, or incorporated town of more than 200,000 inhabitants shall not apply to retail sales of alcoholic liquor if:

(1) the alcoholic liquor is sold on property owned by a private institution of higher learning or an affiliate thereof that is bounded by the south side of 60th Street on the north, the west side of Kimbark Avenue to the east, the north side of 61st Street to the south, and the east side of Woodlawn Avenue to the west in the City of Chicago;

(2) the alcoholic liquor is sold by a private institution of higher learning or an affiliate thereof, by a person who leases the property owned by the private institution of higher learning or an affiliate thereof, or by a person contractually authorized to sell alcoholic liquor on the premises;

(3) the person conducting the retail sale of alcoholic liquor obtains all of the necessary local and State licenses authorizing the retail sale of alcoholic liquor; and

(4) the sale of alcoholic liquor is not the principal business to be carried on by the license holder.

235 ILCS 5/9-3

Sec. 9-3. A vote under the provisions of this Act, shall become operative on the 30th day after the day of the election at which such vote is cast.

235 ILCS 5/9-4

Sec. 9-4. A petition for submission of the proposition shall be in substantially the following form: To the clerk of the (here insert the corporate or legal name of the county, township, road district, city, village or incorporated town): The undersigned, residents and legal voters of the (insert the legal name or correct designation of the political subdivision or precinct, as the case may be), respectfully petition that you cause to be submitted, in the manner provided by law, to the voters thereof, at the next election, the proposition "Shall the sale at retail of alcoholic liquor (or alcoholic liquor other than beer containing not more than 4% of alcohol by weight) (or alcoholic liquor containing more than 4% of alcohol by weight except in the original package and not for consumption on the premises) be prohibited in this (or at the following address)?" ----- Name of P. O. address
Description of precinct Date of signer (including township, road district signing street no., or part thereof, as of if any). the last general election ----- A petition for a proposition to be submitted to the voters of a precinct shall also contain in plain and nonlegal language a description of the precinct to which the proposition is to be submitted at the election. The description shall describe the territory of the precinct by reference to streets, natural or artificial landmarks, addresses, or by any other method which would enable a voter signing such petition to be informed of the territory of the precinct. Each such petition for a precinct referendum shall also contain a list of the names and addresses of all licensees in the precinct. Such petition shall conform to the requirements of the general election law, as to form and signature requirements. The circulator's statement shall include an attestation of:

(1) that none of the signatures on this petition sheet were signed more than 4 months before the filing of this petition, or
(2) the dates on which the petitioners signed the petition, and shall be sworn to before an officer residing in the county where such legal voters reside and authorized to administer oaths therein. No signature shall be revoked except by a revocation filed within 20 days from the filing of the petition with the clerk with whom the petition is required to be filed. Upon request of any citizen for a photostatic copy of the petition and paying or tendering to the clerk the costs of making the photostatic copy, the clerk shall immediately make, or cause to be made a photostatic copy of such petition. The clerk shall also deliver to such person, his official certification that such copy is a true copy of the original, stating the day when such original was filed in his office. Any 5 legal voters or any affected licensee of any political subdivision, district or precinct in which a proposed election is about to be held as provided for in this Act, within any time up to 72 days immediately prior to the date of such proposed election and upon filing a bond for costs, may contest the validity of the petitions for such election by filing a verified petition in the Circuit Court for the county in which the political subdivision, district or precinct is situated, setting forth the grounds for contesting the validity of such petitions. Upon the filing of the petition, a summons shall be issued by the Court, addressed to the appropriate city, village, town, township or road district clerk, notifying the clerk of the filing of the petition and directing him to appear before the Court on behalf of the political subdivision or district at the time named in the summons; provided, the time shall not be less than 5 days nor more than 15 days after the filing of the petition. The procedure in these cases, as far as may be applicable, shall be the same as that provided for the objections to petitions in the general election law. Any legal voter in the political subdivision or

precinct in which such election is to be held may appear in person or by counsel, in any such contest to defend or oppose the validity of the petition for election. The municipal, town or road district clerk shall certify the proposition to be submitted at the election to the appropriate election officials, in accordance with the general election law, unless the petition has been determined to be invalid. If the court determines the petitions to be invalid subsequent to the certification by the clerk, the court's order shall be transmitted to the election officials and shall nullify such certification.

235 ILCS 5/9-5

Sec. 9-5. The appropriate election officials to whom the proposition has been certified shall cause notice to be given in the manner provided by the general election law of the submission of said proposition at the next election to the voters of the political subdivision or precinct entitled to vote thereon. Publication of the submission of such proposition to the voters of such political subdivision or precinct shall likewise be made in the manner provided by the general election law; provided, the failure of the election officials to cause such notice to be given, or the failure to make publication of the submission of the proposition, shall not affect the validity or binding force of the vote upon the proposition.

235 ILCS 5/9-6

Sec. 9-6. The proposition shall be in substantially the following form: -----
----- Shall the sale at retail of alcoholic liquor (or alcoholic liquor other than beer containing
YES not more than 4% of alcohol by weight) (or alcoholic liquor ----- containing more than 4%
alcohol by weight in the original package and not for consumption on the NO premises) be prohibited in (or at)? -----
----- In a precinct referendum, the proposition
ballot shall also contain a common description of the precinct in plain and nonlegal language, which may be prepared by
the election official or adopted from the description on the petition, unless the election official responsible for conducting
the election determines that a description cannot be included within the space limitations on the ballot to be used in the
election. If the description is not to be included on the ballot, the election officials shall prepare large printed copies of the
description of the precinct together with a notice of the proposition which shall be prominently displayed in the precinct
polling place at the election.

235 ILCS 5/9-7

Sec. 9-7. The clerk shall record in a well bound book, to be kept in his office by himself and his successor, the result of the vote upon the proposition. The result of the vote may be proved in all courts and in all proceedings by this record or by the official certification of the clerk. In cases where the record or certification shows that a majority of the voters voting upon the proposition voted "YES", the record or certification shall be prima facie evidence that the sale at retail of alcoholic liquor or the sale at retail of alcoholic liquor other than beer containing not more than 4% of alcohol by weight or the sale at retail of alcoholic liquor containing more than 4% of alcohol by weight except in the original package and not for consumption on the premises, as the case may be, is prohibited in the political subdivision or precinct or at the licensed establishment to which such vote was applicable.

235 ILCS 5/9-8

Sec. 9-8. The status of all the territory within any political subdivision or precinct, relative to the sale at retail of alcoholic liquor, or the sale at retail of alcoholic liquor other than beer containing not more than 4% of alcohol by weight, or the sale at retail of alcoholic liquor containing more than 4% of alcohol by weight except in the original package and not for consumption on the premises, as the case may be, shall remain the same, notwithstanding any change which may be made in the limits of any such political subdivision or precinct until the voters thereof have changed such status as to annexed or disconnected areas under the provisions of Section 9-9 of this Article, or until the voters have changed such status for areas other than annexed or disconnected areas under the provisions of Section 9-2 or Section 9-10.

235 ILCS 5/9-9

Sec. 9-9. The status of an annexed area or disconnected area, relative to the sale at retail of alcoholic liquor pursuant to Section 9-8, shall remain the same until changed in accordance with the following provisions:

(a) Upon the filing, in the office of the clerk of the political subdivision or precinct of which the annexed area or disconnected area becomes a part, of a petition directed to such clerk, containing the signatures of not less than 25% of the legal voters residing in such annexed or disconnected area, to submit to the voters thereof the proposition to continue its current status, the clerk shall certify that proposition to the proper election officials, who shall submit the proposition to

the voters of the annexed or disconnected area at an election in accordance with the general election law. The petition shall be supported by an affidavit made by one or more of the petitioners and stating that the signatures represent not less than 25% of the legal voters residing in the annexed or disconnected area. The provisions in Sections 9-1, 9-2, 9-4, 9-5, 9-6 and 9-7 shall apply except where they conflict with this Section, in which event the provisions of this Section shall control. If a majority of the voters voting upon such proposition in any such annexed or disconnected area vote "NO", the current status shall cease in that area; or

(b) Upon the filing in the office of the clerk of the political subdivision of which the annexed area or disconnected area becomes a part of a petition directed to such clerk containing the signatures of not less than 66 2/3% of all the legal voters residing in the annexed or disconnected area to change the status in that annexed or disconnected area relative to the sale at retail of alcoholic liquor by either:

- (1) discontinuing any existing prohibition, or
- (2) prohibiting the sale at retail of alcoholic liquor, or
- (3) prohibiting the sale at retail of alcoholic liquor other than beer containing not more than 4% of alcohol by weight, or
- (4) prohibiting the sale at retail of alcoholic liquor containing more than 4% of alcohol by weight except in the original package and not for consumption on the premises, the requirements for an election in subsection

(a) above shall be waived. The requirement of Section 9-4 regarding verification of a petition shall apply to this petition. Thirty days following the filing of such petition, the requested status, as specified in such petition, shall become effective in the annexed or disconnected area, unless within the 30 day period, written verified objections by a voter residing in the annexed or disconnected area are filed with the clerk. The objections shall be limited to an attack upon the validity of the petition and its execution. In such event, the clerk shall forthwith submit to the Circuit Court for the county in which the area is located, the petition and objections thereto. A hearing shall be held thereon within 30 days after the petition and objections are filed with the court. If the court finds that the petition is valid and properly executed, the court shall enter an order finding that the petition is valid. Thereupon, the requested status shall be effective. If the court finds that the petition is not valid, the petition shall be dismissed.

(c) A vote under subsection

(a) above or the filing of a valid petition under subsection

(b) above shall bar further proceedings under this Section for 47 months thereafter.

235 ILCS 5/9-10

Sec. 9-10. Upon the filing in the office of the clerk, at least 90 days before an election in any political subdivision or precinct, as the case may be, of a petition directed to such clerk, containing the signatures of not less than 25% or 40% of the legal voters of the territory which has prohibited the sale at retail of alcoholic liquor or the sale at retail of alcoholic liquor other than beer containing not more than 4% of alcohol by weight or the sale at retail of alcoholic liquor containing more than 4% of alcohol by weight except in the original package and not for consumption on the premises, or a petition directed to such clerk containing the signatures of not less than 25% of the legal voters of a municipality within which such territory is located, to submit to the voters thereof the proposition to continue such prohibition, the clerk shall certify such proposition to the proper election officials, who shall submit the proposition at such election to the voters of such political subdivision or precinct. Where such proposition is submitted pursuant to a petition signed by not less than 25% of the legal voters of a municipality within which such territory is located, the legal voters of the entire municipality may vote on the proposition. For the purposes of this Section, the number of legal voters shall be computed upon the same basis as is provided in Section 9-2 for the filing of a petition for referendum on the question of whether the sale at retail of alcoholic liquor shall be prohibited. So far as applicable, the provisions of Sections 9-1, 9-4, 9-5, 9-6 and 9-7 shall apply. The proposition shall be in the following form: - - - - -

- - - Shall the prohibition of the sale at retail of alcoholic liquor (or alcoholic liquor other than beer YES containing not more than 4% of alcohol by weight) or (alcoholic - - - - - liquor containing more than 4% of alcohol by weight in the original NO package and not for consumption on the premises) be continued in (or at)? - - - - -

- - - - - In a precinct referendum, the referendum ballot shall also contain a common description of the precinct in plain and nonlegal language, which may be prepared by the election official or adopted from the description on the petition, unless the election official responsible for conducting the election determines that a description cannot be included within the space limitations on the ballots to be used in the

election. If the description is not to be included on the ballot, the clerk shall prepare large printed copies of the description of the precinct together with a notice of the proposition which shall be prominently displayed in the precinct polling place at the election. If a majority of the voters voting upon such last mentioned proposition in any such political subdivision or precinct vote "NO", such prohibition shall cease in such political subdivision or precinct or at the applicable licensed establishment; and where such political subdivision or precinct is a city, village or incorporated town situated wholly or partly within the boundaries of a township or road district having a similar prohibition, a majority vote of the voters voting "NO" upon such proposition as above described will result in the prohibition ceasing in that part of the township or road district situated within such city, village or incorporated town. In the event the boundaries of such political subdivision or precinct have been altered or the numbers of any precincts have been changed subsequent to the original election making the territory prohibited territory and prior to the filing of such petition for resubmission of the question, only those voters actually residing in the prohibited territory shall be eligible as signers of such resubmission petition, except that this limitation shall not apply in the case of a resubmission petition signed by at least 25% of the legal voters of a municipality in which the prohibited territory is located. The petition mentioned in this Section shall be a public document and shall be subject to inspection by the public.

235 ILCS 5/9-10.1

Sec. 9-10.1. In the event a home rule municipality, as set forth in Article VII of the Illinois Constitution, changes the status of the municipality by ordinance so as to allow the sale at retail of alcoholic liquor in a municipality which has previously prohibited such sale pursuant to local referendum, such sale may be continued in that municipality even though it subsequently ceases to be a home rule municipality. The prohibition against the sale at retail of alcoholic beverages in such a municipality may thereafter be reinstated pursuant to Section 9-2 or by subsequent ordinance of the municipality.

235 ILCS 5/9-11

Sec. 9-11. A vote under the provisions of this Act in and for any political subdivision or precinct or licensed establishment upon the proposition to prohibit the sale at retail of alcoholic liquor or to prohibit the sale at retail of alcoholic liquor other than beer containing not more than 4% of alcohol by weight or to prohibit the sale at retail of alcoholic liquor containing more than 4% of alcohol by weight except in the original package and not for consumption on the premises or in and for any political subdivision or precinct upon the proposition to continue any of such prohibitions shall be a bar to the submission to the voters thereof of any of such propositions as applied to all or any part of that political subdivision or precinct for 47 months thereafter.

235 ILCS 5/9-12

Sec. 9-12. Within 10 days after the filing of any petition under this Article, the official with whom the petition is filed shall prepare the report hereinafter prescribed. One copy shall be kept on file in the official's office, and he shall, by registered mail, send two copies to the Secretary of State, one copy to the county clerk and one copy to the person who filed the petition. The official shall make such report substantially in the following form: Report of filing of petition for local option election to be held on in (name of precinct, etc.). Date of filing By whom filed Number of signers Proposal(s) to be voted upon (Official) Immediately upon completion of the canvass of any local option election, the official shall prepare a report of the election result as hereinafter prescribed, shall keep one copy on file in his office, and, within 10 days after the canvass, shall, by registered mail, send two copies to the Secretary of State and one copy to the county clerk. The report shall be substantially as follows: Report of local option election held on in (name of precinct, etc.) upon the following proposal(s) Number voting "YES" Number voting "NO" (Official) The official shall sign each copy of every report required by this Section. The Secretary of State and the county clerk shall keep on file in their offices, available for inspection, any report received by him pursuant to this Section.

235 ILCS 5/9-13

Sec. 9-13. It is unlawful to sell alcoholic liquor at retail or to grant or issue, or cause to be granted or issued, any license to sell alcoholic liquor at retail within the limits of any political subdivision or precinct or at any premises while the prohibition against such sales is in effect, or to sell at retail alcoholic liquor other than beer containing not more than 4% of alcohol by weight, or to grant or issue or cause to be granted any license to sell such alcoholic liquor at retail within the limits of such political subdivision or precinct while the prohibition against such sales is in effect, or to sell at retail alcoholic liquor containing more than 4% of alcohol by weight except in the original package and not for consumption on the premises, or to grant or issue or cause to be granted or issued any license to sell such alcoholic liquor at retail within the limits of such

political subdivision or precinct while the prohibition against such sales is in effect. If any such license be granted or issued in violation of this section, the license shall be void. This section shall not prohibit the issuance of and operation under a manufacturer's or distributor's or importing distributor's license in accordance with law.

235 ILCS 5/9-14

Sec. 9-14. The giving away or delivery of any alcoholic liquor for the purpose of evading any provision of this Article, or the taking of orders or the making of agreements, at or within any political subdivision or precinct or at any premises while such sales are prohibited, for the sale or delivery of any alcoholic liquor, or other shift or device to evade any provision of this Act, shall constitute an unlawful selling.

235 ILCS 5/9-15

Sec. 9-15. All places where alcoholic liquor is sold in violation of any provision of this Article shall be taken and held and are declared to be common nuisances and may be abated as such.

235 ILCS 5/9-16

Sec. 9-16. Any clerk, judge of election, police officer or other officer of the law, who shall refuse or neglect or fail to discharge any duty imposed by this Article, and any one who signs a petition provided for in this Article, knowing he is not qualified to do so, or who files with the clerk any such petition or any sheet or other part thereof knowing that it contains the signature of a person not qualified to sign the same, or who receives, requests or demands or gives, offers or promises any reward for the signing or the refraining from signing of any such petition, or who by treating or giving alcoholic liquor or anything else, or by threats to injure another in person or property, or by betting or other device, either directly or indirectly influences or attempts to influence anyone to sign or refrain from signing any such petition, shall be guilty of a violation of this Article and punishable therefor.

235 ILCS 5/9-17

Sec. 9-17. In all prosecutions under this Article, it shall not be necessary to state the kind of liquor sold; nor to describe the place where sold; nor to show the knowledge of the principal to convict for the acts of any agent or servant; nor to state the name of any person to whom liquor is sold; nor to set forth the facts showing that the required number of legal voters petitioned for the submission to the voters of said proposition, nor that a majority of the voters voting upon such proposition voted "YES", but it shall be sufficient to state that the act complained of took place in a territory where such sales were prohibited.

235 ILCS 5/9-18

Sec. 9-18. Nothing in this Article shall be construed to forbid or prevent the sale of alcoholic liquor according to the terms of a license theretofore regularly issued in good faith according to law until after the final disposition of the case wherein an election result, indicating that the sale of alcoholic liquor is prohibited, is contested. Any portion of a license fee which shall have been paid and which represents the unexpired period for which the license was issued after the sale at retail of alcoholic liquor has been prohibited in a political subdivision or precinct in which the premises described in such license is located shall be refunded. Nothing in this Article shall be construed to forbid or prevent the sale of alcoholic liquor by a railroad licensee on trains passing through prohibited territory.

235 ILCS 5/9-19

Sec. 9-19. Any 5 legal voters of any political subdivision or precinct in which an election has been held as provided for in this Act, may within 10 days after the canvass of the returns of such election and upon filing a bond for costs, contest the validity of such election by filing a verified petition in the Circuit Court for the county in which such political subdivision or precinct is situated, setting forth the grounds for the contest. Upon the filing of such petition a summons shall forthwith issue from such court addressed to the election official who conducted the election, notifying the official of the filing of such petition and directing him to appear before the court at the time named in the summons; provided, the time shall be not less than 5 nor more than 15 days after the filing of such petition. The procedure in such cases, as far as applicable, shall be the same as that provided in the general election law. Any registered voter in the political subdivision or precinct in which the election has been held may appear in person, or by counsel, in any such contest to defend or oppose the validity of the election.

235 ILCS 5/10-1 — Violations; penalties

Sec. 10-1. Violations; penalties. Whereas a substantial threat to the sound and careful control, regulation, and taxation of the manufacture, sale, and distribution of alcoholic liquors exists by virtue of individuals who manufacture, import, distribute, or sell alcoholic liquors within the State without having first obtained a valid license to do so, and whereas such threat is especially serious along the borders of this State, and whereas such threat requires immediate correction by this Act, by active investigation and prosecution by the State Commission, law enforcement officials, and prosecutors, and by prompt and strict enforcement through the courts of this State to punish violators and to deter such conduct in the future:

(a) Any person who manufactures, imports for distribution or use, transports from outside this State into this State, or distributes or sells 108 liters (28.53 gallons) or more of wine, 45 liters (11.88 gallons) or more of distilled spirits, or 118 liters (31.17 gallons) or more of beer at any place within the State without having first obtained a valid license to do so under the provisions of this Act shall be guilty of a Class 4 felony for each offense. However, any person who was duly licensed under this Act and whose license expired within 30 days prior to a violation shall be guilty of a business offense and fined not more than \$1,000 for the first such offense and shall be guilty of a Class 4 felony for each subsequent offense. Any person who manufactures, imports for distribution, transports from outside this State into this State for sale or resale in this State, or distributes or sells less than 108 liters (28.53 gallons) of wine, less than 45 liters (11.88 gallons) of distilled spirits, or less than 118 liters (31.17 gallons) of beer at any place within the State without having first obtained a valid license to do so under the provisions of this Act shall be guilty of a business offense and fined not more than \$1,000 for the first such offense and shall be guilty of a Class 4 felony for each subsequent offense. This subsection does not apply to a motor carrier or freight forwarder, as defined in Section 13102 of Title 49 of the United States Code, an air carrier, as defined in Section 40102 of Title 49 of the United States Code, or a rail carrier, as defined in Section 10102 of Title 49 of the United States Code. Any person who:

(1) has been issued an initial cease and desist notice from the State Commission; and

(2) for compensation, does any of the following:

(i) ships alcoholic liquor into this State without a license authorized by Section 5-1 issued by the State Commission or in violation of that license; or (ii) manufactures, imports for distribution, transports from outside this State into this State for sale or resale in this State, or distributes or sells alcoholic liquors at any place without having first obtained a valid license to do so is guilty of a Class 4 felony for each offense.

(b)

(1) Any retailer, caterer retailer, brew pub, special event retailer, special use permit holder, homebrewer special event permit holder, or craft distiller tasting permit holder who knowingly causes alcoholic liquors to be imported directly into the State of Illinois from outside of the State for the purpose of furnishing, giving, or selling to another, except when having received the product from a duly licensed distributor or importing distributor, shall have his license suspended for 30 days for the first offense and for the second offense, shall have his license revoked by the Commission.

(2) In the event the State Commission receives a certified copy of a final order from a foreign jurisdiction that an Illinois retail licensee has been found to have violated that foreign jurisdiction's laws, rules, or regulations concerning the importation of alcoholic liquor into that foreign jurisdiction, the violation may be grounds for the State Commission to revoke, suspend, or refuse to issue or renew a license, to impose a fine, or to take any additional action provided by this Act with respect to the Illinois retail license or licensee. Any such action on the part of the State Commission shall be in accordance with this Act and implementing rules. For the purposes of paragraph (2):

(i) "foreign jurisdiction" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico, and (ii) "final order" means an order or judgment of a court or administrative body that determines the rights of the parties respecting the subject matter of the proceeding, that remains in full force and effect, and from which no appeal can be taken.

(c) Any person who shall make any false statement or otherwise violates any of the provisions of this Act in obtaining any license hereunder, or who having obtained a license hereunder shall violate any of the provisions of this Act with respect to the manufacture, possession, distribution or sale of alcoholic liquor, or with respect to the maintenance of the licensed premises, or shall violate any other provision of this Act, shall for a first offense be guilty of a petty offense and fined not more than \$500, and for a second or subsequent offense shall be guilty of a Class B misdemeanor. (c-5) Any owner of an establishment that serves alcohol on its premises, if more than 50% of the establishment's gross receipts within the prior 3 months is from the sale of alcohol, who knowingly fails to prohibit concealed firearms on its premises or who knowingly makes a false statement or record to avoid the prohibition of concealed firearms on its premises under the Firearm

Concealed Carry Act shall be guilty of a business offense with a fine up to \$5,000.

(d) Each day any person engages in business as a manufacturer, foreign importer, importing distributor, distributor or retailer in violation of the provisions of this Act shall constitute a separate offense.

(e) Any person, under the age of 21 years who, for the purpose of buying, accepting or receiving alcoholic liquor from a licensee, represents that he is 21 years of age or over shall be guilty of a Class A misdemeanor.

(f) In addition to the penalties herein provided, any person licensed as a wine-maker in either class who manufactures more wine than authorized by his license shall be guilty of a business offense and shall be fined \$1 for each gallon so manufactured.

(g) A person shall be exempt from prosecution for a violation of this Act if he is a peace officer in the enforcement of the criminal laws and such activity is approved in writing by one of the following:

(1) In all counties, the respective State's Attorney;

(2) The Director of the Illinois State Police under Section 2605-10, 2605-15, 2605-51, 2605-52, 2605-75, 2605-190, 2605-200, 2605-205, 2605-210, 2605-215, 2605-250, 2605-275, 2605-305, 2605-315, 2605-325, 2605-335, 2605-340, 2605-350, 2605-355, 2605-360, 2605-365, 2605-375, 2605-400, 2605-405, 2605-420, 2605-430, 2605-435, 2605-525, or 2605-550 of the Illinois State Police Law; or

(3) In cities over 1,000,000, the Superintendent of Police.

235 ILCS 5/10-2

Sec. 10-2. If the owner of the licensed premises or any person from whom the licensee derives the right to possession of such premises, or the agent of such owner or person, shall knowingly permit the licensee to use said licensed premises in violation of the terms of this Act, said owner, agent or other person shall be deemed guilty of a violation of this Act to the same extent as said licensee and be subject to the same punishment.

235 ILCS 5/10-3

Sec. 10-3. Every act or omission of whatsoever nature constituting a violation of any of the provisions of this Act, by any officer, director, manager or other agent or employee of any licensee, shall be deemed and held to be the act of such employer or licensee, and said employer or licensee shall be punishable in the same manner as if said act or omission had been done or omitted by him personally.

235 ILCS 5/10-4

Sec. 10-4. Whenever any licensee shall be convicted of any violation of this Act, the licenses of said licensee may, in the discretion of the State commission or of the local commissioner, (whichever has jurisdiction) be revoked and forfeited and all fees paid thereon shall be forfeited, and the bond given by said licensee to secure such licensee's faithful compliance with the terms of this Act shall be forfeited, and it shall thereafter be unlawful and shall constitute a further violation of this Act for said licensee to continue to operate under said license.

235 ILCS 5/10-5

Sec. 10-5. Whenever any officer, director, manager, or other employee in a position of authority of any licensee under this Act shall be convicted of any violation of this Act while engaged in the course of his employment or while upon the premises described by said license, said license shall be revoked and the fees paid thereon forfeited both as to the holder of said license and as to said premises, and said bond given by said licensee to secure the faithful compliance with the terms of this Act shall be forfeited in like manner as if said licensee had himself been convicted.

235 ILCS 5/10-6

Sec. 10-6. Any person who shall knowingly possess, sell, ship, transport or in any wise dispose of any alcoholic liquor under any other than the proper name or brand known to the trade as designating the kind and quality of the contents of the package or other containers of said alcoholic liquor, or who shall cause any such act to be done, shall forfeit to the State said alcoholic liquor and said packages and containers and shall be subject to the punishment and penalties provided for violation of this Act.

235 ILCS 5/10-7

Sec. 10-7. Every lot, parcel or tract of land, and every building, structure, tent, railroad car, boat, wagon, vehicle, establishment or place whatsoever, together with all furniture, fixtures, ornaments and machinery located thereon, wherein there shall be conducted any unlawful manufacture, distribution or sale of any alcoholic liquor, or whereon or wherein there shall be kept, stored, concealed or allowed any alcoholic liquor intended for illegal sale or to be sold, disposed of or in any other manner used in violation of any of the provisions of this Act is hereby declared to be a public nuisance and shall be abated as provided by the laws of this State for the abatement of public nuisances.

235 ILCS 5/10-7.1

Sec. 10-7.1. The State Commission, upon receipt of a complaint or upon having knowledge that any person is engaged in the business as a manufacturer, importing distributor, distributor, or retailer without a license or valid license, shall conduct an investigation. If, after conducting an investigation, the State Commission is satisfied that the alleged conduct occurred or is occurring, it may issue a cease and desist notice as provided in this Act, issue civil penalties as provided in this Act, notify the Department of Revenue and the local liquor authority, or file a complaint with the State's Attorney's Office of the County where the incident occurred or with the Attorney General.

235 ILCS 5/10-8

Sec. 10-8. Whenever complaint is made in writing, verified by affidavit, to any judge of the circuit court, that complainant has just and reasonable grounds to believe and does believe that alcoholic liquor is manufactured, possessed, kept for sale, used or transported, in violation of this Act, or any mash, still or other property designed for the manufacture of alcoholic liquor is possessed in any premises which are not licensed hereunder, (particularly describing and designating such property in the complaint), the judge may issue a search warrant as hereinafter provided; provided, however, no search warrant shall be necessary for the inspection or search of any premises licensed under this Act, and provided, further, that no search warrant shall be issued for the search of premises in use for residence purposes. The property seized on any such warrant shall not be taken from the officer seizing the same on any order of replevin or other like process. Each complaint shall be substantially in the following form: State of Illinois,)) ss. County of Cook.) Complaint for Search Warrant. The complaint and affidavit of (name of complainant), of (his residence), made before (name of officer) one of the (official title of officer), in and for the (county, city or village, as the case may be), on (insert date), being first duly sworn, upon his oath says: That he has just and reasonable grounds to believe, and does believe that alcoholic liquor is now unlawfully (manufactured, possessed, used, disposed of or kept for sale, or any mash, still or other property designed for the illegal manufacture of alcoholic liquor is possessed therein, as the case may be), to-wit: At and within a certain (here describe the house, building, premises, boat, vehicle, receptacle or other place to be searched, with particulars as to the location sufficiently to identify it, stating the name of the person occupying the same, if known), in the (city, village or town of), in the county and state set out above; that the following are the reasons for his or her belief, to-wit (here insert the facts upon which such belief is based). Wherefore complainant prays that a search warrant may issue according to law. (Signature of complainant.) Subscribed and Sworn to before me on (insert date). (Name of officer.) (Official title of officer.)

235 ILCS 5/10-9

Sec. 10-9. If the judge before whom any such complaint is made is satisfied that there is reasonable cause for such belief, he shall issue a warrant directed to any peace officer having jurisdiction, commanding him forthwith to enter the house, building, premises, boat, vehicle, receptacle or other place therein described and designated with particularity, and make diligent and careful search for alcoholic liquor manufactured, possessed or kept for sale, contrary to this Act, and if any such alcoholic liquor be there found, to seize the same, together with the vessels containing the same, and all property, implements, furniture and vehicles kept or used for the purpose of violating, or with which to violate any of the provisions of this Act, and bringing the same and any and all persons (if any there be) in whose possession they are found, before the judge who issued the warrant, or some other judge having a cognizance of the case.

235 ILCS 5/10-10

Sec. 10-10. Upon the issuance of any such search warrant, it shall be the duty of the officers executing the same to forthwith enter the house, building, premises, boat, vehicle, receptacle or other place therein described, either in the day time or night time, by force, if necessary, and to remove therefrom and confiscate any alcoholic liquor manufactured, possessed or kept for sale, contrary to the terms of this Act, and any machinery, equipment or material used in connection therewith, and to hold such property until all prosecution arising out of said search and seizure shall have ended and

determined, and it shall be the duty of the officers executing such search warrant to arrest any person or persons found using or in possession or control of such alcoholic liquor, articles or things. All alcoholic liquor unlawfully manufactured, stored, kept, sold or otherwise disposed of, and the containers thereof, and all equipment used or fit for use in the manufacture or production of the same which are found at or about any still or outfit for the unlawful manufacture of alcoholic liquor on unlicensed premises are hereby declared contraband, and no right of property shall be or exist in any person owning, furnishing or possessing any such property, liquor, material or equipment, but all such property, articles and things, including alcoholic liquor, shall be sold upon an order of the court, in the manner hereinbefore provided, and the proceeds thereof shall be disposed of in the manner herein provided for the disposition of license fees paid to the State Commission; provided that nothing shall be construed to prevent any officer whose duty it is to make arrests from arresting, with or without a warrant, any person or persons found violating any of the provisions of this Act; provided further, that any officer executing a search warrant shall forthwith make his return thereof to the court or officer issuing said search warrant of the manner and date of his execution thereof, showing what, if anything, was seized and held by said search, together with the name of the owner or owners, if known, and shall attach to said return an accurate list or inventory of the articles and things so seized. It shall be the duty of the officer who has seized and is holding any of the property mentioned in this section, to make application to the court on final determination of any prosecution arising under said search and seizure, and in which such prosecution shall have been commenced or prosecuted for an order to sell such property, and the court, if satisfied that the property so seized and held was, at the time of its seizure, being kept or used, or was fit for use in the unlawful manufacture or production of alcoholic liquor, then the court shall make an order that said property and effects be sold by such officer and shall fix the time, place, manner and notice of such sale, and the proceeds of such sale shall be paid over to the State Commission; provided, however, that nothing contained in this Act shall be considered to authorize the sale of any alcoholic liquor unlawfully manufactured fit for human consumption which comes into the possession of any officer by seizure, confiscation or forfeiture under the provisions of this Act without the payment of all taxes required by the laws of this State and of the United States; provided, further that all such unlawfully manufactured alcoholic liquor which is unfit for human consumption shall be destroyed.

235 ILCS 5/11-1

Sec. 11-1. The articles, provisions and sections of this Act shall be deemed to be separable and the invalidity of any portion of this Act shall not affect the validity of the remainder.

235 ILCS 5/11-2

Sec. 11-2. The Act in relation to the manufacture, possession and sale of malt and vinous beverages, approved April 26, 1933, as amended is hereby repealed. All other laws in conflict with this Act, or any of the provisions hereof, in so far as such laws and parts thereof are in conflict herewith, are hereby repealed. The repeal of the Act in this section named shall not affect the obligation to pay any taxes imposed by said Act on account of malt and vinous beverages manufactured or sold prior to the effective date of such repeal, but all the provisions of this Act relating to the imposition and collection of such taxes and penalties for failure to report and pay such taxes shall remain in effect in so far as they relate to such taxes so imposed and collectible under said "Malt and Vinous Beverage Act."